

# EMERIO *Design*

CIVIL ENGINEERS & PLANNERS & SURVEYORS  
8285 SW NINBUS AVENUE, SUITE 180  
BEAVERTON, OREGON 97008

---

**DATE:** 3-6-14

**REQUEST:** 66 lot preliminary plat application, “**CEDAR BROOK PUD**”

**ZONING:** HDR, High Density Residential, City of Sherwood, Oregon

**SIZE:** 5.77 acres

**PROPERTY OWNER:** Dutch Ventures LLC, represented by Randy Meyers

**DEVELOPER:** DR Horton Inc. – Portland Division  
4380 SW Macadam Avenue, Suite 100  
Portland, OR 97239  
Contact: Steve Miller – (503) 476-4559

**CIVIL ENGINEER, PLANNER & SURVEYOR:** Emerio Design

**LEGAL DESCRIPTION:** Tax Lot 13400, Tax Map 2S1-30CD

**LIST OF EXHIBITS:**

- 1 - Preliminary Plat and Landscape Plans
- 2 - Building Elevations, Photos, Perspectives and Open Space Improvements
- 3 - Other Developments in Sherwood
- 4 - Vicinity Map, Zoning Map, Title Report and Tax Maps
- 5 - Brownstone Text amendment and Zone Change Adopting Ordinances, Reports and Findings
- 6 - Sherwood Street Standards, Utilities and Sherwood Transportation Plan
- 7 - Sherwood Parks Master Plan Potential Future Acquisition Map
- 8 - Pre-Application Meeting Notes
- 9 - Neighborhood Meeting Notes and Notice to Neighbors
- 10 - Wetland Delineation Report and Clean Water Services (SPL) Service Provider Letter
- 11 - Traffic Report by Charbonneau Engineering
- 12 - Off-Site Water Quality Facility and Drainage Report by Emerio Design
- 13 - Geotechnical Soils Report by Northwest GEO Consultants

## **SHERWOOD PLANNING CODE SECTIONS**

- 16.12 - Definitions
- 16.40 - Planned Unit Development
- 16.44 - Townhouses
- 16.58 - Vision Clearance
- 16.60 - Corner Lots
- 16.72 - Procedures for Processing Development Permits
- 16.90 - Site Plan Review
- 16.92 - Landscaping
- 16.94 - Off-Street Parking
- 16.96 - On-Site Circulation
- 16.98 - On-site Storage
- 16.100 - Signs
- 16.106 - Transportation Facilities
- 16.110 - Sanitary Sewer
- 16.112 - Water Supply
- 16.114 - Storm Water
- 16.116 - Fire Protection
- 16.118 - Public and Private Utilities
- 16.120 - Subdivisions
- 16.128 - Land Division Design Standards
- 16.142 - Parks and Open Space
- 16.156 - Energy Conservation

## **PUBLIC WORKS CODE SECTIONS**

- 145 - Public Works Design Modifications
  
- 210 - Street Design Standards

## **INTRODUCTION**

We are applying for PUD approval so we can divide an approximately 5.77 - acre property in a manner that allows us to provide a variety of lot sizes and housing types, while at the same time preserving 21 % of the site in common open space. Through the PUD process we are requesting reductions in lot sizes, setbacks, off-street parking, and street standards as noted throughout this statement. In addition, we are proposing with this PUD request a public mini-neighborhood park to be dedicated to the City as part of its parks and trails system. Granting these requests allow us to create a greater variety and diversification in the relationship between homes and open spaces by using planned building groups (i.e. attached townhomes and standard detached lots). Together the combination of mixed housing types, pedestrian pathways, the location of the public mini-neighborhood park, and the requested deviations to the City'

development code will improve property values and enhance the living environment both within the PUD and for the existing neighborhoods adjacent to the site.

This PUD application is a request to develop a 66 lot subdivision entitled "**CEDAR BROOK PUD**" with a mixture of the following owner occupied building types:

- 38 - Garage front 2 story Townhouses with 1 car garages and 1500 sf of living area
- 13 - Alley loaded garage 2 story Townhouses with 2 car garages and 1400 sf of living area
- 15 – Two (2) story single family houses with rear loaded two (2) car garages and 1304 to 1392 sf of living area

Exhibit 2 shows photos of the houses along with floor plans and elevations. The garage front and alley row house lots are generally 1600 sf (20' x 80'). The detached house lots are generally 2500 sf in area (90' x 28'). All of the detached houses have garages off an alley.

This subdivision is being proposed as a Planned Unit Development because alternative housing types are intended to comply with the character of the area and to fit the shape of the property. Secondly, the HDR code is not really written for mixed use and row house development. The lots size requirement of 4,000 sf for attached houses and 5,000 sf for detached houses are too large to comply with the minimum density requirement of 16.8 units per acre in the HDR zone. The townhouse requirements of the Sherwood Code (Section 16.44) provide standards to guide development. However, some of the requirements are requested to be modified which requires a PUD application. In order to achieve the desired site design for Cedar Creek PUD, modifications to the Sherwood Code requirements and standards include setbacks, lot sizes and on-site parking. As a result, the proposed PUD will have a look and feel similar to other PUDs approved in the past by the City (see Exhibit 3), as well as providing a development in the HDR zone that will be superior to a typical apartment style development.

The first example of a PUD similar to the one the applicant is proposing is Arbor Terrace, which is located between Century Drive and Langer Drive, west of Langer Farm Parkway. This development was very successful and well received by the community. A tax map, aerial photo and house photos are provided by Exhibit 3 which shows the similarity to this proposed development. The second example is Vintage Townhomes located on the southeast side of Highway 99 directly across from Cedar Brook Way. The main difference between Vintage Townhomes and Cedar Brook PUD is the housing variety and the larger amount of on-street and on-site parking that will be available for the Cedar Brook PUD. Another difference the proposed Cedar Brook PUD will have is a larger amount of usable open space and the ability for connectivity to the Cedar Creek trail system.

This development is located in a high density area with commercial to the south and apartments to the east. The proposed unit types blend in well with exiting development in the area and provide a good transition from the apartments to the east and the single family houses to the west. The Cedar Creek trail is located to the north and west. The 9,000 sf foot Tract "K" open space is located as a gathering place for all the residents in the area and could be dedicated to the city a public park. In the future, an additional trail system can be developed by the city along the sanitary sewer line route on the south and east side of Cedar Creek. This trail is already being used, but in need of improvement.

The existing traffic circle at the intersection of Meinecke and Cedar Brook create additional design challenges. Driveway access close to the traffic circle is not practical. Therefore, all the driveways are interior to the site. Meinecke Parkway is a collector street and Cedar Brook Way is a local street, but designed as a neighborhood route with 64 feet of right-of way and 36 feet of pavement with 8 foot sidewalks. The property has an unusual shape which limits the development potential. Many alternative plans have been prepared. The proposed plan was the best alternative to meet the minimum density requirement of 65 units.

A significant amount of on-street parking will become available along Cedar Brook Way because no development will occur on the west and north side of this road. Further, the detached alley units will not have garages along Cedar Brook Way which further increases the amount of on-street parking. 28 units have 2 car garages and two parking spaces in front of the units. 38 units have a one car garage and one

parking space in front of the garage. The one car garage units have significant on-street parking spaces. A total of 267 on-site and on-street parking spaces are available.

A through street is provided from Meinecke Parkway to Cedar Brook Way. The Meinecke entrance is a right in and right out intersection because the existing median island prevents left turns. The traffic study prepared by Charbonneau Engineering (Exhibit 13) indicates the surrounding intersections currently operate at an adequate level of service and into the future. Traffic levels were studied to the year 2035 to comply with the Oregon Transportation Planning Rule (TRP) requirements and rules because the property was recently rezoned from commercial to HDR. This property is isolated with no adjacent developable property. Therefore no street stubs are necessary.

### **EXPLANATION OF EXHIBITS**

Exhibit 1 is the preliminary plat, existing conditions, surrounding development, grading, utilities, house locations, parking and landscaping. Exhibit 2 shows the building elevations, floor plans and photos of the proposed houses. Exhibit 3 shows other PUD developments in Sherwood to demonstrate the city has approved PUDs like Cedar Brook in the past. Exhibit 4 is legal information about the subject property. Exhibit 5 contains reports, notice of decisions and findings related to the re-zone of the property and a code change to allow detached lots less than 5,000 sf in area in a PUD. Exhibit 6 shows the Sherwood street standards. A modification to the city street standards is proposed for the local north/south Street "A" by the use of rolled curbs and curb tight sidewalks on the east side in front of the one car garage row houses. This design eliminates the small planters between the sidewalk and the curb resulting from multiple driveways. Curb tight sidewalks were used successfully in Arbor Terrace off Langer Farms Parkway. Small planter strips are shown by the Vintage Townhouses plan aerial in Exhibit 3. The west side of Street "A" will not have driveway drops and the typical planter between the sidewalk and curb will be provided. Exhibit 6 shows existing utilities around the subject property. Exhibit 7 is the Sherwood Parks Master Plan which shows the city goal to acquire park space along Cedar Creek. This exhibit shows the 9,000 sf Tract "K" park next to the Meinecke traffic circle is ideal for a small city pocket park. Exhibit 8 contains the pre-application notes. Exhibit 9 is the neighborhood meeting notice and a map showing in the notification area within 1,000 feet of the subject property. No one showed up at the neighborhood meeting. Exhibit 10 is the wetland delineation and the CWS Service provider Letters. Exhibit 11 is the traffic report. The fire district and the Sherwood city staff requested two accesses into this development which is provided. Exhibit 12 is the drainage report. This exhibit shows the existing storm sewers to the east and the extension of the storm sewer from Cedar Brook PUD to the existing water quality facility at the intersection of Highway 99 and Cedar Brook Way. Exhibit 13 is the geotechnical report showing the property is developable.

### **Chapter 16.10 DEFINITIONS**

**Building Height:** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by the following criteria, whichever yields the greater height:

- A. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
- B. An elevation ten (10) feet higher than the lowest grade, when the sidewalk or ground surface described in this Section is more than ten (10) feet above lowest grade.

**Density:** The intensity of residential land uses per acre, stated as the number of dwelling units per net buildable acre. Net buildable acre means an area measuring 43,560 square feet after excluding present and future rights-of-way and environmentally constrained areas.

**Dwelling, Townhome or Row House:** A single-family dwelling unit which is attached on one or both sides to a similar adjacent unit(s) on similar lot(s). The attachment is made along one or more common walls which are jointly owned. The units may either be on individual platted lots or may be located on a

single lot as individual condominium units. The units are distinct from each other by scale, color, massing, or materials.

**Environmentally Constrained Land:** Any portion of land located within the floodway, 100 year floodplain, wetlands and/or vegetated corridors as defined by Clean Water Services.

**Net Buildable Acre:** Means an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses. When environmentally sensitive areas also exist on a property and said property is within the Metro urban growth boundary on or before January 1, 2002, these areas may also be removed from the net buildable area provided the sensitive areas are clearly delineated in accordance with this Code and the environmentally sensitive areas are protected via tract or restricted easement.

**Open Space:** Open ground area which is not obstructed from the ground surface to the sky by any structure, except those associated with landscaping, or recreational facilities. Parking lots and storage areas for vehicles and materials shall not be considered open space.

**Parks Board:** The City of Sherwood Parks Advisory Board.

**Public Park:** A park, playground, swimming pool, reservoir, athletic field, or other recreational facility which is under the control, operation or management of the City or other government agency.

**Public Place:** Any premise whether, privately or publicly owned, which by physical nature, function, custom, or usage, is open to the public at times without permission being required to enter or remain.

**COMMENT:** The above definitions are provided because they will be used in this report.

**16.12.010. - Purpose and Density Requirements of the HDR Zone**

**E. High Density Residential (HDR)**

*The HDR zoning district provides for higher density multi-family housing and other related uses with density of 16.8 to 24 dwelling units per acre*

**RESPONSE:** The subject property is 5.77 acres in size and the net buildable area is 3.85 acres as shown on Sheet 8 of Exhibit 1. The minimum density is 65 units at 16.8 units per acre and the maximum density is 92 units at 24 units per acre. Density is defined in the Definitions Section of the Sherwood code as the number of dwelling units per Net Buildable Acre. Net Buildable Acre, as indicated above, is defined as 43,560 sf after excluding present and future right-of-way, environmentally constrained areas, public parks and other public uses. With this development proposal the applicant is proposing 66 dwelling units, which equates to 17.1 dwelling units per net buildable acre. As such, the applicant's proposed PUD is consistent with the density requirements for the HDR zoning district.

**A. Residential Land Uses**

*The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.*

USES	VLDR	LDR	MDRL	MDRH	HDR
RESIDENTIAL					
• Single-Family Attached or Detached Dwellings	P	P	P	P	P

• Two Family Dwelling Units	N	N	P	P	P
• Multi-family Dwellings	N	N	N	P	P
• Townhomes-subject to Chapter 16.44	N	N	N	P	P
• Planned Unit Developments (PUDs)-subject to chapter 16.40	P	P	P	P	P

**16.12.030 Residential Land Use Development Standards in the HDR Zone**

	<b>HDR Development Standard</b>	<b>Proposed Standard</b>	<b>Deviation and Justification</b>
<b>Lot Area:</b> A) Detached single-family dwellings	5,000 sq. ft. minimum, with deviation permitted by PUD ordinance	2,374 sq. ft. minimum	There are 15 detached single-family dwelling units being proposed, with the smallest lot size being 2,374 sf. The requested deviations to the lots size are necessary to provide more affordable homes, enable a specific architectural style, and to preserve open space.
B) Townhouse	1,800 sq. ft. minimum, with deviation permitted by PUD ordinance	1,585 sq. ft. minimum	There are 53 Townhouse units being proposed with this request (38 front loaded units and 13 rear loaded units). The requested deviation to the lot size is necessary to meet the HDR zone density requirements, provide more affordable homes, enable a specific architectural style, and to preserve open space.
<b>Lot Width:</b> A) Detached single-family	25-foot minimum lot width at front property line and 50-foot minimum lot width at building line for single family, with deviation permitted by PUD ordinance.	The minimum lot width proposed for single-family detached lots fronting along Cedar Brook Way is 27.9 feet and the minimum lot width at the building line is 26 feet.	All proposed single-family detached lots within the PUD will either meet or exceed the minimum lot width standard at the front property line along Cedar Brook Way. The requested deviations to the minimum lot width at the building line for the single-family detached lots are necessary to enable the specific architectural style of homes and to preserve open space.
B) Townhouse	20-foot minimum lot width for Townhouse and 25-foot minimum lot width at front property line, with deviation permitted by PUD ordinance.	The minimum lot width for the Townhouse lots will be 20-feet and the minimum lot width at the front property line will be 6.3 ft.	All proposed Townhouse lots within the PUD will either meet or exceed the minimum lot width standard of 20-feet. The requested deviation to the minimum lot width at the respective front property line for lots 37 and 38 are necessary due to the configuration of the subject property, to enable the

	HDR Development Standard	Proposed Standard	Deviation and Justification
			specific architectural style of Townhomes, and to preserve open space adjacent to lot 38.
<b>Setbacks:</b>	<p><b>Front Yard:</b> 20-feet, except street side corner lots, which is 15-feet.</p> <p><b>Front Porches:</b> 20-feet</p> <p><b>Single-Family Detached Side Yard:</b> 5-feet</p> <p><b>Interior Side Yard for Townhouse:</b> 5-feet (buildings less than 100') and 6-feet (buildings 100' to 150')</p> <p><b>Rear:</b> 20-feet.</p> <p><b>Garage Setback:</b> 20-feet</p>	<p><b>Front Yard:</b> Min. 6-feet to home on corner lots, 20-feet to front loaded garage, except for rear loading lots, which will have the garage in rear of home and be accessed via the alley. Except for lots 38 &amp; 39, which will have their porches setback a minimum of 7 feet, all other front porches will be setback 10-feet or greater.</p> <p><b>Single-Family Side Yard:</b> The minimum side yard setback for the single-family detached dwellings will be 3-feet. The minimum side yard for all other lots will be 5-feet. The minimum interior side yard for the Townhouses will be 3-feet.</p> <p><b>Rear:</b> 6-feet minimum for all lots.</p> <p><b>Garage:</b> Except for lots 58 &amp; 63, which will have 18' &amp; 17' foot garage setbacks, respectively, all other garages will be setback 20-feet.</p>	<p>Except for lots 1, 28, 29, 38, 39, 53, 54, 63, and 66, which are either corner lots with more than one front yard, or located on a radius necking down the front yard setback, all other lots within the proposed PUD will have a 20-foot front yard setback.</p> <p>In order to achieve the desired densities, open space, pedestrian friendly streets, and overall appearance of the PUD, deviations to the HDR zone front, side, and rear yard setbacks are requested.</p> <p>Due to the irregular shape of the parent parcel, as well as the development objectives for the project, the front and rear yards are not typical of a standard development. As such, deviations to the rear yard setback requirement are necessary to achieve the desired HDR density.</p>
<b>Lot Depth:</b> A) Detached single-family & Townhouse lots.	80-foot minimum lot depth	The minimum proposed lot depth will be 71 feet (i.e. lot 58), however, the average minimum lot depth for all proposed	The requested deviation to the lot depth provides for a variety of housing types and lot sizes. The smaller lots with higher lot coverages are necessary for the proposed architectural style to achieve the

	HDR Development Standard	Proposed Standard	Deviation and Justification
		lots will exceed 80 feet.	desired HDR density. Additionally, some homeowners have no desire to maintain a yard, particularly if the home is located in a subdivision with 21% of the site in open space.
<b>Height</b>	40 foot maximum	30 foot maximum	Meets or exceeds standard
<b>Off-street parking</b>	2 spaces per single-family residence	2 spaces per single-family residence	Meets or exceeds standard

**RESPONSE:** The table provided above shows the minimum HDR zone development standards and the Applicant's proposed deviations to the HDR development standards for the PUD. Except for a few Townhouse lots adjacent to the open space tracts, which will have side yard setbacks of 3-feet, all other Townhouse lots will have a minimum side yard setback of 4-feet. In addition, all proposed single-family detached houses will have a minimum side yard setback of 4-feet. However, the garages for some of the proposed dwelling units along the curved portion of the alley will have a 3 foot side yard setback due to these lots being pie shaped. The side yard setbacks for these lots will become larger away from the front of the garage.

The rear yards are 13 feet for the Townhouses along the east property line. A concrete patio is provided in the rear yards for active patio use. Landscaping and a walking path are located along the adjacent apartments in this location which provides a good buffer from the apartment units. A photo of this walking path is shown by Exhibit 2. The Townhouses along Meinecke Road will have 15 foot rear yard setbacks except for Lots 33, 34 and 37 which have about 14 foot setbacks on one corner of the lot. Lot 38 has a 6 foot setback at one corner and about 14 feet at the other corner. All the of the driveways are 20 feet except one corner of the driveway on Lots 58 and 63 are 16.75 and 18 feet. The porch setbacks for the single-family detached houses are generally 10 feet. Overall, the front yard setbacks for the proposed dwelling units will be 20 feet. The only exceptions are Lots 39 and 40 with about 15 foot front yard for the houses. The porch for Lot 39 will have a 6 foot setback.

**16.40.010 Purpose of a PUD**

- A. *PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.*

**RESPONSE:** The Applicant's proposed PUD development complies with the above "Purpose of a PUD" because the single ownership parcel has been designed to integrate buildings, land uses, transportation facilities, utility systems, and open space in a manner that will enhance livability for its future residents. The proposed residential PUD will not have an adverse impact on the livability, development potential, or property values of the surrounding neighborhoods. The property is comparably zoned as other nearby residential lands and, similar to the lands to the northeast, it will be developed for high density residential living. With respect to design, we have spent significant time and resources determining the best overall design for the use and layout of the property while at the same time maintaining significant open space and providing numerous pedestrian connections. The project in terms of scale, density, building coverage's and street layout was specifically designed to preserve the character of the neighborhood and to provide as much open space as possible. The streets meander through the subdivision to provide connectivity with SW Cedar Brook Way and SW Meinecke Parkway, as well as to create an aesthetically pleasing streetscape. Without the requested deviations to the development standards and creativity afforded through the PUD process, the Applicant's proposed PUD layout would not be achievable through a strict adherence to the existing HDR zoning and subdivision standards.

By extending services such as sewer, water, and streets to and through the site, it will enhance the capacity for future permissible development in the surrounding area, as well as expand the City's ability to serve the north/northeast portions of the City with sewer and water. Pedestrian safety is provided with streets, sidewalks, and pedestrian trails in the open space tracts. The traffic study indicates that, with necessary improvements, the PUD will not adversely impact the capacity of surrounding streets.

*B. The PUD district is intended to achieve the following objectives:*

- 1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.*
- 2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.*
- 3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.*
- 4. Achieve maximum energy efficiency in land uses.*
- 5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment.*

**RESPONSE:** This project is being proposed as a Planned Unit Development (PUD) in order to provide maximum design flexibility in the creation of an aesthetically pleasing residential community. In addition, the proposed PUD will help create affordable home ownership which is currently not readily available in the City of Sherwood. As indicated in the Introduction of this report, design flexibility is being requested in order to satisfy the HDR density requirements, while at the same time offering an alternative living arrangement that is not available with the strict adherence to the HDR zoning and subdivision standards.

The applicant is proposing an innovative, pedestrian-friendly, and human scale design through a variety of housing types that will help to enhance the community and natural environment in this region of the city. As proposed, the PUD makes very efficient use of the land by satisfying the minimum density requirements of the HDR zone, which will result in savings to the community, consumers, developers, and natural resources. The proposed range of residential lot sizes and density will permit the creation of significant open space and recreational resources along the Cedar Creek Greenway. In addition, the project proposes streets and pedestrian connections that will enhance the community's identity and provide for a variety of pedestrian walkways. Pedestrian and bicycle uses are encouraged through the provision of an integrated trail system that provides linkages throughout the site to the adjoining public street system. Frontage on SW Cedar Brook Way and SW Meinecke Parkway will be fully landscaped with the addition of ornamental plantings of trees, shrubs and groundcover. This will provide an enhanced streetscape along these main streets and provide a better aesthetic to the general neighborhood. The community recreational amenity (i.e. Neighborhood Park) will be located on the southwest side of the property near the roundabout and will be buffered from the adjoining residential uses by landscaping and fencing. The community amenity will serve to enhance the overall recreational opportunities for the residents of the development by providing an enhanced trail system that will connect the proposed City Park with Lady Fern Park. By making the above noted improvements, we believe the proposed PUD will, as far as reasonably possible, provide an aesthetically pleasing and functional environment and will be consistent with the nature of the use and the given setting.

#### **16.40.020 Preliminary Development Plan**

##### **A. Generally**

*A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs shall be considered:*

- a) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development;*

b) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or

c) in other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

**RESPONSE:** As indicated in the Introduction of this narrative, the subject property is unusually constrained or limited in development potential due to its irregular shape and existing street patterns. Access points to the site are limited because of surrounding development and existing street stubs (i.e. SW Cedar Brook Way and SW Meinecke Parkway). With the exception of the alignment for Cedar Brook Way, which follows the top of the bank for Cedar Creek, these constraints are man-made and not a result of natural features.

## **B. Content**

*The Preliminary Development Plan application shall include the following documentation:*

1. *Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and features, private and public facilities including but not limited to utilities, streets, parks, and buildings, historic and cultural resources, property boundaries, lot lines, and lot dimensions and area.*
2. *Listing of all property owners adjacent to the PUD as per section 16.72.020 including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.*
3. *Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.*

**RESPONSE:** The Applicant's proposal satisfies the above PUD "Content" requirements as all required information has been submitted with this request.

4. *Narrative describing: the intent of the PUD and how general PUD standards as per this Chapter are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.*

**RESPONSE:** The Applicant's proposal satisfies this requirement because the required narrative has been provided as part of the overall application materials.

5. *If the PUD involves the subdivision of land, the proposal shall also include a preliminary subdivision plat and meet all requirements of Chapter 16.120. The preliminary subdivision shall be processed concurrently with the PUD.*

**RESPONSE:** The proposal meets this requirement because the applicant has submitted the required subdivision application along with the PUD application and paid all applicable fees.

6. *Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in 16.90.020(G) or any other applicable standards in this*

*Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:*

- a. Illustrative areas within the development application covered by the pattern book.*
- b. An explanation of how the pattern book is organized, and how it is to be used.*
- c. Define specific standards for architecture, color, texture, materials, and other design elements.*
- d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.*
- e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:*
  - (1) Massing, facades, elevations, roof forms, proportions, materials, and color palette.*
  - (2) Architectural relevance or vernacular to the Pacific Northwest.*
  - (3) Doors, windows, siding, and entrances, including sash and trim details.*
  - (4) Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.*
  - (5) A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.020.*

**RESPONSE:** The architectural plans, color renderings/photos, and paint color combinations submitted with this application constitute the Architectural Pattern Book (see Exhibit 2). The Applicant is proposing a variety of housing types consisting of single-family detached and single-family attached dwelling units that have been received very successfully in other projects throughout the greater Metro Area. All of the details required by the above standards are shown on the submitted plans. The proposed fencing plan has been included on the Density Calculation Map (Sheet 8 of Exhibit 1).

#### Architectural Detail Guidelines:

The architectural detail guidelines outlined below address aesthetic requirements including building style, mass and scale, materials, color and detailing.

#### STYLE

- A. Dwellings will stylistically reflect a traditional Northwest architectural vernacular best described as a simplified interpretation of turn-of-the century "Northwest Craftsman", "European" or "English Cottage" styles.
  1. Scale, mass and detail will be traditionally based but it lacks the prominence of any distinct stylistic era.
  2. Floor plans are substantially articulated with enclosed balconies, porches, bays and offsets.
  3. Roofs are moderate to steeply pitched, gabled or hipped and articulated with intersecting roofs, dormers and sheds.
  4. Fenestration is traditional in style using divided light, trimmed sash type frames in casement, double hung, awning and hopper function. Vinyl windows are allowed.
  5. Natural wood-look Hardi-plank type sidings dominate, often with locally quarried or cultured stone or brick for foundation or accents.
  6. Exterior finishes, whether paints, stains or naturally weathering materials, reflect earth tone colors in simple, limited palettes.

#### QUALITY

- A. Dwelling units will be built of high quality, long lasting materials.

1. Buildings will evoke a solid, well detailed, understated elegance, with quality, long lasting, timeless materials; naturally weathering or easily maintainable with a proven history of performance.
- B. Dwellings will create visual interest with offsets in building plans to articulate the façade.
1. Along all facades facing public streets, building plan offsets with a minimum depth of 3 feet will occur at least every 20 feet along building frontage.
  2. Lower story façade materials shall wrap a corner and end into a perpendicular plane a minimum of 3 feet beyond the corner.
  3. Building materials will have at least two finish materials consistent on all facades of a structure.

#### PORCHES/ENTRY AREAS

- A. Porches or covered entries will be used to define primary entrances
1. Any porch or covered entry will be oriented towards the street and may wrap around the corner of the dwelling on a corner lot.
  2. The porch or entry shall be the primary focus of the street façade.
  3. Entries will be sheltered from the weather.

#### ROOFS

- A. Roofs will be similar to those found typically in the Northwest.
1. Primary roofs will be gabled or hipped. Flat roofs will be prohibited
  2. Primary roofs will slope a minimum of 7/12 with secondary roofs a minimum of 4/12
  3. Offsets or breaks in roof elevation will be at least two or more feet in height.
  4. Both gabled and hipped roofs will provide overhang eaves on all sides that extend a minimum of 8 inches beyond the building wall.
  5. Roof ridge vents and gable ends vents are allowed.
  6. "Mushroom" type roof venting will be allowed on non-street side of roofs and is required to match color of roof.

#### BUILDING MATERIALS

- A. Siding and cladding materials will be similar to those found typically in the Northwest.
1. Dwellings are limited to three primary exterior materials
  2. Natural materials that can be used in their natural finish or clear stained, that weather gracefully to exhibit a fine patina, like cedar shingles will be utilized.
  3. Natural materials will be used including wood and wood "look" products like Hardi-plank, Board and Batten, shingles, and lap siding.
  4. Each side of the dwelling may have a maximum of 20% area of stucco and brick
  5. Cultured stone with earth tones will be utilized
  6. Corner trim must be a minimum of 4" nominal width
- B. Roofing Materials
1. All units will be roofed using Asphalt composite shingles.
  2. Roofs will be of subdued earth or grey/black tones.

#### DOORS & WINDOWS

- A. Doors and windows will be similar in scale to those found historically in the Northwest.
1. Fenestration will be traditional in style using divided light, trimmed sash type frames in casement, double hung, awning and hopper function.

2. To the extent possible, windows on the upper story of dwellings will be vertically aligned or otherwise coordinated with the location of windows and doors on the ground level.
3. Windows will be vertically proportioned wherever possible.
4. Wood trim of at least 4" nominal width is required to frame all windows and doors.
5. Color of windows will be compatible with trim colors.

#### DETAILS

- A. Gutters and downspouts will match the character of the dwelling units
  1. Plastic, metal, or copper gutters and downspouts will be utilized
  2. Gutters and downspouts will have compatible colors with the dwelling units.
  
- B. Ornamentation and detail will be simple in design, to reflect the traditional styles of the Northwest.
  1. Cupolas, trellises, window boxes, columns, eave details, shutters, and other architectural appurtenances and details will be of a simple elegance and timeless design, well-constructed and of materials appropriate for long service life requiring minimal maintenance.

#### COLOR

- A. Color schemes will be simple.
  1. Dwelling units and garages will be consistent in color scheme.
  2. Up to three base colors will be utilized
  3. Up to two accent colors will be utilized
  4. Colors will be natural earth tones
  5. Adjacent homes will not have identical colors

#### **C. Commission Review**

*The Commission shall review the application pursuant to chapter 16.72 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 eligible for PUD consideration per 16.40.020.A.*

**RESPONSE:** The subject property was recently rezoned from General Commercial (GC) to High Density Residential (HDR). Through that process City staff determined that rezoning the subject property to residential was necessary to comply with Chapter 3 of the City's Comprehensive Plan as it relates to the "Buildable Land Inventory". In addition, with the zone change application, staff further found that rezoning the property to high density residential substantially complied with all relevant goals and policies of the Comprehensive Plan (See Exhibit 5) and was a more functional use of the property. With this development proposal, the Applicant is proposing to development the site in compliance with the HDR density requirements, transportation standards, and open space requirements as contemplated by the Comprehensive Plan and approved zone change.

The purpose of the City of Sherwood Zoning Code is to implement the goals and policies of the City's Comprehensive Plan. This Burden of Proof statement addresses all of the applicable approval criteria of the City's zoning and land division ordinances and, as such, addresses the goals and policies of the Comprehensive Plan. By demonstrating compliance with the applicable review criteria, the applicant has concurrently demonstrated that the proposed development is in substantial conformance with the City's Comprehensive Plan and is eligible for PUD approval. Compliance with Section 16.40.020.A is demonstrated above.

2. *The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing*

*public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.*

**RESPONSE:** As mentioned previously, the buildable area of the site is 3.04 acres. The proposed open space is 0.81 acres. Adding both the buildable area and the proposed open space together equals 3.85 acres, which is the Net Buildable Area of the site in accordance with the definition of Net Buildable Area in Chapter 16.10 of the Sherwood Code. Based on these calculations, the proposed open space is 21% of the buildable portion of the site which exceeds the 15% requirement. Even though the proposed PUD exceeds the open space requirement as outlined above, it's important to note that the site is located immediately adjacent to the Cedar Creek public open space along the west/northwest boundary of the site. Together, the 35,420 square feet of proposed open space combined with the Cedar Creek public open space creates a significant recreational amenity for the future residents of the Cedar Brook PUD.

As mentioned above, with our proposed Cedar Brook PUD we are proposing an approximately 8,992 sq. ft. mini-neighborhood park along the southwest property boundary of our site. The mini-neighborhood park is intended to serve the local residential areas within a convenient walking distance. We anticipate children between the ages of 5-12 will constitute the primary user group of the park. However, features appealing to teenagers and adults will also be provided. As with most neighborhood park development we are proposing uses which include open lawn/play areas, multi-use trails and paths, and benches. Additional features may also be incorporated based on neighborhood preferences and the available funding. These types of features might include water features, horseshoe pits, and natural or viewing interpretive areas. With the development of our Cedar Brook PUD and the future development of the properties located south of our site, together with all the existing development located west of Hwy. 99, the proposed neighborhood park and trail system will be conveniently located to serve in excess of 1,000 residents within a ½ mile radius without crossing a designated arterial street.

The City's Comprehensive Plan evaluates the geographic location of specific amenities valued by the community, and the amenities the community valued at a neighborhood scale included open lawn/play areas, playgrounds, and picnic tables. In determining the level of service of a neighborhood park, the City's Comprehensive Plan noted that if a park has an open play area, picnic tables, and a playground, the park provides a high level of service to the neighborhood within ½ mile. As shown in our submitted conceptual plan for the proposed neighborhood park, amenities in the park will include, but will not be limited to, an open play area, trails, and benches. Based on the information contained in the City's Comprehensive Plan, the inclusion of these amenities will allow the proposed park to provide a "high level of service" to the neighborhoods within ½ mile. Furthermore, the development of the proposed mini-neighborhood park when combined with the future development in the surrounding area will provide conveniently located neighborhood and community parks to serve the vast majority of the residents. In order for the neighborhood to continue to revitalize and flourish, positive development and growth will need to be encouraged.

Prior to submitting our PUD request, the Applicant met with the City staff to discuss and identify the possibility of locating a public mini-neighborhood park within track "K" of the proposed PUD. As a result of those discussions the Applicant is proposing, as part of our PUD request, Tract "K" to be dedicated to the City as a public "mini-park" to help meet the demands of the surrounding area. In addition to meeting with City staff, the Applicant also attended the Parks and Recreation Board meeting on April 7<sup>th</sup>, 2014 to discuss the proposed mini-neighborhood park and Cedar Creek Trail concept. Even though no formal action was taken by the Board at the April 7<sup>th</sup> meeting, it was clear that the Board believed the concept had merit and should be considered further. As such, the Applicant will be meeting with the Park Board again at their May 3<sup>rd</sup> meeting to request that they adopt track "K" and the proposed trail system as part of the Cedar Creek Trail Master Plan. Should the Park Board approve the request, then the Applicant proposes to construct the park to Park District standards as part of the PUD development. Upon completion of the park, the designated parkland shall be transferred to the City's ownership. In return, the City shall reimburse the Applicant for the construction costs of developing the park through the Park SDCs generated by the proposed PUD development. At the City's present Park SDC rate of \$7,668.78

per single-family dwelling unit, the sixty-six (66) proposed single-family dwelling units will generate \$506,139.48 in SDC fees, which will be more than adequate to reimburse the applicant for the cost of developing the mini-neighborhood park.

Development is both inevitable and beneficial, and well-planned growth is a vital part of a healthy economy on any scale. Communities that accommodate more compact and transit-oriented development can greatly reduce the environmental impacts of development by reducing auto trip distances and conserving energy. The goal of the City should be to simultaneously accommodate growth within the City's boundary while enhancing the economy and improving the quality of life for the citizens in an equitable manner. We feel our request to develop the proposed PUD and public mini-neighborhood park will help to accomplish these goals and provide needed housing at a reasonable density. Both mini-neighborhood parks and neighborhood parks serve limited active and passive recreation needs of residential neighborhoods. Families with young children should be able to have playgrounds and recreational opportunities nearby and there should be places for families or friends to enjoy open spaces. Ensuring that citizens have these kinds of opportunities close to home is important. However, most of the choice land in Sherwood is now in private ownership and will be for sale at current market prices or redeveloped soon. Thus, it is critical that the City act now to obtain these needed properties for park and open space purposes when they become available. Whether or not a park project will actually be developed is determined by a combination of factors: opportunities that surface, available funding, support for the project, and long-term maintenance and operation costs. Given the Applicant's successful history of developing neighborhood parks in other developments throughout the Portland Metro Area, we are confident that the proposed public mini-neighborhood park will have the funding necessary and be constructed and completed as proposed if the PUD request is approved.

Land use plays a large role in our everyday lives; it can dictate our accessibility to a variety of important services and opportunities such as neighborhood parks. By approving the proposed PUD and mini-neighborhood park, the City will be assuring the residents living within the development an opportunity for both active and passive recreational experiences. We believe this is a win/win situation for everybody. With approval of the proposed PUD we strongly feel opportunities to the surrounding neighborhoods will be vastly improved and how the community works and functions socially, economically, and physically will be greatly enhanced.

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

**RESPONSE:** This project is proposed as a Planned Unit Development (PUD) in order to provide maximum design flexibility in the creation of an aesthetically pleasing high density residential community.

The exceptions requested herein are necessary to achieve flexibility in the design of the subdivision for the primary purpose of providing 21% of the site in common open space and to provide greater housing diversity that would not be achievable without the requested PUD flexibility. The flexibility requested through the PUD process is important for achieving the objectives of preserving existing topography and natural features, as well as providing open space, enhancing appearance, and providing a variety of lot sizes and single-family housing. As graphically represented in Exhibit A, our lot layout, housing types and styles, and strong HOA maintenance responsibilities of the front yard landscaping and landscaped open spaces ensures a street scene that is attractive, well planned, and on a pedestrian scale that is friendly and inviting for individuals and families alike. As both the land developer and home builder we have greater control and can provide assurances over how the property is developed, homes are constructed, and the neighborhood is ultimately managed. We strive to create neighborhoods that provide strong trail systems, street connections to other neighborhoods, common open space areas for everyone's enjoyment, natural and landscaped areas for visual interest, and attractive recreational amenities for outdoor enjoyment. In order to provide this type of neighborhood, with a mix of lots sizes, housing types and styles, while maintaining 21% of the site in open space and still achieving a minimum density of the HDR zoning district, we are respectfully requesting approval of some deviations to the City's development standards.

These benefits, however, can only be realized if we are allowed to master plan a site through the PUD process because these overarching goals cannot otherwise be realized through the strict application of the underlying zoning standards. Adjustments in lot size, lot width, and street design standards are proposed to meet various price points in the market and the divergent needs of the public, while providing common open space to help maintain an attractive appearance. For example, the development plan includes numerous common open space tracts for landscaping, paved trails, and a mini-neighborhood park that will have pedestrian trails. It is because of these accommodations that we believe by allowing the requested exceptions; the overall development will accrue benefits to the City and the general public in terms of need, convenience, housing diversity, and overall appearance as discussed throughout this narrative.

4. *That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).*

**RESPONSE:** The proposed residential PUD will not have an adverse impact on the livability, development potential, or property values of the surrounding neighborhoods. The property is similarly zoned as other nearby residential lands and, like the property to the east, it will be developed for high density residential living. With respect to the proposed design, we have spent significant time and resources determining the best overall design for the use and layout of the property while at the same time maintaining significant open space and providing numerous pedestrian connections. The project in terms of scale, density, building coverage's and street layout was specifically designed to preserve open space as much as possible, while still meeting the minimum density requirements of the HDR zoning district. The architectural styles proposed as part of the PUD presents the aesthetic of a larger home for compatibility with the surrounding neighborhoods through the use of quality materials and consistent design throughout the PUD. By extending services such as sewer, water, and streets to and through the site, it will enhance the capacity for future permissible development on the undeveloped property to the south, as well as expand the City's ability to serve the southeast portion of the City with sewer and water. Pedestrian safety is provided with streets, sidewalks, and pedestrian trails in the open space tracts. The traffic study indicates that, with necessary improvements, the PUD will not adversely impact the capacity of surrounding streets. Therefore, in terms of scale, aesthetic, and uses, the proposed development is compatible with the surrounding neighborhood and built environment.

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

**RESPONSE:** Except for Tract "K", which the Applicant is proposing to dedicate to the City of Sherwood as a "Neighborhood Park", all other proposed open spaces and landscaping will be maintained by a Home Owners Association (HOA). In the event the Applicant is not able to get the City of Sherwood Parks Board approval for the dedication of Tract "K" as a Neighborhood Park, then this proposed open space tract will be maintained by the HOA.

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

**RESPONSE:** The proposed PUD will have a beneficial effect on the area because it will provide for a seamless transition from the higher density apartment style housing to the east to the lower density single family housing to the west. This type of transition could not be achieved in the HDR zoning district without the use of a PUD. In addition, the visual appearance along SW Cedar Brook Way will be enhanced with open space areas and landscaped front yards with single-family houses and front porches, as opposed to large apartment buildings. Also, by providing the proposed housing types with attached garages significant on-street parking will be made available along SW Cedar Brook Way and proposed street "SW A". The proposed development will also improve the street scene appearance along SW Meinecke Parkway with attractive alley loaded two (2) story Townhouse buildings and landscaping. The Applicant believes this appearance will be better for the area than three (3) story apartment buildings abutting existing two (2) story apartment buildings. Because of the location and irregular shape of the property, no

other reasonable development alternative will provide the same beneficial effect as the proposed PUD while still complying with the minimum density requirements of the HDR zoning district.

As noted previously, the exceptions requested herein are necessary to achieve flexibility in the design of the subdivision for the primary purpose of providing 21% of the site in common open space and to provide greater housing diversity that would not be achievable without the requested PUD flexibility. The flexibility requested through the PUD process is important for achieving the objectives of preserving existing topography, and natural features, as well as providing open space, enhancing appearance, and providing a variety of lot sizes and single-family housing. We strive to create neighborhoods that provide strong trail systems, street connections to other neighborhoods, common open space areas for everyone's enjoyment, natural and landscaped areas for visual interest, and attractive recreational amenities for outdoor enjoyment.

In order for us to be able to provide this type of neighborhood, with a mix of lots sizes, housing types and styles, and open space tracts, while still meeting the minimum density of the HDR zoning district, we must master plan the site through the PUD process. As such, these beneficial effects can only be realized if we are allowed to master plan a site through the PUD process because these overarching goals cannot otherwise be realized through the strict application of the underlying zoning standards.

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

**RESPONSE:** The Applicant's proposal satisfies the above criterion because the proposed PUD development will be completed in a single phase with construction proposed for the summer of 2014.

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

**RESPONSE:** The proposed PUD is it not expected to generate any undesirable burdens on the local streets, sewer, or water systems. The proposed PUD will be extending existing streets and utilities to and thru the proposed development, which will facilitate the efficient extension of these public facilities for future development in the surrounding area. Therefore, as proposed, adequate public services are available and there will be no additional burdens placed on any of the City's public systems serving the site.

9. *That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met.*

**RESPONSE:** The proposal satisfies the above criterion because the Applicant has demonstrated throughout this narrative, as well as with the supporting application materials, that the proposed PUD meets both the general objectives of the PUD concept and the specific objectives of the various categories of the PUD's described in this Chapter.

10. *The 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 16.40.050(C)(3).*

**RESPONSE:** The Applicant's proposal meets this criterion because the minimum area of the subject property site is 5.77 acres in size, which exceeds the minimum lot size requirement of 5 acres for a residential PUD.

#### **D. Council Action**

*Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to Chapter 16.72. The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan*

shall be by ordinance establishing a PUD overlay zoning district. The ordinance shall contain findings of fact as per this Section, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per Section 16.40.030.

**E. Effect of Decision**

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals.

**RESPONSE:** The Applicant understands the City's review and approval process for a PUD development proposal and is agreeable to the process as outlined above.

**16.40.030 Final Development Plan**

**A. Generally**

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family structure or use not addressed under 16.40.020(B)(6), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be processed concurrently with the Final Development Plan.

**B. Final Subdivision Plat**

If the PUD involves the subdivision of land, a final plat shall be prepared and submitted for final approval, pursuant to chapter 16.124.

**RESPONSE:** Similar to the previous procedural requirements for reviewing a PUD development proposal, the Applicant understands the City's process for approval of the PUD overlay zoning district and is agreeable to participate in the "Final Development Plan" process as outlined above.

**16.40.050 Residential PUD**

**A. Permitted Uses**

The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:

1. Varied housing types, including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.

**RESPONSE:** With this PUD development proposal, the Applicant is proposing a variety of housing types that will include both single-family detached, as well as single-family attached Townhouses (i.e. zero-lot line) in compliance with the above listed permitted uses in a Residential PUD.

**C. Development Standards**

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 Subsection (C)(2), below or 16.40.040.C above.

**RESPONSE:** The net buildable area is 3.85 acres and the minimum density in the HDR zoning district is 16.8 units per acres. In order to determine the density for the proposed PUD you need to multiply the net buildable area by the minimum allowed density (3.85 x 16.8) which equals 65 units. As proposed, the

PUD will have a total of 66 dwelling units, which meets the minimum density requirements of the HDR zone.

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.*

**RESPONSE:** As noted above, the Applicant's proposal satisfies the minimum density of the HDR zoning district, therefore, no density transfer is being proposed or requested with this development proposal.

3. *Minimum Lot Size*

*The minimum lot size required for single-family, detached dwellings is 5,000 square feet, unless the subject property qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size.*

**RESPONSE:** With this PUD proposal, the Applicant is requesting a deviation to the minimum lot size identified in Sub-Section "C" above because it will not work for the proposed housing types. When the zone change was approved, the City council gave approval for the subject property to reduce the detached house lot size below 5,000 sf and the attached house lot size below 4,000 sf as opposed to changing the code to allow these reductions city wide. Findings regarding this city council action are contained in Exhibit 6. The density is identified on Sheet 8 of Exhibit 1.

The proposed development is a Planned Unit Development (PUD) with lots ranging in size from 1,600 square feet to 3,245 square feet in size. Planned Unit Developments allow for deviations from traditional lot standards, as noted above, when appropriate actions are taken by the applicant to accommodate the intent of the standard through the design of the PUD. To meet this intent, we have proposed a network of trails, open space, and a public mini-neighborhood park for the benefit of the immediate residences and their guests. The amount of open space, as well as the community amenity, justifies the reduction in lot size for the individual cottage lots.

**16.44.010 Townhome Standards**

**A. Generally**

*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 Division V - Community Design. Such developments that propose townhomes can do so as condominiums on one parent lot, or in a subdivision, but shall do so in groups known as "townhome blocks," which consist of groups no less than two attached single-family dwellings and no more than six in a block, that meet the general criteria of Subsection B below, and specific design and development criteria of this Chapter.*

**RESPONSE:** The proposed development is a Planned Unit Development (PUD) within the HDR zone consisting of townhome blocks ranging in groups of three (3) to five (5) single-family dwelling units in a block. Compliance with Subsection B below, as well as with specific design and development criteria contained within this chapter are discussed in detail throughout this narrative.

**B. Standards**

1. *Each townhome shall have a minimum dwelling 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.*

**RESPONSE:** As mentioned previously the site is zoned HDR and the minimum floor area of the proposed townhouses is approximately 1500 square feet, exclusive of the garage. Therefore, the proposed townhomes exceed the 1000 square foot requirement within the HDR zone.

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 Subsection D below. If proposed as a subdivision, lots shall be platted with a width of no less than twenty (20) feet, and depth no less than seventy (70) feet.*

**RESPONSE:** The proposed development is a Planned Unit Development (PUD) within the HDR zone. The total building area for the townhouses is 92,221 square feet, as shown on Sheet 8 of Exhibit 1. This number divided by 51 townhouses equals 1,808 square feet. The proposal satisfies the above criterion because the lot sizes for the townhouses average 1,808 square feet in size, which exceeds the 1,800 square foot average lot size requirement in the HDR zone. The minimum lot width for the townhouse lots is 20 feet.

3. *The townhome 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.*

**RESPONSE:** The subject property does not directly abut a residential zone designated for single-family detached homes. The townhouse along the north east corner of the property are located adjacent to apartment buildings and the setbacks as discussed above are fairly large along the rear setback property boundary. Consistent with the intent and purposes of a Planned Unit Development (PUD), we are requesting deviations to the minimum HDR zone setbacks throughout the development with the exception of the larger townhome lots. To help off-set the reduced setbacks for the townhomes open space tracts are provided at both ends of SW "A" street to create a larger buffer between street and townhome.

4. *All townhomes shall include at least two (2) off-street parking spaces in the HDR zone, and two and one-half (2-½) spaces in the MDRH zone; garages and/or designated shared 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.*

**RESPONSE:** The applicant proposes to construct a total of fifty-one (51) townhouse units as part of the PUD proposal, consisting of both single-car and double-car garages for the residential townhome use. Of the fifty-one (51) townhome units, thirty-eight (38) of them will be designed as front loaded garage townhouses and have 2 off-street parking spaces (i.e. one space provided in the single-car garage and one in the driveway in front of the garage) located on-site for a total of 102 off-street parking spaces, which is in compliance with the above code requirement. However, per Code Section 16.94.010.E.1, the City does not allow off-street parking spaces for residential uses to be located within a garage space. As such, thirty-eight (38) of the fifty-one (51) proposed townhouse units will only have one (1) off-street parking space per unit. Due to this discrepancy in the Code for off-street residential parking, the Applicant is requesting a modification to Code Section 16.94.010.E for the thirty-eight (38) front loaded garage townhouses with this PUD proposal. To help mitigate the parking requirement for the thirty-eight (38) townhouse units, nineteen (19) on-street parking spaces will be provided along the west side of "SW A Street" and sixty (60) on-street parking spaces will be provided along both sides of Cedar Brook Way for a total of seventy-nine (79) on-street parking spaces (see Sheet 4 of Exhibit 1).

The thirteen (13) rear loaded alley garage townhouses will have two (2) off-street parking spaces in the garage and two (2) parking spaces in front of the garage for a total of fifty-two (52) off-street parking spaces. Of the fifty-two (52) proposed off-street parking spaces, twenty-six (26) of the off-street parking spaces will be provided in a two-car driveway thereby complying with both the above criterion, as well as

Code Section 16.94.010.E.1. Therefore, no PUD exception is being requested for the thirteen (13) rear loaded alley garage townhouses.

A parking plan, to be reviewed and approved with the Site Plan application, has been included by the Applicant as part of the overall PUD application materials (see Sheet 4 of Exhibit 1).

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 Subsection E, Design Standards.*

**RESPONSE:** The proposal meets this criterion because as shown on Exhibit 2 the exterior of the housing units will 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.

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

**RESPONSE:** The above criterion does not apply to the Applicant's proposal because the subject property is zoned HDR. Nevertheless, all fifty-one (51) proposed townhomes will have an attached garage.

7. *All other community design standards contained in Divisions V, VIII and IX 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 this Chapter, shall apply to townhome blocks.*

**RESPONSE:** In both the written narrative and the submitted application materials, the Applicant has adequately addressed all applicable Code Sections relating to the townhome units and has demonstrated that the proposed PUD is consistent with the intent and purpose of the community design standards for townhome blocks contained in Divisions V, VIII, and IX.

8. *All townhome developments shall accommodate an open space or park area no less than five percent (5%) of the total subject parcel (prior to exclusion of public right-of-way and environmentally constrained areas). Parking areas may not be counted toward this five percent (5%) requirement.*

**RESPONSE:** This criterion has been addressed in detail previously within this narrative. Nevertheless, the proposal satisfies the above criterion because the Applicant is proposing to dedicate proposed Tract "K" to the City as a mini-neighborhood park. Also, since this development is proposed as a PUD, a total of 15% open space must be provided. The current plan shows that 21% of the Net buildable Area is in common open space which exceeds the above 5% 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:*

a.	100 feet to 150 feet	6 feet minimum
b.	Less than 100 feet	5 feet minimum

\* *In the case of condominium projects where no property line may exist at the end of each townhome block, the setback shall be applied as a minimum area of separation, as applied to each townhome block.*

**RESPONSE:** The maximum length of the proposed "townhome block" is 110 feet. The minimum proposed side yard setback to the property line for the townhome blocks is 4-feet. However, our PUD request is for 3-foot side yards to the property line in a few locations in the event they are necessary for

the townhouses to fit on the lots. Therefore, the Applicant is requesting a deviation to this standard as part of the PUD proposal.

**E. Design Standards**

*Each townhome block development shall require the approval of a site plan, under the provisions of Section 16.90.020, 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 six (6) units or one-hundred fifty (150) feet from end-wall to end-wall.*

**RESPONSE:** The Applicant's proposal satisfies the above criterion because the maximum number and width of consecutively attached townhomes does not exceed six (6) units or one-hundred fifty (150) feet from end-wall to end-wall. The Applicant is proposing a maximum of five (5) unit townhomes with a width of 110-feet. Compliance with Section 16.90.020, Architecture and Site Planning, has been addressed elsewhere within this report.

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 and built to City standards as illustrated in the Transportation System Plan.*

**RESPONSE:** The proposed PUD complies with the above criterion because all townhomes shall only receive vehicle access from either the front or the rear lot line exclusively, not both. Alleys are proposed in compliance with city standards.

3. *Street Access: Townhomes fronting on a neighborhood route, collector, or arterial shall use alley access, either public or private, and comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances and conflicts with other transportation users, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management. Direct access to local streets shall only be used if it can be demonstrated that due to topography or other unique site conditions precludes the use of alleys.*

**RESPONSE:** The proposed townhome units will only be taking access from an alley or a local street in compliance with the above criterion. No vehicle access is proposed from SW Cedar Brook Way or SW Meinecke Parkway.

Since the subject property is well constrained due to topography along the western property boundary and existing development along the eastern property boundary, alley access along the east side of the property would not be practical. As such, street "A" will be constructed to provide access to the subject property and the lots on the east side of the development. Since proposed street "A" will only serve the townhome units fronting along the east side of the street, very limited traffic from other developments is anticipated to occur on Street "A". Thus, street "A" will function similar to an alley even though it will be designed as a local street. In addition, street "A" will provide access to the internal private alley serving the townhome units and the single-family detached units.

Based on existing conditions surrounding the subject property, the proposed PUD has been designed to take advantage of alleys to the greatest extent possible in compliance with the above criterion.

- a. *Alley loaded garages shall be set back a minimum five feet to allow a turning radius for vehicles and provide a service area for utilities.*

**RESPONSE:** The proposal satisfies the above criterion because all alley loaded garages will be set back a minimum of 18-feet in order to allow a turning radius for vehicles and provide a service area for utilities.

- b. *If 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.*
- c. *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 twenty (20) foot wide unit may have one 12-foot wide recessed garage door and a fourteen (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.*

**RESPONSE:** The twenty-eight (28) townhome units proposed along street "A" will have their garage doors facing the street and the garage doors for these units will be recessed from the front porch by a minimum of one (1) foot.

The single-car garage doors will be 8 -feet wide and the driveways will be 10-feet wide in compliance with this code section. The proposed single-car garage doors will be only 40% of the unit width, which is less than the 60% maximum allowed above.

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

**RESPONSE:** As noted above, the single-car garage doors will be only 40% of the front façade of the townhome units, therefore, the proposal satisfies the above criterion.

- 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, gabled, or curved (i.e. barrel) roofs are required. Flat roofs are not permitted.*

**RESPONSE:** As demonstrated in Exhibit 2, the roofs of each attached townhome will be distinct from the other by using a variety of roof design (i.e. separation of roof pitches and variation in roof design) in compliance with this code section. Flat roofs are not being proposed as part of this development request.

- 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, street-side yard, and landscape corridor setbacks for neighborhood routes and collectors, and ten (10) feet for arterials, 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 16.58.010.*

**RESPONSE:** As noted throughout this narrative, the subject property is zoned HDR, therefore, the minimum requirement for front porches in the MDRH zone does not apply to the Applicant's request. Nevertheless, the front porches of the proposed houses will be about 4 to 5 feet in depth and encroach into the front yard as allowed by the above criterion. However, none of the proposed porches will encroach into the clear vision area, as defined in Section 16.58.010. As proposed, the Applicant's PUD complies with the above criterion.

- 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.*

**RESPONSE:** The submitted architectural elevations comply with the above standards.

- e. *All building elevations visible from the street shall provide doors, porches, balconies, windows, or architectural features to provide variety in facade. All front street-facing elevations, and a minimum of fifty percent (50%) of side and rear street-facing building elevations, as applicable, shall meet this standard. The standard applies to each full and partial building story. Alternatively, in lieu of these standards, the Old Town Design Standards in Chapter 16.162 may be applied.*

**RESPONSE:** The proposal meets the above criterion because all side elevations will have some articulation and windows in compliance with this standard. The front and rear elevations of the buildings also meet this standard.

- 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.*

**RESPONSE:** The subject property is zoned HDR and the maximum building height within the HDR zone is 40-feet or three (3) stories for residential uses. The Applicant's proposal meets the above criterion because all proposed dwelling units will be two (2) stories and less than 40-feet in height.

- 5. *Vehicular Circulation: All streets shall be constructed in accordance with applicable City standards in the Transportation System Plan. The minimum paved street improvement width shall be:*
  - a. *Local Street: Twenty-eight (28) feet, with parking allowed on one (1) side.*
  - b. *Neighborhood Route: Thirty-six (36) feet, with parking on both sides.*
  - c. *Collector: Thirty-four (34) feet with parking on one side, fifty (50) feet with parking on both sides.*
  - d. *In lieu of a new public street, or available connection to an existing or planned public street, a private 20 foot minimum driveway, without on-street parking, and built to public improvement standards, is allowed for infill properties as defined in Section 16.44.010(D). All townhome developments in excess of thirty (30) units require a secondary access.*
  - e. *Any existing or proposed street within the townhome block that, due to volumes of traffic, connectivity, future development patterns, or street location, as determined by the City, functions as a neighborhood route or collector or higher functional classification street based on connectivity, shall be constructed to full City public improvement standards.*

**RESPONSE:** The proposed local street "A" will have paved width of 28-feet with parking on one (1) side of the road where no driveways will be located. SW Cedar Brook Way is designated as a local street, as well as a Neighborhood Route, due to of the number of existing and proposed dwelling units it serves. Based on numerous conversations with City Staff, the Applicant designed SW Cedar Brook Way as required by the city. SW Cedar Brook Way will have a paved width of 36-feet which will allow for parking on both sides of the roadway. Lots 29 through 66 will be served via a 20-foot wide private alley. Code Section 16.44.010.E.3 requires an alley to be either public or private if access on a street is not recommended by city staff. In this case, driveways on Cedar Brook Way and Meinecke Parkway are not recommended by city staff. Therefore, the Applicant has proposed the use of an alley as allowed with a PUD development. This option was previously approved by the City with the Arbor Terrace Row Houses located on the west side of Langer Farms Parkway between Century Drive and Langer Drive. Tax maps and aerials of this development are shown by Exhibit 3. Similar to Arbor Terrace, the proposed Cedar Brook PUD will have some of the proposed townhouse lots fronting onto open space with the only street frontage for these lots being along the private alley (i.e. lots 54 to 66).

**16.58.010 - Clear Vision Areas**

- A. *A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.*
- B. *A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.*
- C. *A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.*

*The following requirements shall govern clear vision areas:*

- 1. *In all zones, the minimum distance shall be twenty (20) feet.*
- 2. *In all zones, the minimum distance from corner curb to any driveway shall be twenty-five (25) feet.*
- 3. *Where no setbacks are required, buildings may be constructed within the clear vision area*

**RESPONSE:** We understand the importance of maintaining a clear-vision area on our corner lots and we very much want to have safe streets within our PUD. To that end, as demonstrated on the submitted site plan, the required clear vision areas will be maintained at the intersection of SW Cedar Brook Way and proposed street “A”, as well as at the intersection of SW Meinecke Parkway and proposed street “A”. In addition, where necessary, clear vision easements have been provided on Tracts A and C to ensure that these areas will remain free of any site obstructing objects.

With the exception of the alley driveway for lot 53, which is located approximately 15-feet from proposed street “A”, the proposed setbacks comply with the above corner intersection clear-vision requirements. Consequently, the Applicant is seeking relieve to this standard through the PUD process. Please see the Site Plan for more detail on the proposed clear-vision setback.

Any landscaping or fencing located within the required clear vision area will be no more than 2 ½ feet in height or trees with a canopy height greater than 7-feet at all time, within the clear vision area consistent with the above criteria.

**16.60.020 - Corner Lots**

*On a corner lot, or a reversed corner lot of a block oblong in shape, the short street side may be used as the front of the lot provided:*

- A. *The front yard setback shall not be less than twenty-five (25) feet; except where otherwise allowed by the applicable zoning district and subject to vision clearance requirements.*

- B. *The side yard requirements on the long street side shall conform to the front yard requirement of the zone in which the building is located.*

**RESPONSE:** The minimum side yard setback at the “pinch-point” for corner lots 1, 28, 29, and 53 will be 8 to 10 feet. However, because these lots flair out along the long street side and have open space tracts located immediately adjacent to them, the setbacks for these lots increase to a distance that is more than adequate for proper vision clearance. Nevertheless, reduced corner lot setbacks are being requested with this PUD application.

## **Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS**

### **16.72.010 Generally**

#### **A. Classifications**

*Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:*

*Type V - The following legislative actions shall be subject to a Type V review process:*

- c. Planned Unit Development — Preliminary Development Plan and Overlay District.*

#### **Hearing and Appeal Authority**

*1. Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.*

**RESPONSE:** Per the above code Sections, a Planned Unit Development (PUD) is processed as a Type V application with review by both the Planning Commission and the City Council. Additionally, notification to DLCD is required 35 days in advance of the first Planning Commission meeting because the City processes a PUD as a zone change overlay. The Applicant understands the City's procedures for processing a PUD request and is agreeable to participate in the process as outlined in the City's code.

### **16.90.0 Site Plan Review**

#### **16.90.020 Site Plan Review**

##### *A. Site Plan Review Required*

*Site Plan review shall be required prior to any substantial change to a site or use, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use, and prior to the issuance of a sign permit for the erection or construction of a sign. For the purposes of Section 16.90.020, the term "substantial change" and "substantial alteration" shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:*

- 5. The activity is subject to site plan review by other requirements of this Code.*

**RESPONSE:** Pursuant to Section 16.44.010.E of the Code, Townhouse uses require Site Plan Review. Adequate information has been submitted with this application to demonstrate compliance with the Site Plan Review section of the Sherwood code and all applicable Site Plan Review criteria are addressed below.

#### **16.90.030 Site Plan Modifications and Revocation**

##### *D. Required Findings*

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

*1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.*

**RESPONSE:** The Applicant has demonstrated throughout this narrative, as well as with the submitted supporting application materials, that the proposed PUD development can either meet or exceed the applicable zoning district standards and design standards in Division II, and all applicable provisions of Divisions V, VI, VIII and IX.

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

**RESPONSE:** The proposed PUD will not cause any undue burden on the City's street, sewer, or water facilities. In addition, adequate storm-water facilities, electric power, and communication lines serve the site and can be extended to the site to meet City policy. The proposed PUD is in conformance with the Community Development Plan.

*3. 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.*

**RESPONSE:** We provide communities that are closely governed by CC&R's, maintained by a Home Owners Association and managed by a property management company. We care about our developments and we stay closely involved with our communities. The proposed PUD will be managed by a Homeowners Association (HOA) with CC&R's in place to assure an acceptable method of ownership, management, and maintenance of common ownership features. As both the land developer and home builder, the Applicant will have greater control and can provide assurances over how the property is developed, homes are constructed, and the neighborhood is ultimately managed. We strive to create neighborhoods that provide strong trail systems, street connections to other neighborhoods, common open space areas for everyone's enjoyment, natural and landscaped areas for visual interest, and attractive recreational amenities for outdoor enjoyment. The Applicant's proposal satisfies the above criterion.

*4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.*

**RESPONSE:** Existing trees and topography will be significantly preserved in the proposed neighborhood park with the development of the subdivision, but nonetheless some trees will need to be removed and topography altered in order to construct the park and accommodate the installation of the buildings. The areas preserved within the open space tracts and public neighborhood park will become an amenity for the residents by creating visual interest, as well as a sense of scale and history for the PUD.

*6. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.*

**RESPONSE:** Compliance with the above criterion has been previously addressed within this narrative. All transportation related impacts associated with the proposed PUD will be adequately addressed and mitigated for as required by the City Engineer.

**E. Approvals**

*The application shall be reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action shall include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with Chapter 16.76.*

**F. Time Limits**

*Site plan approvals shall be void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010.*

**RESPONSE:** The Applicant understands and is agreeable to the duration of approval associated with a PUD development within the City of Sherwood. Should an extension of time be required beyond the standard two (2) years, then the Applicant will make that request in writing and pay the applicable fees as required by City code.

**16.92.010 Landscaping Plan Required**

*All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.*

**16.92.020 Landscaping Materials**

**A. Type of Landscaping**

*Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.*

**RESPONSE:** The required landscape plans were submitted as part of the overall application materials and can be viewed on sheets 9, 10 and 11 of Exhibit 1. The plans show street and open space trees that will be selected from the City's list of preferred trees in Section 16.142.070 of the Sherwood Code. The open space areas and right-of-way parkways will be landscaped with a combination of lawn and evergreen ground cover.

**1. Ground Cover Plants**

*a. All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.*

*b. Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.*

**2. Shrubs**

*a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.*

*b. Shrubs must be at least the one-gallon container size at the time of planting.*

**3. Trees**

- a. *Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.*
- b. *Existing trees may be used to meet the standards of this chapter, as described in C.2. below.*

**RESPONSE:** The final landscape plan will be submitted in compliance with the above standards as part of the final PUD review. The final plans will show specific locations of lawns, ground cover, shrubs and trees. The irrigation system will also be provided as part of the final landscape plan.

#### **B. Plant Material Selection and Preparation**

1. *Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.*

2. *Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.*

**RESPONSE:** The Applicant agrees to keep all required landscaping alive and attractive at all times. As part of the final PUD review, the Applicant will provide details showing that adequate preparation of the topsoil and subsoil will be undertaken to assure that the landscaping will survive.

#### **C. Existing Vegetation**

1. *All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per this section shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Review Authority, in addition to complying with the provisions of Section 16.142.(Parks, Trees and Open Space) and Chapter 16.144 (Wetland, Habitat, and Natural Resources).*

**RESPONSE:** The subject property has been previously cleared of any substantial natural vegetation, including any trees and woodlands. Nevertheless, where possible, the Applicant proposes to preserve existing trees located in Tract "K" as part of the park development. All vegetation to be preserved will be shown on the final landscape plan as part of the final review for the PUD.

2. *Existing vegetation, except those plants on the Nuisance Plants list as identified in the "Suggested Plant Lists for Required Landscaping Manual" may be used to meet the landscape standards, if protected and maintained during the construction phase of the development.*

- a. *If existing trees are used, each tree six (6) inches or less in diameter counts as one (1) medium tree.*
- b. *Each tree that is more than six (6) inches and up to nine (9) inches in diameter counts as two (2) medium trees.*
- c. *Each additional three (3) inch diameter increment above nine (9) inches counts as an additional medium tree.*

**RESPONSE:** No trees exist on the site except for a few located in Tract K, which will be preserved to the extent possible with the development of the park

#### **D. Non-Vegetative Features**

1. *Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas.*
2. *Impervious paving shall not be counted toward the minimum landscaping requirements unless adjacent to at least one (1) landscape strip and serves as a pedestrian pathway.*
3. *Artificial plants are prohibited in any required landscaped area.*

**RESPONSE:** No artificial plants are being proposed as part of the PUD development. Additional architectural features such as decorative fencing, stone walls, rock groupings, park improvements, and monument signs may be included in the required landscaped areas.

### **16.92.030 Site Area Landscaping and Perimeter Screening Standards**

#### **A. Perimeter Screening and Buffering**

1. *Perimeter Screening Separating Residential Zones:*
  - a. *For new uses adjacent to inventoried environmentally sensitive areas, screening requirements shall be limited to vegetation only to preserve wildlife mobility. In addition, the Review Authority may require plants and other landscaping features in locations and sizes necessary to protect the privacy of residences and buffer any adverse effects of adjoining uses.*
  - b. *The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and security.*
  - c. *Evergreen hedges used to comply with this standard shall be a minimum of thirty-six (36) inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one (1) year after planting.*

**RESPONSE:** As shown on the submitted landscape plan, the site will be landscaped to ensure compatibility with, and privacy for, the surrounding residential uses. The townhouse buildings will be constructed with materials similar to those used for the single-family detached homes within the PUD, which will help to minimize adverse impacts on the site and neighboring properties. In addition, all zero lot-line lots will be landscaped, which will include a mixture on ornamental landscaping and trees, thus adding visual interest to the units and street scene. Storage of materials for all units will be available inside the attached garages. As mentioned previously, many of the existing mature trees within the neighborhood park area will be preserved and additional trees will be planted with the development of the park to further enhance not only the aesthetics of the area but to provide additional buffering and screening for the adjacent residences thereby creating a sense of privacy for neighboring properties.

The site does not abut environmentally sensitive areas, except for Cedar Brook Way. An existing white rail fence separates this sensitive area from the proposed Cedar Brook Way right-of-way improvements. Pedestrian access is provided throughout the site and extends to the pathway along the west side of the existing apartment complex. A photo of that pathway is included in Exhibit 2. This site will be very open for security purposes.

#### **D. Visual Corridors**

*Except as allowed by subsection 6 above, new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Chapter 16.142( Parks, Trees, and Open Space).*

**RESPONSE:** SW Meinecke Parkway is the only collector street abutting the site which requires a 10 foot visual corridor (see Exhibit 7 Sherwood Transportation Plan). SW Meinecke Parkway has been previously constructed adjacent to the subject property consistent with the Natural Resources and Recreation Plan Map, therefore no improvements are being proposed to SW Meinecke Parkway as part of the development proposal. However, this corridor will be maintained in the right-of-way, as well as in Tracts "A", "H" and "I". No visual corridor is required for Cedar Brook Way.

#### **16.92.040 Installation and Maintenance Standards**

##### *A. Installation*

*All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.*

##### *B. Maintenance and Mitigation of Landscaped Areas*

- 1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.*
- 2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.*
- 3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, Parks, Trees and Open Space.*

##### *C. Irrigation*

*The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas must provide an irrigation system, as stated in Option 1, 2, or 3.*

- 1. Option 1: A permanent built-in irrigation system with an automatic controller installed.*
- 2. Option 2: An irrigation system designed and certified by a licensed landscape architect or other qualified professional as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The system does not have to be permanent if the plants chosen can survive independently once established.*
- 3. Option 3: Irrigation by hand. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.*

##### *D. Deferral of Improvements*

*Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to one hundred twenty-five (125) percent of the cost of the landscaping is filed with the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the landscaping is not completed within one (1) year, the security may be used by the City to complete the installation.*

**RESPONSE:** All landscaping for this project will be installed and maintained in conformance with the above criteria. Any required landscaping improvements not installed by time of occupancy will be deferred pursuant to criterion "D" above in the form of a security equal to one hundred twenty-five (125) percent of the cost of the landscaping improvement.

#### **16.94.020 - Off-Street Parking Standards**

- A. *Single and two family homes - 1 parking space per dwelling*  
*Multi-family - 1.5 for 2 bedrooms and 1.75 for 3 bedrooms*

*If the street on which the house has direct access is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family residential unit (includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot). If the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. x 20 ft.) parking space is required.*

<sup>4</sup> *Visitor parking in residential developments: Multi-family dwelling units with more than ten (10) required parking spaces shall provide an additional fifteen (15) percent of the required number of parking spaces for the use of guests of the residents of the development. The spaces shall be centrally located or distributed throughout the development. Required bicycle parking facilities shall also be centrally located within or evenly distributed throughout the development.*

**B. Dimensional and General Configuration Standards**

1. *Dimensions For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length.*

5. *Credit for On-Street Parking*

a. *On-Street Parking Credit. The amount of off-street parking required shall be reduced by one (1) off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards.*

b. *The following constitutes an on-street parking space:*

*(1) Parallel parking, each twenty-four (24) feet of uninterrupted curb;*

**RESPONSE:** The proposed PUD includes fifteen (15) single-family detached dwelling units, thirteen (1) rear loaded townhome units, and thirty-eight (8) front loaded townhome units, for a total of sixty-six (66) dwelling units. Twenty-eight (28) of the units will have two (2) car garages with an additional two (2) off-street parking spaces provided in front of the garage in the driveway for a total of fifty-six (56) off-street parking spaces. The off-street parking for these units exceeds the requirement of one (1) parking space per single-family dwelling unit. The remaining thirty-eight (38) front loaded townhome units will have a one (1) car garage and one (1) parking space provided in front of the garage for a total of seventy-six (76) off-street parking spaces. However, per City Code, the garage is not allowed to be considered as part of the off-street parking requirement, therefore, these units only have thirty-eight (38) off-street parking spaces. As such, per the above criteria, the Applicant is requesting a reduction to the off-street parking requirement for the thirty-eight (38) front loaded townhome units through the PUD process.

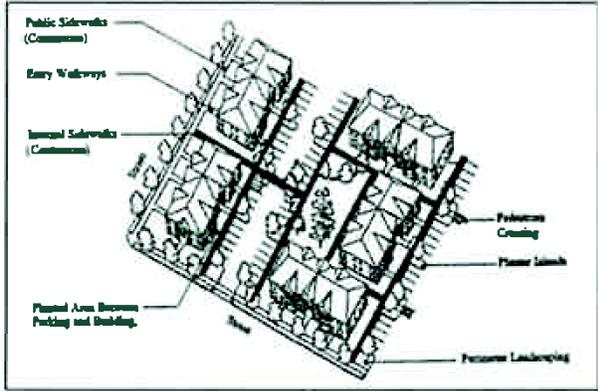
The amount of on-street parking spaces provided for the proposed PUD will be seventy-nine (79) parking spaces along both SW Cedar Brook Way and proposed SW "A" Street. Of these parking spaces, thirty-four (34) on-street parking spaces will be located immediately adjacent to the front loaded townhome units. The remaining forty-five (45) spaces will be located along SW Cedar Brook Way and be available for all dwelling units. Therefore, the proposed sixty-six (66) unit PUD will have a combination of on-street and off-street parking spaces totaling 267 parking spaces. The Applicant believes that the combination of on-street and off-street parking spaces provided for the proposed PUD will be more than adequate to serve the needs of the future residences and is in compliance with the above criteria.

**16.96.010 On-Site Pedestrian and Bicycle Circulation**

**A. Purpose**

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one-half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single-family detached housing), shall provide a continuous system of private pathways/sidewalks.

On-Site Circulation System (Multi-Family Example)



**RESPONSE:** Access to the proposed PUD subdivision will be provided by the extension of SW Cedar Brook Way, which is currently stubbed out at both the north and south ends of the property. In addition, access will also be provided via the existing SW Meinecke Parkway located along the southern boundary of the site. The neighborhood park will be within easy walking/biking distance of all residences and is intended to serve both the residents of the proposed PUD, as well as the surrounding area within a 1/2 mile. Except for the short private alley located internal to the project, all streets within the PUD will be public streets designed to City standards. The public streets will be designed to allow on-street parking and can therefore provide parking for users of the neighborhood park, if necessary. Pedestrian connections to the site will be provided via the property tight sidewalks, as well as through the walkways within the open space tracts, thus providing all residents safe and convenient connections from their homes to the surrounding area and beyond.

**B. Maintenance**

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.

**RESPONSE:** All access and circulation plans have been submitted as part of the overall application materials to be reviewed and approved by the City as part of the greater PUD development proposal.

**C. Joint Access**

Two (2) or more uses, structures, or parcels of land may utilize the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use.

**RESPONSE:** Except for lots 37 and 38, which will have joint access due to their limited lot frontage on the private alley, each lot will have its own separate access to either a public street or the private alley. All necessary legal evidence required by the City for joint access regarding lots 37 and 38 can be provided to the City as part of the final plat review process. The proposal satisfied the above criterion.

**D. Connection to Streets**

1. *Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways with paved sidewalk.*
2. *Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.*

**RESPONSE:** The proposed PUD satisfies the above criteria because every dwelling unit will have a pathway to the sidewalks in the public right-of-way. All the lots have frontage on a public street, except lots 54 thru 66, which front on the private alley. This design has been approved in past PUDs (i.e. Arbor Terrace) by the City (see Exhibit 4 for aerials, photos and a tax map).

**E. Maintenance of Required Improvements**

*Required ingress, egress and circulation improvements shall be kept clean and in good repair.*

**RESPONSE:** As mentioned previously, the proposed PUD will be maintained by a Homeowners Association (HOA), so the private alley and all the private sidewalks within the development will be kept clean and in good repair at all times.

**16.96.020 Minimum Residential standards**

*Minimum standards for private, on-site circulation improvements in residential developments:*

**A. Driveways**

1. *Single-Family: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.*
2. *Two-Family: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.*
3. *Multi-Family: Improved hard surface driveways are required as follows:*

<i>Number of Units</i>	<i>Number of Driveways</i>	<i>One Way Drive Width (Pair)</i>	<i>Two Way Drive Width</i>
<i>3—49</i>	<i>1</i>	<i>15 feet</i>	<i>24 feet</i>
<i>50 or more</i>	<i>2</i>	<i>15 feet</i>	<i>24 feet</i>

**RESPONSE:** All sixty-six (66) proposed dwelling units will be equipped with a minimum of a single-car driveway designed in compliance with driveway standards outlined above for a single-family dwelling. The proposal satisfies the above requirements.

**B. Sidewalks, Pathways and Curbs**

**16.96.040 On-Site Vehicle Circulation**

**A. Maintenance**

*No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.*

**B. Joint Access (See Chapter 16.108)**

Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfy the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use. In some cases, the City may require a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.

### **C. Connection to Streets**

1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.
2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.

**RESPONSE:** All of the above criteria have been addressed previously within this narrative. The ingress and egress, as well as access and circulation patterns will be review by the city before building permits are issued. The private alley access for Lots 29 thru 66 is jointly used even though lots 54 thru 66 do not front on a public street. A request to not connect all the lots to a public street is included with this PUD application.

### **D. Maintenance of Required Improvements**

*Required ingress, egress and circulation improvements shall be kept clean and in good repair.*

**RESPONSE:** As discussed previously, the private alley and all the private sidewalks will be maintained by a Home Owners Association.

### **16.98.020 Solid Waste and Recycling Storage**

*All uses shall provide solid waste and recycling storage receptacles which are adequately sized to accommodate all solid waste generated on site. All solid waste and recycling storage areas and receptacles shall be located out of public view. Solid waste and recycling receptacles for multi-family, commercial, industrial and institutional uses shall be screened by six (6) foot high sight-obscuring fence or masonry wall and shall be easily accessible to collection vehicles.*

**RESPONSE:** The CC&Rs will require all trash containers to be stored on the side of the house for the single-family detached units and inside the garage for the single-family attached units.

### **16.100.030 Sign Regulations by Zone**

#### **A. Residential Zones**

*No permanent sign requiring a permit shall be allowed in residential zones except for the following:*

#### **2. Multi-Family Development Signs**

- a. *One (1) non-illuminated free-standing sign per street frontage not exceeding thirty-six (36) square feet per sign face shall be permitted, the maximum height of any portion of a free-standing sign shall be limited to six (6) feet from ground level at its base.*

**RESPONSE:** No residential signs are proposed as part of the PUD development. However, a 36 square foot sign is allowed for multi-family style developments. Therefore, as part of the PUD request, we request the right to construct monument signs for this property in order to identify this development. Plans for the signs will be submitted with the final PUD application.

### **16.106.010 – Transportation Facilities**

#### **A. Creation**

*Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional street classification, as shown on the TSP Map and in Figure 1, of Chapter 6 of the Community Development Plan, and other applicable City standards. The following table depicts the guidelines for the street characteristics.*

Type of Street	Right of Way Width	Number of Lanes	Minimum Lane Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip (exclusive of Curb)	Median Width
Principal Arterial (99W)	122'	4-6	12'	Prohibited	6'	6'	5'	14'
Arterial	60-102'	2-5	12'	Limited	6 feet	6-8'	5'	14' if required
Collector	58-92'	2-3	11'	8' optional	6'	6-8'	5'	14' median turn lane
40' Commercial/Industrial Not Exceeding 3000 vehicles per day	64'	2	20'	8'	none	6'	5'	none
50' Commercial/Industrial Exceeding 3000 vehicles per day	64'	2	12'	8'	5'	6'	5'	none
Neighborhood 1,000 vehicles per day	64'	2	18'	8'	None	8'	5' with 1' buffer	none
Local	52'	2	14'	8' on one side only	None	6'	5' with 1' buffer	none
Alley	16-25'	1-2	10-12'	One side if 20'	none	none	none	none
Downtown Street Standard	60'	2	11'	7'	none	12' pedestrian zone	4' (included in pedestrian zone)	none

**RESPONSE:** With this development proposal, the Applicant is proposing Street “A” to have 47.5 feet of right-of-way with a paved width of 28-feet (see Sheet 4 of Exhibit 1 for the street cross sections). The 6 foot sidewalk on the west side of Street “A” will be separated from the pavement by a 5 foot planter strip. The 6 foot sidewalk on the east side of Street “A” will be adjacent to a rolled curb to accommodate the multiple driveways. The standard local street has a straight curb with 52 feet of right-of-way. A modification to the local street standard is being proposed with this PUD application. Even though SW Cedar Brook Way is designated as a local street, it will be extended in its current configuration beginning at the northeast corner of the property to the roundabout at the southern boundary of the site. It will be improved to the Neighborhood Route standard. The proposed alley has a right-of-way width of 21 feet and a paved surface of 20-feet in width, which compiles with the above alley standard. A 3 inch high rolled curb is proposed for the alley and no parking will be allowed on the alley.

**16.106.030 – Location of Streets**

- A. *The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.*
- B. *Street Connectivity and Future Street Systems*
  - 1. *Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).*

**RESPONSE:** The location, width and grade of the proposed streets have been designed to comply with city standards to the greatest extent practicable given the limitation of the subject property. The center line radius of Street "A" is 185 feet and the tangent length is 25 feet at the intersections. The Center line angle with SW Cedar Brook Way and SW Meinecke Parkway is about 80 degrees. The centerline radius of SW Cedar Brook Way is about 200 feet. The extension of SW Cedar Brook Way complies with the local street connectivity map as shown below in the diagram.

- 2. *Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.*
  - a. *A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the decision-maker.*
  - b. *Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.*
  - c. *Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.*

**RESPONSE:** As discussed previously in this narrative, proper connectivity is being provided with the proposed PUD development plan. Adequate pedestrian and bicycle access is provided throughout the PUD. 13 of the 35 townhome lots will be oriented in a north/south direction to take advantage of solar heat and light. As many townhome lots as possible are oriented in this direction in compliance with Chapter 16.156. Because of existing development in the area to the east, property lines and other constraints, additional solar lots are not practicable while still meeting the minimum density requirements of the HDR zoning district. All the lots and streets are laid out in compliance with Sherwood code requirements.

- 2. *Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.*

**RESPONSE:** The proposed new block length is approximately 1,400 feet in length, which is less than the maximum length of 1,800 feet required above. However, the 530 foot access spacing cannot be achieved due to existing access restrictions at the SW Meinecke Parkway / SW Cedar Brook Way traffic circle. Nevertheless, a mid-block pedestrian access point is provided in Tract "J" in order to provide a convenient connection through the proposed PUD to the traffic circle for the apartment building residents.

3. *Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.*
4. *Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.*

**RESPONSE:** The above criteria do not apply to the proposed PUD development because no proposed or existing streets must cross a water feature identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP).

6. *Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right- of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted TSP.*

**RESPONSE:** The Applicant's proposal satisfies the above criterion because all proposed paved bike and pedestrian access-ways are consistent with the cross section standards in Figure 8-6 of the TSP and are provided on public easements or right- of-way when full street connections are not possible. Spacing between connections is the minimum achievable for the site given the existing conditions surrounding the subject property. As such, an exception to the spacing requirement between pedestrian connections is being requested as part of the PUD proposal. All proposed multi-use paths will be built according to the Pedestrian and Bike Master Plans in the adopted TSP.

7. *Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:*
  - a. *Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.*
  - b. *Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or*
  - c. *Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.*

**RESPONSE:** Even though exceptions to the City's development codes are being requested as part of the proposed PUD development, the above exceptions do not apply to the Applicant's request because none of the conditions outlined in the criteria above are present on the subject property.

D. *Additional Setbacks*

Generally additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.

	Classification	Additional Setback
1.	Principle Arterial (99W)	61 feet
2.	Arterial	37 feet
3.	Collector	32 feet
4.	Neighborhood Route	32 feet
5.	Local	26 feet

**RESPONSE:** The above Section D does not apply to the Applicant's proposal because no additional setbacks are being requested as part of the development proposal.

**16.106.040 – Design of Streets**

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood Transportation System Plan, and City of Sherwood's Engineering Design Manual.

A. *Reserve Strips*

Reserve strips or street plugs controlling access or extensions to streets are not allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the appropriate jurisdiction that maintains the street.

B. *Alignment*

All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet are not allowed.

C. *Future Extension*

Where necessary to access or permit future subdivision or development of adjoining land, streets shall extend to the boundary of the proposed development and provide the required roadway width.

D. *Intersection Angles*

Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In all cases, the applicant shall comply with the Engineering Design Manual.

F. *Grades and Curves* Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual

H. *Buffering of Major Streets*

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting

the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

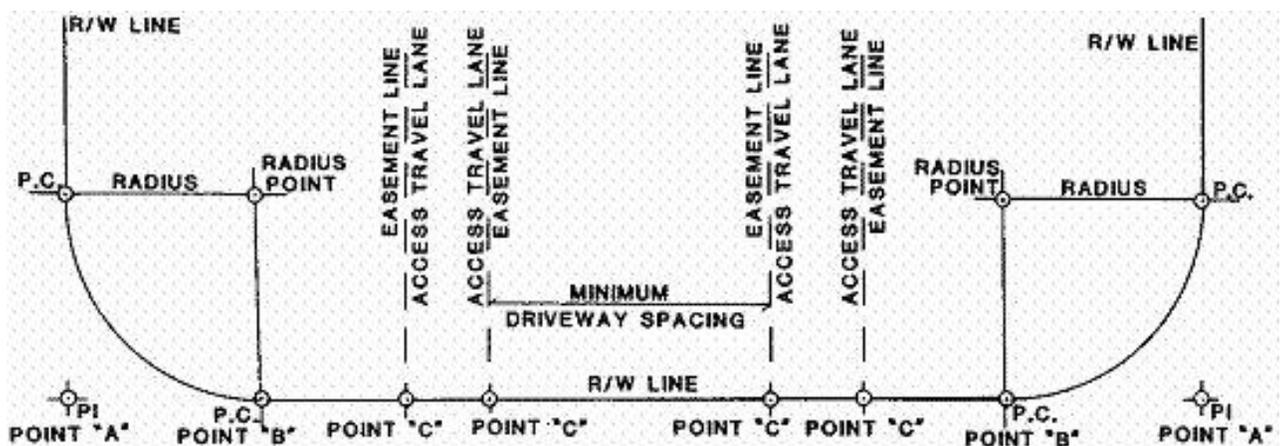
**K. Traffic Controls**

1. An application for a proposed residential development that will generate more than an estimated 200 average daily vehicle trips (ADT) must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.
2. For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT, or as otherwise required by the City Engineer, the application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.

**M. Vehicular Access Management**

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the Engineering Design Manual.

1. Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.
  - a. Minimum right-of-way radius at intersections shall conform to city standards.
  - b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to the Engineering Design Manual.
  - c. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
  - d. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
  - e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:



2. Roadway Access
 

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street

or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

a. *Local Streets:*

*Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.*

b. *Neighborhood Routes:*

*Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than fifty (50) feet.*

**RESPONSE:** No reserve strips are proposed. All of the streets are properly aligned. The streets are designed to comply with city standards. The center line radius of Street "A" is 185 feet and the tangent length is 25 feet at the intersections. The Center line angle with SW Cedar Brook Way and SW Meinecke Parkway is approximately 80 degrees which exceeds the City Engineering Design Manuel standard of 75 degrees. The centerline radius of SW Cedar Brook Way is roughly 200 feet. The extension of SW Cedar Brook Way complies with the local street connectivity map on the next page of this report.

Fencing will be provided along SW Meinecke Parkway for safety reasons in compliance with the above code requirements. No fencing will be provided along SW Cedar Brook Way because the traffic volume will be low and fencing for safety is not necessary.

A traffic report was submitted with this application because trip generation will be over 200 per day. Driveways are lot located in closer than 10 feet to an intersection property line radius. The intersection property line radius will be 15 feet.

**16.106.060 - Sidewalks**

A. *Required Improvements*

1. *Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.*
2. *For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.*

B. *Design Standards*

1. *Arterial and Collector Streets*

*Arterial and collector streets shall have minimum eight (8) foot wide sidewalks/multi- use path, located as required by this Code.*

2. *Local Streets*

*Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.*

3. *Handicapped Ramps*

*Sidewalk handicapped ramps shall be provided at all intersections.*

C. *Pedestrian and Bicycle Paths*

*Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.*

**RESPONSE:** The proposed development contributes to the orderly development of the transportation network of roads, bikeways, and pedestrian facilities by providing new facilities that will connect to the existing transportation network surrounding the site. The city requires 8 foot sidewalks along SW Cedar Brook Way and 6 foot sidewalks along Street "A". The interior private sidewalks are 5 feet in width. Handicapped ramps will be provided in compliance with city code. The Tract "J" pedestrian access exceeds the 330 foot maximum length. However, it is properly located at the traffic circle intersection. This access location directs pedestrian and bicycle traffic to an appropriate pedestrian crossings rather than mid-block between Lots 39 to 53. For this reason, a mid-block access between Lots 39 and 53 is not necessary and requested not to be required with this PUD application.

**16.110.010 - Required Sanitary Sewer Improvements**

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

**16.112.010 - Required Water Line 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 or shall construct new mains appropriately sized and located in accordance with the Water System Master Plan.*

**16.114.010 - Required Storm Sewer Improvements**

*Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement.*

**RESPONSE:** Sanitary sewer, storm drainage and water line facilities will be provided with the extension of SW Cedar Brook Way. Detailed plans showing these facilities have been included with the submitted application materials (see Exhibit 7). Existing and proposed utilities are shown by Sheet 6 of Exhibit 1. The sanitary sewer line is 8" in diameter, the water line is 12" in diameter and the storm sewer line is 12" in diameter. The "high volume" storm sewer line will have an outfall at the northeast corner of the site. The "low volume" storm sewer will flow into the exiting 12" storm line in SW Cedar Brook Way and outfall into the water quality facility located on the north side of SW Cedar Brook Way. This water quality facility serves the apartments and the McFall Estates subdivision. Exhibits 11 show the existing storm sewer lines and this water quality facility. If necessary, slight modifications to this facility will occur to increase the capacity to server the PUD.

**16.116.010 - Required Fire Protection Improvements**

*When land is developed so that any residential structure is further than five hundred (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.*

**RESPONSE:** Adequate fire hydrants will be provided for the PUD in accordance with fire department spacing requirements.

**16.118.010 – Purpose - Public and Private Utilities**

*Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.*

**RESPONSE:** All dry utilities will be provided and extend to each newly created lot as required by City Code.

**16.120.010 – Purpose - Subdivisions**

*Subdivision regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.*

**16.120.020 - General Subdivision Provisions**

- A. *Approval of a subdivision occurs through a two-step process: the preliminary plat and the final plat.*
  - 1. *The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and*
  - 2. *The final plat shall reflect all conditions of approval of the preliminary plat.*
- B. *All subdivision proposals shall conform to all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.*
- C. *Future re-division*

*When subdividing tracts into large lots, the Approval Authority shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this Division.*
- D. *Future Partitioning*

*When subdividing tracts into large lots which may be re-subdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.*
- E. *Lot averaging*

*Lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district subject to the following regulations:*

  - 1. *The average lot area for all lots is not less than allowed by the underlying zoning district.*

2. *No lot created under this provision shall be less than 90% of the minimum lot size allowed in the underlying zoning district.*
3. *The maximum lot size cannot be greater than 10% of the minimum lot size.*

**F. Required Setbacks**

*All required building setback lines as established by this Code, shall be shown in the preliminary subdivision plat.*

**G. Property Sales**

*No property shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to this Code.*

**COMMENT:** This preliminary plat complies with ORS 92. No future re-subdivision is anticipated because no developable property is adjacent to the subject property. The lots are much smaller than 90% of the code requirement of 5,000 sf for detached house lots and 4,000 sf for attached house lots. Since this development is a PUD, modifications to the above requirements are requested. The proposed setbacks to be modified with this PUD application are shown on Sheet 4 of Exhibit 1, as well as in the table provided in the beginning of this report.

**16.120.030 - Approval Procedure-Preliminary Plat**

**A. Approval Authority**

1. The approving authority for preliminary and final plats of subdivisions shall be in accordance with Section 16.72.010 of this Code.
  - a. A subdivision application for 4-10 lots will follow a Type II review process.
  - b. A subdivision application for 11-50 lots will follow a Type III review process.
  - c. A subdivision application for over 50 lots will follow a Type IV review process.

**RESPONSE:** The proposed PUD subdivision is over 50 lots in size and, therefore, will be reviewed by the City as a Type V application. A Type V application requires review by both the Planning Commission and the City Council. The Applicant understands the City's procedure for reviewing a PUD proposal and is agreeable to the process as defined by City Code.

**16.120.040 - Approval Criteria: Preliminary Plat**

*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.*
- 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.*
- C. *The plat complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The subdivision complies with Chapter 16.128 (Land Division Design Standards).*

- D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.
- E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.
- F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.
- G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060
- H. The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.
- I. A minimum of five percent (5%) open space has been provided per § 16.44.B.8 (Townhome- Standards) or §16.142.020 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.

**RESPONSE:** The impacts on public facilities and services of the proposed development were contemplated under the City of Sherwood General Plan, Transportation System Plan, and Sewer and Water Master Plans. City sewer and water extensions are proposed to be built within the proposed road sections. Street and utility systems are designed to comply with city standards with the exception of Street “A”. The street standard for Street “A” is prosed to be modified with Section 145 Public Works Modifications and through the PUD procedure. The plat complies with all zoning ordinance requirements other than the modifications requested with this PUD. One owner owns all the land. The plan shows no adjacent developable property. No trees exist on the developable potion of the property. A few trees are located on the south side of the open space Tract “K”. These trees will be retained. The lot numbers, setbacks, dedications and easements are shown on the preliminary plat. The net buildable area is 167,888 square feet. The open space is required to be 5% of the net buildable which equals 8,394 square feet. However, this application is a PUD and 25,182 square feet of open space is required which is 15% of the net buildable area. The open space provided with this application is 35,420 square feet which is 21% of the net buildable area.

**16.128.010 - Blocks**

A. Connectivity

1. Block Size

*The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.*

2. Block Length

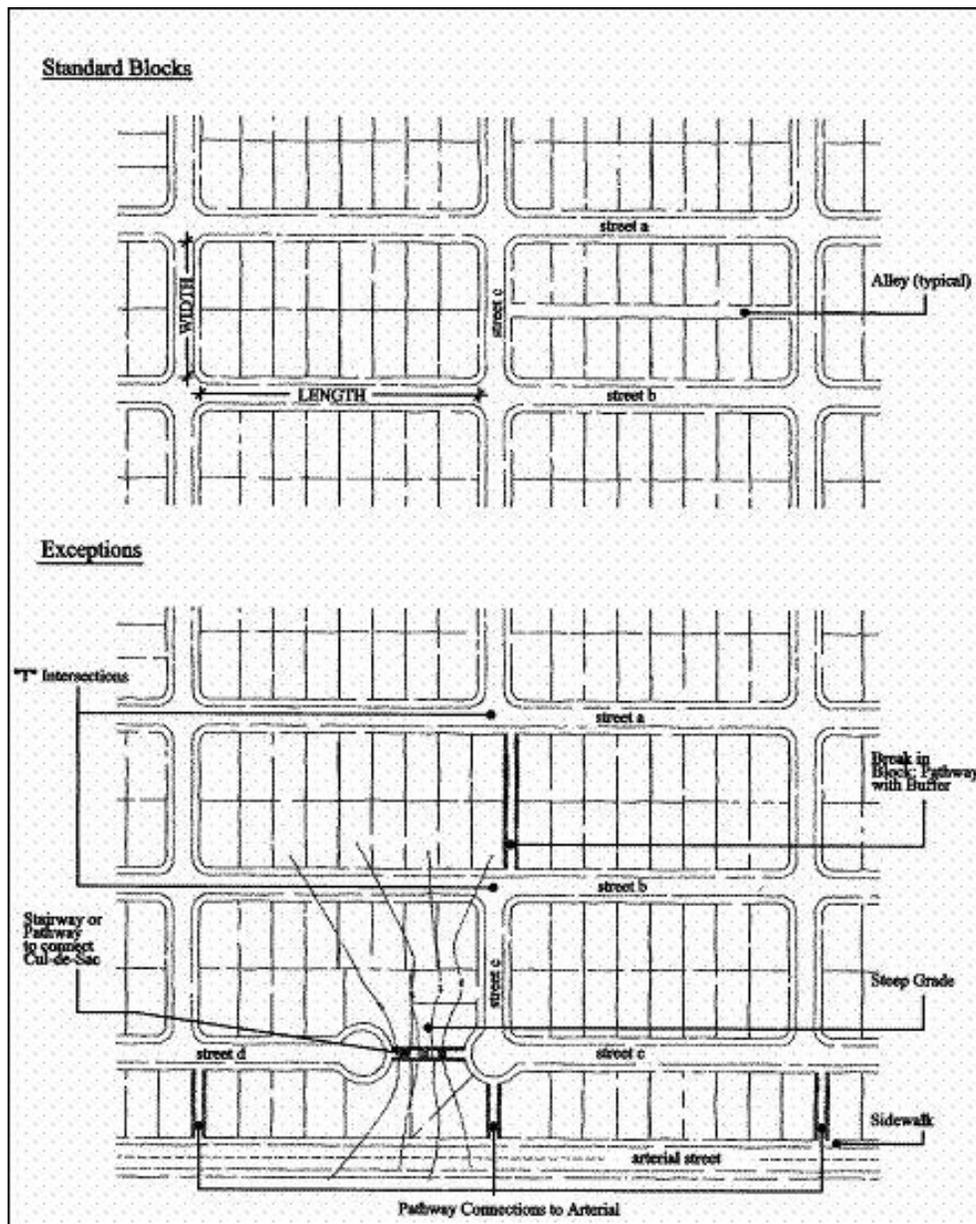
*Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.*

3. Pedestrian and Bicycle Connectivity.

*Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.*

**RESPONSE:** The length, width, and shape of blocks have been designed to accommodate existing topography, parcel shape, access restrictions, and adequate building site sizes for the proposed home types. The street widths are compatible with the surrounding neighborhood street widths and are designed with the limitations of existing topography in mind. Proper connectivity is provided with the development plan. The new block length is about 1400 feet which is less than the maximum length of 1800 feet. The 530 foot access spacing cannot be achieved because of access restrictions at the Meinecke and Cedar Brook traffic circle. However, in order to minimize out of direction travel for the pedestrians, a mid-block connecting access corridor will be provided with Tract "J" to connect with the traffic circle. The extension of SW Cedar Brook Way to the traffic circle formed with SW Meinecke Parkway is shown on the Transportation Plan on page 34 of this report. Adequate pedestrian and bicycle access is provided. All the lots and streets are laid out in compliance with Sherwood code requirements and Figure 7.401 on the next page of this report.

**Figure 7.401 — Block Connectivity**



- B. *Utilities Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.*
- C. *Drainages. Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.*

**COMMENT:** The above information is shown of the development plans. No water courses traverse this property.

**16.128.020 - Pedestrian and Bicycle Ways**

*Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.*

**RESPONSE:** Pedestrian access ways are proposed throughout the open space tracts. These pedestrian paths are also proposed along the longer blocks to minimize travel distance for the pedestrian within and adjacent to the site. These pedestrian access way connections will provide improved pedestrian access within the site, as well as to other areas outside the PUD boundaries. No odd shaped blocks or cul-de-sacs are proposed with this subdivision and adequate pedestrian and bicycle access is provided.

**16.128.030 - Lots**

- A. *Size and Shape*  
*Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision or partition, and shall comply with applicable zoning district requirements, with the following exception:*
  - 1. *Lots in areas not served by public sewer or water supply shall conform to any special County Health Department standards.*
- B. *Access*  
*All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.*
- C. *Double Frontage*  
*Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.*
- D. *Side Lot Lines*  
*Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.*
- E. *Grading*  
*Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:*

1. *Cut slopes shall not exceed one (1) and one-half (1 1/2) feet horizontally to one (1) foot vertically.*
2. *Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.*

**RESPONSE:** The lots are designed to follow the contours and shape of the property. The proposed lots are compatible with the HDR zone, the gentle slope and the location of the property with existing high density residential and commercial development. Public utilities will be available to serve all the lots. All of the lots, except 29 to 38 and 54 to 66, have access on a public street. A modification to Sub-Section B above is proposed with this PUD application. Lots 29 to 53 have double frontage. Lots 29 to 38 need to back up the Meinecke Parkway for safety reasons because it is a collector street. Lots 39 to 53 also have double frontage because of the alley access. To the greatest extent practicable, all the lots have property lines which are generally at right angles to the streets. Development of these lots will not create excessive grading. Cuts and fills will not exceed the requirements of the above Sub-Section E. This property is relatively flat and suitable for small lots.

**16.142.030 - Single-Family or Duplex Residential Subdivisions**

- A. *A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. The following may not be used to calculate open space:*
  1. *Required yards or setbacks.*
  2. *Required visual corridors.*
  3. *Required sensitive areas and buffers.*
  4. *Any area required to meet a standard found elsewhere in this code.*
- B. *Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.*
  1. *Example: If a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement.*
- C. *The open space shall be conveyed in accordance with one of the following methods:*
  1. *By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager's designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;*
  2. *By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.*

- D. *The density of a single-family residential subdivision shall be calculated based on the net buildable site prior to exclusion of open space per this Section.*
1. *Example: a 40,000 square foot net buildable site would be required to maintain 2,000 square feet (5%) of open space but would calculate density based on 40,000 square feet.*
- E. *If a proposed residential subdivision contains or is adjacent to a site identified as "parks" on the Acquisition Map of the Parks Master Plan (2006) or has been identified for acquisition by the Sherwood Parks and Recreation Board, establishment of open space shall occur in the designated areas if the subdivision contains the park site, or immediately adjacent to the parks site if the subdivision is adjacent to it.*
- F. *If the proposed residential subdivision does not contain or is not adjacent to a site identified on the Parks Master Plan map or otherwise identified for acquisition by the Parks and Recreation Board, the applicant may elect to convey off-site park/open space.*
- G. *This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.*
- H. *The value of the open space conveyed under Subsection (A) above may be eligible for Parks System Development Charges (SDCs) credits based on the methodology identified in the most current Parks and Recreation System Development Charges Methodology Report.*

**RESPONSE:** A minimum of 21% of the net developable area or 35,420 sq. ft. is designated as Open Space which exceeds the PUD requirement of 15%. The total net developable area of the site is 167,888 sq. ft. The required 15% open space for a PUD is 25,183 sq. ft. The larger Tracts C, E, J and K and the pedestrian access established with Tract B combined to equal 26,050 sq. ft., which is 15% of the Net Buildable Area. All of these tracts are usable and comply with the above definition of usable open space. These tracts will provide both active and passive uses for the residents that live in this development. All the other tracts qualify for enhanced **"boulevard treatments"** as identified in Sub-Section B above. Those tracts are 9,370 sq. ft. in area which is less than the 10,000 sf limit. Except for Tracts K, L and M, which the Applicant proposes to dedicate to the City as a mini-neighborhood park, all open spaces will be maintained by a Homeowners Association (HOA) in accordance with Sub-Section C. No future identified parks are shown on the Parks Master Plan which are required to be developed first as open space. However, the Exhibit 8 Park Acquisition Map shows the city is interested in park dedication along Cedar Creek. With this proposal, the Applicant is proposing the development of Tract K as a mini-neighborhood park to be funded by the Park SDCs generated by the proposed PUD as mentioned previously in this statement.

**16.142.040 - Visual Corridors**

- A. *Corridors Required*
- New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on Figure 8-1 of the Transportation System Plan shall be required to establish a landscaped visual corridor according to the following standards:*

	<i>Category</i>	<i>Width</i>
1.	<i>Highway 99W</i>	<i>25 feet</i>

2.	Arterial	15 feet
3.	Collector	10 feet

*In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. In all other developments, the visual corridor shall be on private property adjacent to the right-of-way.*

**B. Landscape Materials**

*The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.142.060, shall be planted in the corridor by the developer. The improvements shall be included in the compliance agreement. In no case shall trees be removed from the required visual corridor.*

**C. Establishment and Maintenance**

*Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.*

**D. Required Yard**

*Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c).*

**RESPONSE:** The required 10-foot landscaped visual corridor along SW Meinecke Parkway already exists. The entire visual corridor is located in public right-of-way for SW Meinecke Parkway. The visual corridor will be even wider with Tracts A, H, I and J. Street trees will be planted along with other landscaping which will be determined at the final development plan stage. The plant material will be drought resistant in accordance with Section 16.142.060.

**16.142.050 - Park Reservation**

*Areas designated on the Natural Resources and Recreation Plan Map, in Chapter 5 of the Community Development Plan, which have not been dedicated pursuant to Section 16.142.030 or 16.134.020, may be required to be reserved upon the recommendation of the City Parks Board, for purchase by the City within a period of time not to exceed three (3) years.*

**RESPONSE:** Tracts K, L and M abut a significant portion of natural resource land owned by the City and, as part of this development proposal, the Applicant is proposing that these tracts be dedicated to the City.

**16.142.060 - Street Trees**

**A. Installation of Street Trees on New or Redeveloped Property.**

*Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be*

responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.

1. *Location: Trees shall be planted within the planter strip along newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.*
2. *Size: Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.*
3. *Types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.*
4. *Required Street Trees and Spacing:*
  - a. *The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in Section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.*
  - b. *All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.*
  - c. *A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:*
    - (1) *Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or*
    - (2) *There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and*
    - (3) *The street trees are spaced as close as possible given the site limitations in (1) and (2) above.*
    - (4) *The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.*
    - (5) *For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.*

**RESPONSE:** Street trees will be provided in accordance with the above standards. Sheet 9 of Exhibit 1 shows the location of the street trees. The type of trees will be selected from the City's street tree list.

**16.142.070 - Trees on Property Subject to Certain Land Use Applications**

A. *Generally*

*The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.*

B. *Applicability*

*All applications including a Type II - IV land use review, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other codes, policies, and standards of the City Comprehensive Plan.*

C. *Inventory*

1. *To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a tree and woodland inventory and report. The report shall be prepared by a qualified professional and must contain the following information:*

- a. *Tree size (in DBH and canopy area)*
- b. *Tree species*
- c. *The condition of the tree with notes as applicable explaining the assessment*
- d. *The location of the tree on the site*
- e. *The location of the tree relative to the planned improvements*
- f. *Assessment of whether the tree must be removed to accommodate the development*
- g. *Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.*

**RESPONSE:** Except for a couple small existing trees located on the south end of proposed Tract "K", which are shown on the submitted application materials and proposed to be preserved as part of the development proposal, the subject property is void of any significant trees or vegetation. The Applicant's proposal is in compliance with the above criterion.

2. *In addition to the general requirements of this Section, the tree and woodland inventory's mapping and report shall also include, but is not limited to, the specific information outlined in the appropriate land use application materials packet.*

3. *Definitions for the inventory purposes of this Section*

- a. A tree is a living woody plant having a trunk diameter as specified below at Diameter at Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under six (6) inches at DBH. All trees six (6) inches or greater shall be inventoried.
- b. A woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a six (6) inches or greater at DBH. Woodlands planted for commercial agricultural purposes and/or subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under this Section.
- c. A large stature tree is over 20 feet tall and wide with a minimum trunk diameter of 30 inches at DBH.

**D. Retention requirements**

- 1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.
- 2. **Required Tree Canopy - Residential Developments (Single Family Attached, Single Family Detached and Two - Family)**

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation  $\pi r^2$  to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.

	Residential (single family & two family developments)	Old Town & Infill developments	Commercial, Industrial, Institutional Public and Multi-family
Canopy Requirement	40%	N/A	30%
<b>Counted Toward the Canopy Requirement</b>			
Street trees included in canopy requirement	Yes	N/A	No
Landscaping requirements included in canopy requirement	N/A	N/A	Yes
Existing trees onsite	Yes x2	N/A	Yes x2
Planting new trees onsite	Yes	N/A	Yes

Mature Canopy in Square Feet Equation  $\pi r^2$  or  $(3.14159 * \text{radius}^2)$  (This is the calculation to measure the square footage of a circle.

The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.

Canopy Calculation Example: Pin Oak

Mature canopy = 35'

$(3.14159 * 17.5^2) = 962$  square feet

Recommended Street Trees:

Common Name	Botanical Name	Canopy Spread (feet)
<b>Acer - Maple</b>		
Cavalier Norway Maple	Acer platanoides cavalier	
Cleveland Norway Maple	p. Cleveland	30
Cleveland II Norway Maple	p. Cleveland	25
Columnar Norway Maple	p. columnare	15
Fairway Sugar Maple (sugar maple)	p. fairway	40
Olmsted Norway Maple	p. olmsted	20—25
Roughbark Maple	Acer triflorum	20
Trident Maple	Acer buergeranum	20
Rocky Mountain Glow Maple	Acer grandidentatum 'Schmidt'	15
David's Maple	Acer davidii	20
Metro Gold Hedge Maple	Acer campestre 'Panacek'	25
Red Sunset Maple (Old Town)	Acer rubrum red sunset - Red Sunset Maple (Old Town) (Provided that a root barrier is installed)	25—40
Royal Red Maple	r. royal red	20—25
Gerling Red Maple	r. gerling	25—35
Tilford Red Maple	r. tilford	30
<b>Carpinus - Hornbeam</b>		
Pyramidal European Hornbeam	Carpinus betulus pyramidalis	30—40
Pyramidal European Hornbeam	b. columnaris	15
Pyramidal European Hornbeam	b. fastigiata	15—20
Eastern Redbud	Cercic, canadensis - Canadian Red Bud	10—20
<b>Fraxinus - Ash</b>		
Dr. Pirone Ash	augustifolia dr. pirone	<a href="#">35</a> —50
Raywood Ash	raywoodi	20
Oregon Ash	latifolia	25—40
<b>Ginkgo</b>		

Autumn Gold	biloba	25—35
Fairmount	biloba	15—25
<b>Gleditsia</b>		
Honey Locust	triacanthos sunburst	20—30
<b>Liquidamber</b>		
American Sweetgum	styraciflua	40
<b>Liriodenrod</b>		30—50
<b>Magnolia</b>		
Evergreen Magnolia	grandiflora vars	
Southern Magnolia	grandiflora	40
Dr. Merrill Magnolia	kobus dr. merrill	15—20
Edith Bogue Magnolia	Magnolia grandiflora 'Edith Bogue'	15
<b>Purnus - Cherry - Plum</b>		
Double Flowering Cherry	avium plena	30—40
Scanlon Globe Cherry	avium scanlon	30—40
Japanese Cherry	serrulata vars (nonweeping)	15—30
Okame Cherry	okame	20—30
Blireana Plum	blireana	20
Pissardi Plum	pissardi	10
Krauter's Vesuvius Plum	Vesuvius	15
Amur Chokecherry	maacki	25—30
Redbark Cherry	serrula	20—30
European Birdcherry	padus	<a href="#">35</a>
Bigflowered Birdcherry	grandiflora	10—20
Rancho Birdcherry	berg	15—20
Purpleleaf Birdcherry	purpurea	10—20
Prairifire Crabapple	Malus 'Prairifire'	20
<b>Quercus</b>		
Crimson Spire Oak	Quercus alba x Q. robur 'Crimschmidt'	15
Pin Oak	palustris	<a href="#">35</a>
<b>Tilia - Linden</b>		
American Linden	americana	<a href="#">35</a> —40
Little Leaf Linden	cordata	40
Crimean Linden	euchlora	20—30
Silver Linden	tomentosa	40
Bicentennial Linden	bicentennial	30

Greenspire Linden	greenspire	20
Salem Linden	salem	20—30
Chancellor Linden	Tiliacordata 'Chancole'	20

**RESPONSE:** As noted above, the existing trees on Tract “K” are located at the south end of the tract. These trees will be retained. These trees, however, were not inventoried because no development is proposed in Tract K that would impact the existing trees. These trees will probably not be used for the 40% canopy unless determined to be necessary in the future. At that time, the trees will be inventoried and evaluated to determine if they qualify to be added to the 40% canopy. The required 40% tree canopy requirement will be provided by future planting of trees on public right-of-way, open space tracts and individual lots. The total 40% canopy requirement is 67,155 square feet (167,888 sf net buildable area x 40%). A total of 70,236 sf of tree canopy is provided which exceeds 40%. The breakdown of the tree canopy shown on sheet 9 of Exhibit 1 is as follows:

18,356 sf = 26 trees @ 30’ diameter x 706 sf (15 x 15 x 3.14 = 706 sf)  
40,262 sf = 82 trees @ 25’ diameter x 490 sf (12.5 x 12.5 x 3.14 = 490 sf)  
11,618 sf = 37 trees @ 20’ diameter x 314 sf (10 x 10 x 3.14 = 314)  
**70,236 sf total Tree canopy Provided - 42%**

As mentioned previously, we are proposing to install street trees along all streets within the PUD. However, at this time, we have not chosen a particular street tree; therefore, we would be willing to accept, as a condition of final approval, that the type of street trees used within the PUD be in conformance with the trees identified in the table above.

**16.144.010 - Generally**

*Unless otherwise permitted, residential, commercial, industrial, and institutional uses in the City shall comply with the following wetland, habitat and natural area standards if applicable to the site as identified on the City's Wetland Inventory, the Comprehensive Plan Natural Resource Inventory, the Regionally Significant Fish and Wildlife Habitat Area map adopted by Metro, and by reference into this Code and the Comprehensive Plan. Where the applicability of a standard overlaps, the more stringent regulation shall apply.*

**RESPONSE:** No SNR, wetland or natural habitat area exists on the property. This is demonstrated by the Exhibit 11 inventory prepared by Schott and Associates. However, steep slopes over 25%, CWS buffers and wetlands are located in the open space tract owned by the City of Sherwood on the north and west sides of the proposed Cedar Brook Way right-of-way alignment. Exhibit 11 also shows the previous SPL for the property owned by the city (Tax Lot 7600). This SPL identifies the steep slopes and also shows the required 15-foot set back from the top of bank and the assumed wetland location at the bottom of the slope along the sewer line route. Further investigation of this area shows the wetland boundary is well below the sewer line location. When the sewer line was constructed, a natural pedestrian pathway was created. This pathway can be improved in the future for recreational purposes.

No development will occur in this area (Tax Lot 7600) except for a storm sewer pipe and outfall. The permanent encroachment into this CWS buffer is less than 100 sf which is a CWS outright permitted use. No mitigation is required for this 100 sf encroachment. No development is proposed in the wetlands. This storm sewer pipe is anticipated to be drilled to eliminate erosion potential on 33% slopes from an open ditch from construction of the storm sewer pipe. This storm sewer pipe and riprap for the outfall are shown on Sheet 6 of Exhibit 1.

**16.144.020 - Standards**

- A. *The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:*

1. *The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.*
  - a. *A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.*
  - b. *Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.*
  - c. *A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.*
2. *If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.*

*B. The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:*

1. *The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).*
2. *The facility will comply with applicable requirements of the zone.*
3. *The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.*
4. *The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.*
5. *Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 16.140.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.*

**RESPONSE:** Martin Schott, wetland consultant, prepared the attached wetland report which indicates no wetlands or Significant Natural Resources exist on the site (Exhibit 11). The uses on Tax lot 7600, owned

by the city, are identified by the Clean Water Services Service Provider Letter which is also part of Exhibit 11.

#### **16.156.010 – Purpose - Energy Conservation**

*This Chapter and applicable portions of Chapter 5 of the Community Development Plan provide for natural heating and cooling opportunities in new development. The requirements of this Chapter shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.*

#### **16.156.020 - Standards**

- A. *Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.*
- B. *Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.*

#### **16.156.030 - Variance to Permit Solar Access**

*Variances from zoning district standards relating to height, setback and yard requirements approved as per Chapter 16.84 may be granted by the Commission where necessary for the proper functioning of solar energy systems, or to otherwise preserve solar access on a site or to an adjacent site.*

**RESPONSE:** The proposed PUD has been designed so as many lots as possible are oriented in a north south direction without losing lots or making the street patterns non-functional. A total of 13 lots will be oriented in a north/south direction. No variance is being requested to the solar access standards for the proposed PUD.

### **145 PUBLIC WORKS DESIGN MODIFICATIONS**

#### **145.1 Modification Process for Specific Projects**

- A. *The City Engineer may make project-specific revisions to City standard details and other City promulgated technical engineering standards for use in any project, whether privately or publicly funded, pursuant to the following procedures:*

##### **145.1.1 Requested Modification**

- A. *A design engineer may request that the City Engineer modify a City standard relating to, and only for, a specific project by submitting a written request for such modification to the City Engineer. The written request shall state desired modification, the reason for the requested modification, the conditions in Subsection 145.1.5 that apply to the desired modification, and a comparison between the City's existing standard and the proposed modification.*

##### **145.1.2 Review of Requested Modification**

- A. *A design engineer may request that the City Engineer modify a City standard relating to, and only for, a specific project. The City Engineer shall:*
  - 1. *Approve the request as proposed,*
  - 2. *Approve the request with condition, or*

3. *Deny the request*

- B. *The City Engineer's decision shall be documented in writing. A denial of a request shall be accompanied with brief explanation of the reason for the denial.*
- C. *The City Engineer may consult with others to assist in determination of whether to approve, approve with conditions, or deny a request to modify a City standard for a specific project.*
- D. *Whether a request for modification is approved as proposed or with conditions, the approval is for project-specific use and shall not constitute a precedent or general modification of the City standard.*

**145.1.3 Appeal of Requested Modification**

- A. *Pursuant to the City Code, a design engineer may appeal the City Engineer's decision regarding a request to modify a City standard to the City Council.*

**145.1.4 City-Initiated Modifications**

- A. *During design or construction of a project, the City Engineer may:*

*1. Modify and add features and requirements details applicable to a specific City-approved Capital Improvement Project (CIP). Such addition or modification is for project-specific use and shall not constitute a precedent or general modification of the city standard.*

*2. Modify and add design features and requirements applicable to a specific project other than a City-approved CIP. Such addition or modification is for project-specific use and shall not constitute a precedent or general modification of the City standard.*

*3. Modify and add design features and requirements for pedestrian safety-related standards imposed in connection with work in a public right-of-way or easement. Such addition or modification is for project-specific use and shall not constitute a precedent or general modification of the City standard.*

- B. *Pursuant to the City Code, a design engineer may appeal to the City Council the City Engineer's decision to modify a City standard under authority of this subsection.*

**RESPONSE:** Design modifications with the proposed PUD are requested in accordance with the criteria outlined below. The modification for Street "A" is to reduce the right-of-way width from 52 feet to 47.5 feet with curb tight sidewalks on the east side in order to accommodate the multiple driveways necessary for the townhouse units along Street "A".

The second design modification request is for the use of rolled curbs along the east side of Street "A" and in the private street tract. The city requirements for rolled curbs and standard curbs are shown by Exhibit 7. The city rolled curb is 6 inches in height and 15 inches in width. The alternative standard for a rolled curb is 3 inches in height and 6 inches in width. None of these rolled curb standards are acceptable for this project. In order to eliminate the hard bump for vehicles turning into the driveways, the Applicant is proposing a rolled curb which is 3 inches in height and 12 inches in width. The street standards chart in the Section 16.106.010.A shows alleys have a right-of-way ranging from 16 to 25 feet with 1 to 2 lanes, 10 to 12 feet in width. This request is for a 20 foot wide improvement for 2 travel lanes 10 feet in width. The travel lanes includes the one foot wide rolled curbs because they are only 3 inches in height and will act as concrete strips along the edge of the asphalt and, therefore, can be used as part of the driving surface. The proposed right-of-way is 21 feet.

The third design modification request is the use of a private alley rather than a public street for Lots 29 to 38 and 54 to 66. The city code is not clear if public alleys are required or private alleys are allowed. In

the past, the city has approved private alleys for lots that do not have frontage on a public street. One example is Arbor Terrace as shown by Exhibit 4.

#### **145.1.5 Modification Criteria**

A. *The City Engineer may make project-specific modifications and amendments to an existing City standard when any one of the following conditions is met:*

1. *The standard is inapplicable to a particular situation.*
2. *Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety, increase short/long term maintenance or cause future increased costs or accessibility.*
3. *A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.*
4. *The modification or amendment will be De Minimus, per Subsection 110.1.D.12. of this manual.*
5. *For utility facilities, exemption criteria are listed in Section 210.18.Q of this manual.*

#### **Section 110.1.D.12. De Minimus changes:**

*Additions, deletions, or revisions to City design standards may be made wherein the City Engineer estimates the addition, deletion, or revision will have no material effect on the cost of constructing the item affected by the changed design standard. A material effect on the cost of constructing an item affected by a changed design standard is an increase or decrease in the cost of constructing an item that is greater than five percent (5%) of the cost of constructing the item under existing design standards. If a change to a City design standard affects a specific project, the change, in addition to having no material effect on the cost of constructing the item affected by the changed design standard, must also have no material effect on the cost of a project. A material effect on the cost of a project is an increase or decrease in the cost of the project that is greater than one-tenth of one percent (0.1%) of the estimated total cost of the project at the time of issuance of the project's site development permit. If the City Engineer makes two or more de minimus changes to City design standards under the authority of this paragraph that affect a specific project, each de minimus change must meet the above requirements of this paragraph by (a) having no material effect on the cost of constructing the item affected by the changed design standard and (b) having no material effect on the cost of a project. In addition, the combined effect of the multiple changes to design standard relating to that specific project must not increase or decrease the total cost of a project by more than three-tenths of one percent (0.3%) of the estimated total cost of the project at the time of issuance of the project's site development permit. Consider details as a necessary change to standards.*

**RESPONSE:** The proposed design modifications for the streets within the proposed PUD comply with Criteria 2, 3 and 4 above. These proposed design modifications are minimal and very compatible with the design of this project and the existing infrastructure. The curb tight sidewalks are very compatible with the multiple driveways from the row houses on the east side of Street "A". Exhibit 4 shows that Arbor Terrace was developed with curb tight sidewalks and private alleys with houses that do not front on a public street. The street trees are located in the front yards as shown by the photos. In contrast, the aerial photo of the Vintage Creek row houses on the east side of Highway 99 directly across the Cedar Brook Way intersection with Highway 99 shows the planter space is very limited between the curb and property line sidewalk. It is better to put more green space on the lots. Street trees can be located in the front yards of the lots. The use of rolled curbs next to the sidewalk eliminates the up and down pattern from driveways with curb tight sidewalks. The strict standard will have a tremendous hardship for the

developer with no benefit to the public. These improvement modifications are located in the interior of the site and only allow the development to function better.

### **210.3 Horizontal Alignment**

A. Alignments shall meet the following requirements:

1. Center line alignment of improvements should be parallel to the center line of the right-of-way.
2. Center line of a proposed street extension shall be aligned with the existing street center line.
3. Horizontal curves in alignments shall meet the minimum radius requirements as shown in Table II-a.

#### **TABLE II a – DESIGN SPEED/CENTERLINE RADIUS (MINIMUMS)**

25 mph Design Speed with minus 2.5% cross slopes = 185 feet

### **210.5 Intersection Sight Distance Policy**

A. It is the policy of the City of Sherwood for the applicant's Project Engineer to evaluate safe intersection sight distance using the principles and methods recommended by AASHTO. This policy shall apply to the design of new streets and driveways, and to the placement of any object in the public right-of-way, including landscaping features. The following minimum standards shall apply:

#### **TABLE II c – INTERSECTION AND DRIVEWAY SIGHT DISTANCE**

25 mph – 240 feet of sight distance

B. Sight distance shall be determined for each street approach to an intersection. A driver on the approach street should be able to see each vehicle on the intersecting street from the time that the vehicle is the sight distance from the intersection until the time that the vehicle reaches the intersection. Poles, trees, and similar obstruction will be allowed within the sight distance area only if it can be shown that such obstructions do not prevent the continuous view of the vehicle approaching on the intersecting street.

C. For purposes of this calculation, the driver's eye is assumed to be 15 feet from the near edge of the nearest lane of the intersecting street, and at a height range of 3.5 feet to 7.6 feet above the approach street pavement. The sight distance criteria should be met throughout the range of driver's eye heights. The top of the vehicle on the intersecting street is assumed to be 3.5 feet above the cross-street pavement.

D. The traffic speed used in the calculation shall be the highest of the following: (1) the design speed of the intersecting street; (2) the posted speed of the intersecting street; or (3) the measured 85th percentile speed of the intersecting street. Where the intersecting street is controlled by a stop sign or yield sign, a design speed of zero may be assumed. Where traffic signal control exists at an intersection or where a traffic signal is likely to be installed in the future, adequate sight distance shall be provided for potential right turns on red. In some locations, maintenance of the required sight distance may require restrictions to potential development outside the public right-of-way. If so, the Project Engineer shall demonstrate adequate restrictions are in place and enforceable by the City to assure that the required sight distance can be maintained in the future.

E. Site distance requirement areas shall be shown on the plat and construction plans as open space tracts, not easements encumbering lots.

F. No modifications or exceptions to these standards shall be allowed unless approved in writing by the City Engineer.

## **210.6 Intersections**

*A. The interior angle at intersecting streets shall be kept as near to 90 degrees as possible and in no case shall it be less than 75 degrees. A straight horizontal alignment (no curves, no angle points) shall be used through the intersection and for a minimum of 25 feet each side of intersecting right-of-way lines.*

*E. Intersection Spacing Along Streets. The minimum and maximum distance between local streets shall be 530 feet to 200 feet with no driveway spacing requirement*

## **210.8 Driveways**

*A. Corner Clearance for Driveways shall be based on an intersection analysis and the following minimum distances:*

*Minimum distance between face of curb of intersecting street and nearside edge of driveway shall be 25 feet.*

**RESPONSE:** Table II-a allows for a 185 foot center line radius for local streets with a design speed of 25 mph. Street "A" has 185 foot center line radius and Cedar Brook Way has a 200 foot radius. Both streets are proposed as local streets with a design speed of 25 mph. The cross slope is 2.5%.

A total of 300 feet of sight distance is available at the intersection of Street "A" and Cedar Brook Way, as well as at the intersection of Street "A" and SW Meinecke Parkway, which exceeds the minimum requirement of 240 feet. The sight distance measurements are shown on Sheet 9 of Exhibit 1. Therefore, no modifications to the sight distance standards are proposed or requested with this proposal. The center line intersection of Street "A" with Cedar Brook Way and Meinecke Parkway is 80 degrees which is more than the 75 degree minimum requirement. The minimum tangent lengths for the intersection right-of-way are 25 feet in compliance with the above code requirement. The proposed streets within the PUD development comply with the minimum required sight distances between streets.