

# EMERIO *Design*

CIVIL ENGINEERS & PLANNERS

---

**DATE:** 11-25-14  
**REQUEST:** Final PUD Development Plan Approval for a the “**CEDAR BROOK PUD**”  
**ZONING:** HDR, High Density Residential, City of Sherwood, Oregon  
**SIZE:** 5.77 acres

**PROPERTY OWNER/  
DEVELOPER:** DR Horton Inc. – Portland Division  
Attn: Andy Tiemann (503) 222-4151 ext. 1104  
4380 SW Macadam Avenue, Suite 100  
Portland, OR 97239

**CIVIL ENGINEER, PLANNING  
& SURVEYOR:** Emerio Design – Steve Miller (541) 318-7487  
8285 SW Nimbus Ave, Suite 180  
Beaverton, OR 97008

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

## **LIST OF EXHIBITS:**

- 1 - Detailed Final Development Plan / Landscape Plans / Parking Plan
- 2 - Architectural Pattern Book
- 3 - Building Elevations, Floor Plans, and Renderings
- 4 - CC&R's
- 5 - Vicinity Map, Zoning Map, Title Report and Tax Maps
- 6 – Neighborhood Meeting Notes and Notice to Neighbors
- 7 – Ordinance 2014-013 Preliminary PUD Approval for the Cedarbrook PUD
- 8 – Preliminary Plat
- 9 – Street Scape Renderings

## **SHERWOOD PLANNING CODE SECTIONS**

- 16.40.030 - Planned Unit Development Final Development Plan
- 16.44 - Townhouses
- 16.58 - Vision Clearance
- 16.58 – Fences, Walls & Hedges
- 16.120 – Final Subdivision Plat

**I. INTRODUCTION**

The Applicant is applying for Final PUD Development Plan approval to divide an approximately 5.77 - acre property in a manner that allows the Applicant to provide a variety of lot sizes and housing types, while at the same time preserving 19% of the site in common open space. In order to achieve the desired site design for Cedar Brook PUD, modifications to the Sherwood Code requirements and standards included reduced setbacks, lot sizes and on-site parking. The Applicant obtained Preliminary PUD approval from the City Council through File # PUD 14-01/SUB 14-01 on August 5<sup>th</sup>, 2014.

This Final PUD Development Plan application is a request to develop a 65 lot subdivision entitled “**CEDAR BROOK PUD**” with a mixture of the following owner occupied building types:

- 38 – Front loaded 2 story Townhouses with 1 car garages and 1,500 sf of living area.
- 12 - Alley loaded 2 story Townhouses with 2 car garages and 1,400 sf of living area.
- 15 – Alley loaded 2 story single-family houses with 2 car garages and 1,304 to 1,392 sf of living area.

As designed 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 further to the west. As a result, the proposed PUD will have a look and feel similar to other PUDs approved in the past by the City, as well as providing a development in the HDR zone that will be superior to a typical apartment style development. Exhibit 3 shows photos and renderings of all the proposed housing types along with floor plans and elevations. Both the front loaded and rear loaded townhome lots are generally 1,600 square feet (20’ x 80’), while the single-family detached lots are generally 2,500 square feet in area (90’ x 28’). All of the detached single-family homes will have garages off an alley.

With approval of the Final PUD Development Plan, the Applicant will be able 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 mini-park/dog 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.

**II. PRELIMINARY PUD CONDITIONS OF FINAL APPROVAL**

**B. General and Specific PUD Detailed Final Development Plan Requirements**

- 1. A detailed final development plan shall be submitted for review and approval within 1 year of the preliminary PUD approval.***

**RESPONSE:** This condition of approval has been satisfied with the submittal of this Final Development Plan application. As part of the submitted application materials, the Applicant has submitted a detailed final development plan (see Exhibit 1) for review and approval by the City. The Preliminary PUD approval was granted by the City Council on August 5, 2014, therefore, the Applicant has satisfied the requirement of submitting the final development plan within 1 year of the preliminary PUD approval.

- 2. Submit an Architectural Pattern Book that provides an illustrative guide for the development including a measurement or checklist system to facilitate review, include***

***information for each building type that describes massing, façade, elevations roof forms, proportions, materials and color palette, doors, windows, siding, entrances, porches, light fixtures and other ornamentations, or accents, and a fencing plan that addresses the relationship between public space and maintaining individual privacy subject to 44 and color palette, doors, windows, siding, entrances, porches, light fixtures and other ornamentations, or accents, and a fencing plan that addresses the relationship between public space and maintaining individual privacy subject to § 16.58.020.***

**RESPONSE:** As part of the Final Development Plan application, the Applicant has submitted an Architectural Pattern Book (see Exhibit 2) that provides an illustrative guide for the development including a measurement of checklist system to facilitate review. As part of the Architectural Pattern Book, the Applicant has submitted paint swatches and color samples showing the color combinations that will be used interchangeably among the three (3) housing types. In addition, the Architectural Pattern Book also shows the range of siding materials, window types, sliding patio door type, front door types and door knobs, vent type, and exterior lights that will also be used interchangeably throughout the PUD. This Condition of Approval has been satisfied with the submittal of the Final Development Plan application.

**3. *Provide the CC&R's that document how the areas of open space, common areas and onsite parking will be monitored and maintained by the Home Owner's Association.***

**RESPONSE:** With this Final PUD Development Plan application, the Applicant has submitted CC&R's documenting how the areas of open space, common areas and on-site parking will be monitored and maintained by the HOA (see Exhibit 4). This condition of approval has been satisfied.

**4. *Submit plans that show that the porches do not encroach on any of the clear vision area.***

**RESPONSE:** The Applicant has provided detailed development plans as part of the submitted application materials that clearly show the porches do not encroach into any of the required clear vision areas (see Exhibit 1/Sheet L6.0). With the submitted application materials, the Applicant has satisfied this condition of approval.

**5. *Submit plans and elevations of the townhomes that provide for doors porches, balconies, windows or architectural features to provide variety in the façade and comply with the townhome design standards.***

**RESPONSE:** As part of the Final PUD Development Plan application, the Applicant has submitted plans and elevation drawings (see Exhibit 3) for all of the proposed townhomes demonstrating that the townhomes will provide for doors, porches, balconies, windows and/or other architectural features to provide variety in the façade and in compliance with the City's townhome design standards. The Applicant has satisfied this condition of approval.

**6. *Submit plans that show the design of the pedestrian pathway within Tract B to include landscaped buffers between the properties of at least three feet on each side.***

**RESPONSE:** This condition of approval has been satisfied because the Applicant has submitted detailed plans (see Exhibit 1/Sheet L1.0) as part of the Final Development Plan application that show the design of the pedestrian pathway within Tract B. The submitted plans show a cross-section of the landscaped buffers within Tract B to include landscaped buffers between the adjacent properties of at least three (3) feet on each side of the pathway.

**7. *Submit plans that show the perimeter screening separating the single-family residential zones from the multi-family residential zones.***

**RESPONSE:** As demonstrated on the submitted plans (see Exhibit 1/Sheet L1.0) the single-family residential zones will be separated from the multi-family residential zones to the east by a 6-foot tall cedar "good neighbor" type of fence. The Applicant has satisfied this condition of approval.

**8. Submit a parking plan that details and describes the dimensions of the parking spaces and any deviation from the parking standards.**

**RESPONSE:** The Applicant's proposal satisfies this condition of approval because the Applicant has submitted a detailed parking plan that demonstrates and describes the dimension of the parking spaces, as well as any applicable deviations from the parking standards (see Exhibit 1/Sheet L6.0).

The proposed PUD includes fifteen (15) single-family detached dwelling units, thirteen (12) rear loaded townhome units, and thirty-eight (38) front loaded townhome units, for a total of sixty-five (65) dwelling units. Twenty-seven (27) 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 one hundred-eight (108) 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 requested a reduction to the off-street parking requirement for the thirty-eight (38) front loaded townhome units through the PUD process and was granted approval of the proposal by the City Council with the Preliminary Approval granted through File # PUD 14-01/SUB 14-01 on August 5th, 2014.

The amount of on-street parking spaces provided for the proposed PUD will be seventy-seven (77) parking spaces along both SW Cedar Brook Way and proposed SW "A" Street. Of these parking spaces, thirty-two (32) 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-five (65) unit PUD will have a combination of on-street and off-street parking spaces totaling 223 parking spaces. See Exhibit 1, Sheet L6.0 - Parking Plan for more detail. 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.

**9. Submit landscape plans that include the visual corridor located on SW Meinecke.**

**RESPONSE:** As part of the Final Development Plan application, The Applicant has submitted detailed landscape plans that show the visual corridor located along SW Meinecke Parkway will be landscaped in accordance with the City's Visual Corridor standards (see Exhibit 1/Sheet L1.0). The Applicant's proposal satisfies the condition of approval.

**10. Submit a landscape plan that identifies a tree canopy of at least 40% on the site.**

**RESPONSE:** As noted above, the Applicant has submitted detailed landscape plans (see Exhibit 1/Sheet L1.0) as part of the overall application materials that demonstrate a tree canopy of at least 40% will be achieved on-site. The Applicant's proposal satisfies this condition of approval.

**11. Submit plans that show that the front façade of the townhomes do not include more than forty percent (40%) of garage door area.**

**RESPONSE:** The Applicant has submitted detailed elevations drawings of the proposed townhome units that demonstrate the front façade of the townhomes do not include more than forty percent (40%) of the garage door area as part of the front façade. As shown on Sheet 3.15 of Exhibit 3, the proposed front loaded townhome units along Street "A" will be 20-feet wide (18.2' X 20' = 364 sf) and the single-car garage door for these units will be 8-feet wide by 7-feet tall or 56 square feet, which is less than 40% of the front façade dimension of the front loaded townhomes. The Applicant's proposal satisfied the above condition of approval.

### III. 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 "Cedarbrook" 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. The Applicant's proposal is consistent with the above criterion.

#### 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 1,500 square feet, exclusive of the garage. Therefore, the proposed townhomes will exceed the 1,000 square foot minimum requirement within the HDR zone and, subsequently, comply with the above criterion. See Exhibit 3 for more detail.

- 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 90,821 square feet. This number divided by 50 townhouses equals 1,816.42 square feet. Therefore, the proposal satisfies the above criterion because the lot sizes for the townhouses average 1,816.42 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. Consistent with the intent and purposes of a Planned Unit Development (PUD), The Applicant has requested deviations to the minimum HDR zone setbacks throughout the development with the exception of the larger townhome lots. These deviations have been approved by the City Council with the Preliminary Approval granted through File # PUD 14-01/SUB 14-01 on August 5th, 2014. To help offset the reduced side yard 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 (50) 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 (50) 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 (50) 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 requested 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 Exhibit 1). The Applicant's proposed parking configuration for the PUD has gained approval from the City Council and, therefore, satisfies the above criterion for the front loaded townhomes.

The twelve (12) 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 forty-eight (48) off-street parking spaces. Of the forty-eight (48) proposed off-street parking spaces, twenty-four (24) 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 twelve (12) rear loaded alley garage townhouses.

A detailed parking plan has been included by the Applicant as part of the overall application materials (see 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 Exhibits 3 and 10 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. The Applicant's proposal satisfies the above criterion.

***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 (50) 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. This has been further acknowledged by the City Council with the Preliminary Approval granted through File # PUD 14-01/SUB 14-01 on August 5th, 2014. The Applicant's proposal satisfies the above criterion.

- 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:** The proposal satisfies the above criterion because the Applicant has proposed a mini-park on Tract "K", which will consist of a dog-park, park benches, and walking trail. Also, since this development is proposed as a PUD, a total of 15% open space must be provided. The current plan shows that 19% of the Net buildable Area is in common open space which exceeds the above 5% requirement above.

- 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:**

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

**\* 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. Thus, the Applicant requested a deviation to this standard as part of the Preliminary PUD proposal and was subsequently granted approval of the proposal by the City Council through File # PUD 14-01/SUB 14-01 on August 5th, 2014.

**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 PUD 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 maximum 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. See Exhibit 1 for more detail.

- 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, proposed 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 residential street. In addition, Street "A" will provide access to the internal private alley serving the rear loaded 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 (i.e. units 29 – 65) will be set back a minimum of 20-feet in order to allow a turning radius for vehicles and provide a service area for utilities. See Exhibit 1 for more detail.

- 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 covered porch by a minimum of one (1) foot (see Exhibit 3/Sheets 3.3, 3.7, and 3.11 for more detail). In addition, the single-car garage doors for the front loaded townhome units will be 8-feet wide and the driveways will be 10-feet wide in compliance with this code section. Finally, as mentioned previously, the proposed single-car garage doors will be 8-feet wide, which is only 40% of the 20-foot wide front loaded townhome units, thus complying with the maximum allowed width of 60% as noted in the above criterion. The Applicant's proposal satisfies the above criteria.

- 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 previously discussed in this narrative, Sheet 3.15 of Exhibit 3 shows that the proposed front loaded townhome units along Street “A” will be 20’ wide X 18.2’ tall or a total of 364 square feet. The single-car garage door for these units will be 8’ wide by 7’ feet tall or 56 square feet, which is approximately 15% of the front façade dimension of the front loaded townhome units. As demonstrated by the submitting application materials, the Applicant’s proposal satisfies the above criterion. For more detail please see Exhibit 3/Sheet 3.15, which includes elevation drawings and dimensions for the front loaded townhomes units along “A” Street.

- 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 the submitted elevation drawings and renderings for the proposed townhome units (see Exhibit 3), the roofs of each attached townhome will be distinct from the other by using a variety of roof designs (i.e. separation of roof pitches, gables, 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 requirements 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:** As demonstrated in the submitted architectural elevation drawings and renderings, as well as in the Architectural Pattern Book for the proposed townhomes, window trim will not be flush with the exterior wall treatment for all windows facing public right-of-ways. All townhome windows will be provided with architectural elements surrounding the jamb, head and sill of the windows and protrude a minimum of 1-inch from the exterior wall treatment. The submitted 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 proposed townhome building elevations visible from the street will have a variety of articulations and windows in compliance with this standard. As demonstrated on the submitted elevation drawings, the proposed townhome units will have doors, porches, covered entry, windows, and other architectural features that will provide for variety and diversity in their appearance or the façades. All front street-facing elevations, as well as a minimum of fifty percent

(50%) of the side and rear street-facing building elevations, as applicable, will have architectural features added to 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 satisfies the above criterion because all proposed dwelling units will be two (2) stories and they will not exceed 40-feet in height. See submitted elevation drawings for more detail (Exhibit 3).

**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 a 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 65 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 particular case, driveways on SW Cedar Brook Way and SW Meinecke Parkway are not recommended by city staff. Therefore, the Applicant has proposed the use of an alley as allowed with a PUD development. Similar to the Arbor Terrace development, 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 65). The Applicant's proposed vehicle circulation pattern was granted preliminary PUD approval by the City Council on August 5, 2014 through City File # # PUD 14-01/SUB 14-01. The Applicant's proposal is consistent with the above criterion.

**IV. 16.120.050 Final Subdivision Plat**

**A. Procedure**

1. ***Unless otherwise noted below, final subdivision approval includes meeting all conditions from the land use approval, review and approval by County, and the signature of the City's designee on the mylar.***
2. ***The subdivider shall submit the final plat, and all supplementary information required by the Planning Department or pursuant to this Code.***
3. ***Upon approval of the final plat drawing, the applicant may submit the mylar for final signature.***
4. ***All requirements for signature of the mylar shall be completed within two (2) years of approval of the final plat.***

**RESPONSE:** With this Final PUD Development Plan application, the applicant has subsequently submitted a preliminary Final Subdivision Plat for review (See Exhibit 8). Upon receiving comments and feedback from the County Surveyor and City Staff, the Applicant will prepare mylar copies for final signature. All requirements for signature of the mylar will be completed by the Applicant within two (2) years of approval of the final plat as required by the above procedures.

#### ***B. Extensions***

***If the final plat is not approved within two (2) years, the preliminary plat approval shall expire and a new plat must be submitted. However, the City may, upon written request by the applicant, grant a single extension up to one (1) year upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant refiling of the preliminary plat and that no other development approval would be affected. For preliminary plat approvals granted between January 1, 2007 and December 31, 2009, the approval shall be extended until December 31, 2013.***

**RESPONSE:** In the event the Applicant needs to request an extension for the final plat, the Applicant will submit the request in writing prior to the preliminary plat expiring within two (2) years of the approval granted by the City Council through File # PUD 14-01/SUB 14-01 on August 5th, 2014.

#### ***C. Approval Criteria: Final Plat***

***By means of a Type I procedure, the City shall review the final plat based on findings regarding compliance with the following criteria:***

1. ***The final plat is consistent in design (e.g., number and dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;***

**RESPONSE:** The submitted final plat is consistent in design (e.g., number and dimensions of lots, easements, tracts, and right-of-way) with the approved preliminary plat as granted by the City Council through File # PUD 14-01/SUB 14-01 on August 5th, 2014. In addition, all conditions of approval have either been satisfied or will be bonded for in accordance with the City of Sherwood development code and procedures.

2. ***All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with [§ 16.120.070](#)***

**RESPONSE:** All public improvements required by the preliminary plat approval have been or will be installed and approved by the City Engineer or appropriate service provider. Alternatively, the Applicant

will provide the City with a performance guarantee in accordance with City of Sherwood Code Section 16.120.070 for those public improvements that are not completed prior to recording the final plat.

- 3. *The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;***

**RESPONSE:** As required by the above criterion, all streets and roads for public use within the proposed PUD will be dedicated without reservation or restriction on the final plat other than reversionary rights upon vacation of any such street or road and easements for public utilities.

- 4. *The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage and water supply systems;***

**RESPONSE:** As demonstrated on the submitted final plat, the plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, pathways and trails within the PUD, access reserve strips, sewage disposal, storm drainage and water supply systems as required by the above criterion.

- 5. *The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;***

**RESPONSE:** The applicant has provided copies of the homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other documents pertaining to common improvements and referenced on the plat. The CC&R's, as well as all other deed restriction, private easements and agreements, and other documents pertaining to common improvements referenced on the plat will be recorded simultaneously with the recording of the final plat.

- 6. *The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);***

**RESPONSE:** As demonstrated on the submitted final plat, the final plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since receiving preliminary PUD plat approval), as well as with the required conditions of approval associated with the Preliminary PUD approval granted by the City Council through File # PUD 14-01/SUB 14-01 on August 5, 2014.

- 7. *Certification by the City or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance Division VI of this Code, and the bond requirements of 16.120.070. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;***

**RESPONSE:** Prior to recording the mylar for the final plat, the Applicant will obtain all certifications by the City or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the Applicant to the City that such services have been installed in accordance Division VI of this Code, and the bond requirements of 16.120.070. In the event the Applicant needs to bond for any required public improvements, the

amount of the bond, contract or other assurance by the Applicant will be determined by a registered professional engineer, subject to review and approval by the City as required by the above criterion.

- 8. *The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.***

**RESPONSE:** The submitted final plat has been prepared in accordance with all applicable state laws and City of Sherwood code requirements. As such, the final plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect that the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.

## **V. 16.120.060 Improvement Agreement**

### **A. Subdivision Agreement**

***The subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision pursuant to the Division VI, or execute and file with the City an agreement specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not completed within the period specified, the City may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages.***

**RESPONSE:** The Applicant agrees to install all required improvements and repair existing streets and other public facilities damaged in the development of the proposed PUD subdivision pursuant to Division VI of the City Code, or execute and file with the City an Improvement Agreement specifying the period within which all required improvements and repairs shall be completed as required by the above criterion.

### **B. Performance Security**

***The subdivider shall provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (100%) of the estimated cost of the improvements.***

**RESPONSE:** As required by the above criterion, the Applicant will provide the City with a monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred percent (100%) of the estimated cost of the improvements.

## **VI. 16.120.070 Bond**

- A. *Performance guarantee required. As required by [Section 16.120.060](#), the subdivider shall file with the agreement an assurance of performance supported by one of the following:***

- 1. *A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated or cash.***
- 2. *Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.***

3. **Itemized improvement estimate.** *The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.*
4. **When subdivider fails to perform.** *In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit for reimbursement.*
5. **Termination of performance guarantee.** *The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.*

**RESPONSE:** All required bonding will be performed by the Applicant in accordance with the City's applicable Code Sections to assure that the necessary public improvements are installed and functioning properly.

#### **VII. 16.120.080 Filing and Recording of Final Subdivision Plat**

##### **A. County Review**

*When the City determines that the plat conforms to all requirements, the plat shall be authorized for review by the County.*

##### **B. Recording the Plat**

*After approval, the City shall authorize the transmittal of the final map, tracing, and other data to the County, to determine that there has been compliance with all provisions of State and local statutes. Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained.*

##### **C. Effective Date**

*Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code.*

**RESPONSE:** The Applicant will file and record the Final Plat as required by the above procedures.

#### **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.*

**D. 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:** As demonstrated on the submitted Final Development Plan, all required clear vision areas will be maintained on the corners of all property at the intersection of two (2) streets and at the intersection of a street with an alley or private driveway. The Applicant's Final PUD Development Plan proposal complies with all applicable clear vision requirements as outlined above.

#### **16.58.020 Fences, Walls and Hedges.**

**A. Purpose:** *The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.*

**B. Definition:**

- 1. Fence:** *A freestanding structure that provides a barrier between properties or different uses on the same property and is generally used to provide privacy and security. A fence may be open, solid, wood, metal, wire, masonry or other materials and includes lattice or other decorative toppers.*
- 2. Wall:** *A solid structural barrier that is not intended to alter the grade.*
- 3. Retaining wall:** *A solid barrier that provides a barrier to the movement of earth, stone or water and is used to alter the grade.*
- 4. Sound wall:** *An exterior wall designed to protect sensitive land uses including parks, residential zones and institutional public zones from noise generated by roadways, railways, commercial and industrial noise sources.*
- 5. Landscape feature:** *A trellis, arbor or other decorative feature that is attached to or incorporated within the fence.*
- 6. Hedges:** *A line of closely spaced vegetation specifically planted and trained in such a way as to form a barrier to mark the boundary of an area or visually screen an area.*

**C. Applicability:** *The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. The standards do not apply to vegetation, sound walls and landscape features up to four (4) feet wide and at least twenty (20) feet apart.*

**D. Location—Residential Zone:**

**1. Fences up to forty-two (42) inches high are allowed in required front building setbacks.**

**RESPONSE:** At this time the Applicant is not contemplating any fences in the required front yard; however, in the event the Applicant decides to include fencing in the front yard areas, then the Applicant agrees to only place fences up to forty-two (42) inches high as required by the above criterion.

**2. Fences up to six (6) feet high are allowed in required side or rear building setbacks, except fences adjacent to public pedestrian access ways and alleys shall not exceed forty-two (42) inches in height unless there is a landscaped buffer at least three (3) feet wide between the fence and the access way or alley.**

**RESPONSE:** All proposed fences up to six (6) feet high will only be placed along the side and rear property boundaries. In no case will a six (6) foot tall fence be placed adjacent to public pedestrian access ways and alleys, except along the pedestrian access located in Tract "B", which contains a three (3) foot wide landscape buffer between the fence and the access way. The Applicant's proposed fencing is in compliance with the above criterion. See Fencing Plan submitted as part of Exhibit 1 for more detail on the location of proposed fencing.

**3. Fences on corner lots may not be placed closer than eight (8) feet back from the sidewalk along the corner-side yard.**

**RESPONSE:** Any fences placed on corner lots will not be placed closer than eight (8) feet back from the sidewalk along the corner-side yard as required by the above criterion.

**4. All fences shall be subject to the clear vision provisions of [Section 16.58.010](#)**

**RESPONSE:** All fences will be installed outside of the required clear vision and in compliance with the clear vision provisions of Section 16.58.010.

**5. A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.**

**RESPONSE:** The above criterion does not apply to the Applicant's proposal because no sound walls are being proposed by the Applicant nor are they required as part of the Preliminary PUD approval granted by the City Council through File # PUD 14-01/SUB 14-01 on August 5, 2014.

**6. Hedges are allowed up to eight (8) feet tall in the required side and rear setbacks.**

**RESPONSE:** At this time no hedges are being contemplated by the Applicant as part of the proposed PUD; however, in the event the Applicant decides to install hedges in the required side and/or yard setback areas, then the Applicant agrees to only install hedges that will not exceed eight (8) feet in height as required by the above criterion.

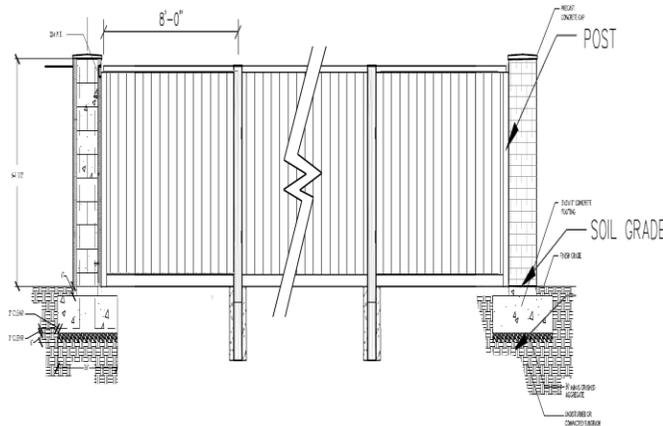
**F. General Conditions—All Fences:**

**1. In all cases, the following standards apply:**

- a. Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.**
- b. Chain link fencing is not allowed in any required residential front yard setback.**
- c. The finished side of the fence must face the street or the neighboring property. This shall not preclude finished sides on both sides.**

- d. **Buffering:** *If a proposed development is adjacent to an dissimilar use such as commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company shall be submitted and approved as part of the preliminary plat or site plan review process per [Section 16.90.020](#) and [Chapter 16.122](#)*
- e. *In the event of a conflict between this section and the clear vision standards of [Section 16.58.010](#), the standards in [section 16.58.010](#) prevail.*
- f. *Fences and walls shall not be located within or over a public utility easement without an approved right-of-way permit.*
- g. *The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence shall be used to measure the height.*

**RESPONSE:** All fencing being proposed by the Applicant will be installed in compliance with “General Conditions” for fences as outlined by the above criteria. Specifically, fencing will be provided along the eastern property boundary to separate the proposed PUD from the adjacent apartment complex, as well as along the southern boundary adjacent to SW Meinecke Parkway. In addition, the submitted fencing plan (see Exhibit 1) shows the relationship between public spaces (i.e. open space tracts) and individual lots and how individual privacy will be maintained within the PUD. Additionally, per a request from the City Planning Staff, the Applicant is agreeable to installing up to three (3) masonry style columns as part of the perimeter fence along SW Meinecke Parkway to help enhance the visual corridor along the roadway (see example of fence detail below). To the extent practicable, the masonry columns will be installed at the SE corner of lot 29, between lots 33 & 34, and at the SW corner of lot 38.



## VIII. CONCLUSION

This application narrative, the Architectural Pattern Book, the attached plans, and all other associated exhibits demonstrate that all applicable provisions of the City of Sherwood Zoning Ordinance, Comprehensive Plan, and Final PUD Development Plan Design Guidelines are satisfied by the plans for

the Cedar Brook PUD. Subsequently, DR Horton, Inc. and Emerio Design, LLC, therefore, respectfully request approval of the Final PUD Development Plan.