

Staff Report

TO: HEARING OFFICER
FROM: PLANNING DEPARTMENT

Pre App. Meeting: June 22, 2015
App. Submitted: May 27, 2016
App. Complete: September 7, 2016
Hearing Date: October 10, 2016
120-Day Deadline: January 5, 2017



Michelle Miller, AICP
Senior Planner

PROPOSAL DESCRIPTION

The applicant is proposing a thirteen lot subdivision along the southeastern side of Highway 99W for single family detached homes. The applicant proposes a new street (SW Forest Creek Drive) to extend from Highway 99W through the development, terminating at the southeastern property line. A private driveway will provide access for two single-family dwelling units along with sidewalks on either side of the drive to connect with SW Pinehurst Drive on the southern edge of the property.

I. BACKGROUND

A. Applicant:

Jeff Bolton
Multi/Tech
1155 13th Street SE
Salem OR 97302

Owner:

Myers Boyd and Bess LLC
P.O. Box 565
Dundee OR 97115

B. Location: The tax lot for the property is 2S131B000201. The subject site is generally located along the southeast side of Highway 99W, north of the Woodhaven subdivision between the intersections of SW Sunset/99W and SW Meinecke/99W.

C. Parcel Size: 3.63 acres

D. Existing Development and Site Characteristics: This site consists of one undeveloped parcel, which is relatively flat, but slopes gently downward across the property toward the vegetated corridor buffer on the eastern edge of the property. Six trees, five Douglas firs and one large oak are located on site. The trees are in varying degrees of fair to poor condition and are proposed for removal with the development. The site is adjacent to Highway 99W.

E. Comprehensive Plan Land Use Designation and Zoning Classification: The property is designated for residential use and is zoned Medium Density Residential High (MDRH).

F. Adjacent Zoning and Land Use: The property adjacent to the southwestern boundary of the site is undeveloped land and is zoned Office Commercial. Directly to the south is the Woodhaven residential subdivision, a Planned Unit Development. A vegetated corridor buffer, is located on the eastern boundary of the site. A residential subdivision zoned Medium Density Residential High is to the east of this site, on the other side of that subdivision's labeled Tract A.

G. Review Criteria: Subdivisions between 10-49 lots are quasi-judicial actions and reviewed through a Type III procedure. Type III procedures are decided by the Hearings Officer with appeals to the Planning Commission.

H. Public Notice: Notice of this land use application was posted at the site and in five conspicuous locations throughout the City on September 20, 2016. Notice was also mailed to property owners within 1,000 feet of the site on that date in accordance with the Sherwood Zoning and Community Development Code. Notice was published in the *Sherwood Gazette on October 1, 2016* and the *Times* on September 22, 2016.

I. Review Criteria: Review of the application is based on the following chapters and applicable sections of the SZCDC: §16.12 (Residential Land Uses); §16.58 (Clear Vision and Fence); §16.60 (Yard Requirements); §16.72 (Procedures for Processing Development Permits); §16.94 (Off-Street Parking); §16.106 (Transportation Facilities); §16.110 (Sanitary Sewers); §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, Trees and Open Space); §16.144 (Wetland, Habitat, and Natural Areas); and §16.156 (Energy Conservation).

II. APPLICATION SUMMARY/PROPERTY HISTORY

The applicant requests land use approval to subdivide a vacated parcel of 3.63 acres into thirteen (13) lots for single-family detached dwelling units. The parcel is located along Highway 99W. Proposed lot sizes range from 5,011 square feet to approximately 8,204 square feet. The overall density of the project is 6.22 dwelling units per acre.

As proposed, a public street (SW Forest Creek Drive) provides vehicular access to the site from 99W via a right-in, right-out intersection. The street will have a twenty-eight foot paved width with a right of way of 52 feet in total. The street will terminate at the southwestern boundary of the site and provide for future extension of the roadway for the adjoining commercial property in accordance with the City's Transportation System Plan. A drive approximately 14 feet wide will provide access for two single-family dwelling units: lots 12 and 13. There will be four foot wide sidewalks on both sides of the driveway extending to the southern property line, connecting with the Woodhaven subdivision on SW Pinehurst Drive.

Water and sanitary sewer service will extend from the existing lines in the Woodhaven subdivision from the southern property line. The storm line will be located in the access right of way and will convey storm water to the proposed water quality facility located in the northeastern corner of the site.

The preliminary subdivision plat, submitted narrative and supporting documents are attached as Applicant's Materials, Exhibit A.

III. PUBLIC AND AGENCY COMMENTS

A. PUBLIC COMMENTS

Notice was posted at the site on SW Pinehurst and Highway 99W, five (5) locations throughout the City, and mailed to property owners within 1,000 feet of the proposed subdivision on September 20, 2016. Notice was also published in the *Times* on September 22, 2016 and the *Sherwood Gazette* on October 1, 2016. Staff received a phone call concerning the status of the Tract A, and once assured that the tract would remain, raised no concerns about the application.

B. AGENCY/DEPARTMENTAL COMMENTS

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

Sherwood Engineering Department: Craig Christensen, PE with the City Engineering Division provided written comments dated September 14, 2016 that have been incorporated throughout this report. Mr. Christensen's comments are attached to this report as Exhibit B.

Clean Water Services: Jackie Sue Humphreys, of Clean Water Services (CWS), provided comments dated September 20, 2016 on the proposal that require a Storm Water Connection Permit Authorization. CWS comments are attached to this report as Exhibit C.

Tualatin Valley Fire and Rescue: Tualatin Valley Fire and Rescue provided comments dated September 14, 2016 listing the minimum requirements for fire protection. Their comments have been incorporated into the record, and the applicant will be required to satisfy their minimum standards for fire protection in designing and constructing the subdivision. Their comments are attached to this report as Exhibit D.

Pride Disposal: Kristin Leichner provided comments on September that indicated that they had reviewed the subdivision and determined that the hauler trucks have not been provided an adequate turnaround to serve the neighborhood. This will be discussed further within this report. Pride's comments are attached as Exhibit E.

Oregon Department of Transportation: Seth Brumley provided comments on September 22, 2016 addressing the requirements concerning residential development adjacent to Highway 99W. The comments are attached as Exhibit F.

Portland General Electric, Bonneville Power Administration, Kinder Morgan Energy, METRO, NW Natural Gas, Sherwood School District, Tri-Met, U.S. Fish and Wildlife Services, and Washington County were all provided with an opportunity to comment, but provided no comments as of the date of this staff report.

IV. PRELIMINARY PLAT– REQUIRED FINDINGS (SECTION 16.120)

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.
2. Approval of subdivisions is required in accordance with this Code before a plat for any such subdivision may be filed or recorded with County. Appeals to a decision may be filed pursuant to Chapter 16.76.

ANALYSIS: The proposed development is a subdivision for 13 single-family lots. The code requires that it be reviewed as a Type III application.

FINDING: Based on the above discussion, this criteria is satisfied.

16.120.040 - Approval Criteria: Preliminary Plat

- 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.**

ANALYSIS: The analysis and discussion of these services can be found in Division VI (Public Infrastructure) below. As proposed, the development is provided with sewer, water, stormwater, access, and can feasibly be served by franchise utilities. The site is adjacent to Highway 99W. No individual driveway access will be allowed onto this roadway, but the applicant has provided an internal street to provide access to eleven of the individual lots. Two lots will connect to this street via a private drive of approximately fourteen feet wide with four foot wide sidewalks on either side. The internal street that serves the 11 other residences runs parallel to Highway 99W with a future connection for the properties to the south.

FINDING: As discussed and conditioned throughout the report, the proposed development is able to satisfy this criterion.

- 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.**

FINDING: The applicant proposes access to lot 10 and 11 via a 14 foot wide driveway. This is acceptable to the City provided that the following conditions are met.

RECOMMENDED CONDITION: Prior to issuance of an Engineering Compliance Agreement, Lots 10 and 11 shall obtain access via a private drive within a private tract. A design for the non-standard private drive typical section shall be submitted via a design modification request meeting the approval of the City Engineer.

RECOMMENDED CONDITION: Prior to approval of the final plat, clearly indicate on the plans that the access way is privately held along with any reservations or restrictions.

- 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).**

FINDING: Where applicable, this standard is or can be met as discussed in Divisions IV (Planning Procedures), VI (Public Infrastructure) and VIII (Environmental Resources) of this report. Section IX (Historic Resources) is not addressed as it is not applicable.

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

FINDING: As discussed, analyzed, and conditioned in Division VI (Public Infrastructure) of this report there are adequate services to support the proposed subdivision. This standard is met.

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

FINDING: There is no additional, contiguous property under the same ownership. This standard is not applicable.

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

FINDING: The surrounding properties are already developed with the exception of the property to the southwest, which will have the opportunity to develop independently with access to the proposed street, SW Forest Creek Drive. This standard is met.

G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

FINDING: As discussed in Division VIII (Environmental Resources) below, a tree and woodland inventory was submitted. This standard can be met as conditioned in Division VIII (Environmental Resources) below.

H. The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.

ANALYSIS: The proposed subdivision plat clearly illustrates the proposed lot numbers, setbacks, dedications and easements.

FINDING: This standard is satisfied.

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.

ANALYSIS: The standard requires that a minimum of 5% of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". The net buildable area of the subdivision site is 91,149 square feet and thus 5 % or a minimum of 4,557 square feet must be set aside for open space use. The applicant is proposing to provide open space of 6,554 square feet.

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. Required yards or setbacks, required visual corridors, required sensitive areas and buffers, and any area required to meet a standard found elsewhere in the code may not be used to calculate open space. The applicant has not identified how the open space will be developed, but this will be discussed further within this report.

FINDING: Based on the above discussion, this criterion is met with respect to satisfying the minimum amount of open space.

V. APPLICABLE CODE PROVISIONS

A. Division II - Land Use and Development

The applicable provisions of Division II include: 16.12 (Medium Density Residential Low, Medium Density Residential High); 16.58 (Visual Clearance); and 16.60 (Yard Requirements) Compliance with the standards in these sections is discussed below:

16.12.010 Purpose and Density Requirements

Zoning district description

D. Medium Density Residential High (MDRH)

The MDRH zoning district provides for single-family and two family housing, manufactured housing, multi-family housing and other related uses with a density of 5.5 to 11 dwelling units per acre.

ANALYSIS: The gross site area is 3.63 acres. After street right-of-way, wetlands and vegetated corridor dedications, the net acreage is 2.09 acres. The proposed density for this subdivision is 6.22 dwelling units per acre which falls within the allowable range for the MDRH zone.

FINDING: This standard is met.

16.12.020 Allowed Residential Land Uses

Single Family Attached or Detached Dwellings

ANALYSIS: The applicant is proposing a 13-lot subdivision for detached, single family dwellings which is a permitted use in the MDRH zone.

FINDING: This standard is met.

16.12.030 Residential Land Use Development Standards

16.12.030.A Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variances and Adjustments)

16.12.030.B Development Standards

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas), Chapter 16.44 (Townhomes), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

16.12.030.C Lot Dimensions

	MDRH
Minimum Lot area (in square ft); Single-Family Detached:	5,000
Minimum Lot width at front property line:	25 feet
Minimum Lot width at building line; Single-Family:	50 feet

Lot Depth:	80 feet
------------	---------

FINDING: The preliminary subdivision plat proposes 13 lots ranging in size from 5,011 square feet to 8,204 square feet, meeting or exceeding the minimum lot size criteria (Exhibit A, Sheet SDR -3). As proposed, all lots meet the minimum width at the front property line of 25 feet, with lot widths ranging from 30.02 (lot 11) to 59 feet (Lots 8 and 9). All lots meet or exceed the minimum 50-foot width at the building line and 80-foot depth requirements.

FINDING: These standards are met.

16.12.030.C Setbacks

	MDRH
Front yard:	14 feet
Face of garage	20 feet
Interior side yard; Single-Family Detached:	5 feet
Corner lot side yard; Single Family or Two Family:	15 feet
Rear yard:	20 feet

ANALYSIS: Building plans are not included with the proposal. However, the building envelopes shown demonstrate that lots are large enough for structures to meet the setbacks.

FINDING: These standards can be met as conditioned below.

RECOMMENDED CONDITION: Prior to issuance of building permits, submit plot plans showing that the structures meet minimum front, face of garage, rear, side, and corner side yard setback requirements.

16.12.030.C. Height

	MDRH
Maximum Height (in feet):	35 or 2.5 stories

ANALYSIS: At this time it is unclear how tall the homes will be. The actual height of the homes will be reviewed when the lots are individually reviewed prior to issuance of building permits.

FINDING: This standard can be met as conditioned below.

RECOMMENDED CONDITION: Prior to issuance of building permits, submit plot plans showing that the height of the dwellings do not exceed two (2) stories or thirty feet, whichever is less, in the 2.5 stories or 35 feet, whichever is less, in the MDRH zoned areas.

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 (2 1/2) 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.

ANALYSIS: The applicant shows that the proposed development can comply with this standard. Clear vision areas will be verified at the time of plot plan review prior to issuance of building permits.

FINDING: As proposed, this standard is not met, but can be met as conditioned below.

RECOMMENDED CONDITION: Prior to approval of the Final Plat, submit a revised tree plan demonstrating compliance with the Clear Vision requirements of Section.16.58.

16.60 Yard Requirements

16.60.010 Through Lots

On a through lot the front yard requirements of the zone in which such a lot is located shall apply to the street frontage where the lot receives vehicle access, except where access is from an alley, the front yard requirements shall apply to the street opposite the alley.

ANALYSIS: The applicant has proposed a number of through lots, as the rear lots of lots 1-6 are adjacent to Highway 99W. All through lots will take access from a new internal street, and identify the frontage onto this street with a minimum setback of 14 feet.

FINDING: Based on the above discussion, this standard is met.

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.

ANALYSIS: As proposed lot 1, is a corner lot. The MDRH zone requires a 14-foot front yard and 15-foot street side yard setback, which supersedes these standards. The

applicant's plan demonstrates that the front and street side yard setbacks required by MDRH zones in Section 16.12.030 can be met.

FINDING: These standards are not applicable as they are superseded by the standards of Section 16.12.030.

16.60.030 - Yards

- A. Except for landscaping, every part of a required yard (also referred to as minimum setback) shall be open and unobstructed from its lowest point to the sky, except that architectural features such as awnings, fire escapes, open stairways, chimneys, or accessory structures permitted in accordance with Chapter 16.50 (Accessory Structures) may be permitted when so placed as not to obstruct light and ventilation.**
- B. Where a side or rear yard is not required, and a primary structure is not erected directly on the property line, a primary structure must be set back at least three (3) feet.**

ANALYSIS: No structures are proposed at this time. Compliance with yard requirements will be verified prior to issuance of building permits.

FINDING: This criteria is not applicable.

16.60.040 - Lot Sizes and Dimensions

- A. If a lot or parcel, or the aggregate of contiguous lots or parcels, recorded or platted prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot or aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located.**
- B. Exceptions**
 - 1. Residential uses are limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, a dwelling cannot be built on a lot with less area than thirty-two hundred (3,200) square feet, except as provided in Chapter 16.68.**
 - 2. Yard requirements of the underlying zone may be modified for infill developments as provided in Chapter 16.68 (Infill Development).**

ANALYSIS: As proposed, all lots meet the minimum size and dimension requirements of the MDRH zone.

FINDING: This standard is not applicable.

16.92.040 INSTALLATION AND MAINTENANCE

1. Deferral of Improvements

Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to 125% 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 six (6) months, the security may be used by the City to complete the installation.

2. Maintenance of Landscaped Areas

All landscaping shall be maintained in a manner consistent with the intent of the

approved landscaping plan. Failure to maintain landscaped areas shall result in the revocation of applicable occupancy permits and business licenses

FINDING: Upon final site plan review, the landscaping will need to be installed before the issuance of the occupancy permits. The applicant intends to install the proposed landscaping prior to occupancy, depending upon the weather.

RECOMMENDED CONDITION: Install the landscaping according to the landscape plan prior to the issuance of the occupancy permits or pay a security bond for 125% of the cost of the landscaping payable to the City. If the landscaping is not completed within six months, the security may be used by the City to complete the installation.

16.94.010 Generally

1. Off-Street Parking Required

No building permit shall be issued until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.

FINDING: The applicant has provided adequate parking spaces for the residential uses through attached garages and driveways. The applicant meets this criterion.

16.94.020- Off Street Parking

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

FINDING: Section 16.94.020 indicates single-family dwellings required one off-street parking space per dwelling unit. This standard is typically met with the installation of garages and driveways. Compliance is confirmed during plot plan review for individual building lots and conditioned previously in this report.

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.

FINDING: Kristen Leichner, Pride Disposal, indicated that the solid waste hauler trucks were unable to turnaround within the subdivision and unable to serve the site. In conversations with Ms. Leichner, she indicated that one option the applicant had was

to construct the private drive to public street depth in order for the trucks to use the drive as a turnaround. Based on the above discussion it is feasible to meet this standard with the following condition identified below.

RECOMMENDED CONDITION: Prior to final plat approval, receive approval of the layout from Pride Disposal so that the solid waste hauler trucks can maneuver and serve the subdivision.

D. Division VI - Public Infrastructure

The applicable provision of Division VI include: 16.106 (Transportation Facilities); 16.110 (Sanitary Sewers); 16.112 (Water Supply); 16.114 (Storm Water); 16.116 (Fire Protection); and 16.118 (Public and Private Utilities).

16.106 Transportation Facilities

16.106.020 - Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. Right-of-way requirements are based on functional classification of the street network as established in the Transportation System Plan, Figure 15.

B. Existing Streets

Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.

ANALYSIS: The parcel is adjacent to Highway 99W, a principle arterial. Access is not allowed for individual residential lots. The existing roadway is substandard and a discussion of the required improvements is identified below.

C. Proposed Streets

1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.

ANALYSIS: The applicant proposes a local street to provide access to the individual lots and extend through the development to the property located to the south. The roadway will connect to Highway 99W and vehicles will have right in/right out movements onto 99W. The pavement width of this street will be 28' feet wide with a sidewalk and planter strips on either side of the street for a total right of way of 52 feet.

D. Extent of Improvements

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and

roughly proportional to the impact of the development, pursuant to Section 16.106.090.

ANALYSIS: The property is adjacent to Highway 99W, a principle arterial. The applicant is proposing a new local street that will extend through the central portion of the site and provide access to the individual lots and provide a future connection to the property to the south.

Highway 99W: The applicant will need to construct street widening improvements and dedicate right-of-way along the southeast side of Highway 99W eastbound (Arterial Street) along the length of the subject property. Currently, the eastbound Highway 99 has two 12-foot lanes with a paved shoulder. The City's typical section for Highway 99 is for 12-foot lanes with an 8-foot wide bike lane, a 15-foot wide planter strip and a 10-foot wide sidewalk. Highway 99W is an ODOT right-of-way. An ODOT permit for the construction of the improvements within ODOT right-of-way will be required.

Forest Creek Drive (new street): The local street that will be constructed with the development is proposed to be 52-feet wide consistent with the standard residential street within the City's Transportation System Plan (TSP). Due to the sharp curve at Lot 1, Lot 1 will have a sight triangle easement over its eastern corner meeting the approval of the City of Sherwood Engineering Department.

Private Driveway for Lots 10-11: Due to the configuration and constraints of the site, the applicant proposes a 14 foot drive with two 4 foot sidewalks to serve the two lots. This may be acceptable to the Engineering Department, but a street design modification will be required.

FINDING: As discussed in the analysis above, the applicant has proposed to provide dedications for all public streets within and adjacent to the development. All of the proposed dedications appear to meet the City and ODOT standards except for the proposed dedication along Highway 99W. In order to ensure that all streets within and adjacent to the proposed subdivision meet this standard, the following conditions are warranted.

RECOMMENDED CONDITION: Prior to final plat approval, the developer shall dedicate right of way adjacent to Highway 99W and along the length of the subject property to be in compliance with ODOT requirements found in Exhibit F. specifically:

- a) Curb, sidewalk, cross walk ramp(s) bikeways and road widening shall be constructed as necessary to be consistent with local, ODOT and ADA standards.
- b) Right of way deeded to ODOT as necessary to accommodate the planned cross section shall be provided. The deed must be to the State of Oregon, Oregon Department of Transportation. The ODOT District contact will assist in coordinating the transfer. ODOT should provide verification to the local jurisdiction that this requirement has been fulfilled. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site prior to transfer of property to the Department.

RECOMMENDED CONDITION: Prior to final plat approval, the developer shall dedicate right of way to the City to accommodate project development including street lighting,

street signs, Pavement markings, etc. The street improvements shall extend to serve future development properties to the southeast.

RECOMMENDED CONDITION: Prior to issuance of an Engineering Compliance Agreement, the driveway for Lot 1 shall be designed to be located as close to the southwest property line as possible.

RECOMMENDED CONDITION: Prior to issuance of an Engineering Compliance Agreement, Lot 1 shall have a sight triangle easement designed to meet the approval of the City of Sherwood Engineering Department.

RECOMMENDED CONDITION: Prior to issuance of an Engineering Compliance Agreement, Lots 10 and 11 shall obtain access via a private drive within a private tract. A design for the non-standard private drive typical section shall be submitted via a design modification request meeting the approval of the City Engineer.

16.106.030 - Location

A. Generally

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.

FINDING: As discussed earlier within this report, the applicant has designed the streets that adequately address the constraints of the site. The applicant provides connections where feasible to adjoining properties and thus meets this criterion.

C. Underground Utilities

All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

FINDING: The applicant has indicated that all public and private utilities will be constructed underground consistent with this provision. Therefore, this criterion is satisfied.

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.

ANALYSIS: This provision applies to any street that would be substandard. As discussed earlier in this report, the applicant has proposed to dedicate right-of-way for streets adjacent to and within the development that would negate the need for these additional setbacks.

FINDING: The proposed development provides enough new right-of-way dedication to ensure that none of the abutting streets are less than the standard widths prescribed by the respective City TSP; therefore, there is no need to apply any special or additional setbacks that this criterion calls for. This standard is not applicable to the proposed development.

16.106.040. - Design

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 flows.

FINDING: The proposed 13-lot single-family subdivision would not generate more than an estimated 200 average daily trips and therefore the City Engineer did not require a traffic study. This standard is not applicable.

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.

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 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.

d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 17 of the TSP, Volume 1, shall be limited as follows:

(1) Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

(2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:

(a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').

- (b) **The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.**
- (3) **All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.**

ANALYSIS: The proposed subdivision is adjacent to Highway 99W, so the above standards apply to this development. The existing cross section of eastbound Highway 99W has two 12-foot lanes with a paved shoulder. According to the City's Transportation System Plan, the typical standard cross-section consists of 12 foot lanes with an 8-foot bike lane, 15 foot wide planter strip and a 15-foot wide planter strip and a 10-foot wide sidewalk. Highway 99W is an ODOT right-of-way. The applicant shows a 6 foot bike lane on the plans but otherwise adequately shows the appropriate cross-section. This will need to be modified to meet the standard for Highway 99W.

An ODOT permit for the construction of the improvements within ODOT right-of-way will be required. The applicant is advised by ODOT that the subject property's highway frontage is access controlled. ODOT has acquired and owns access rights to the subject property. The subject property was granted a Reservation of Access, as recorded in the property deed. The reservation of access grants access rights to the northern lot only. The previous southern lot and any new lots subsequently created cannot use the northern lot for access without a Reciprocal Conveyance of Access Rights

FINDING: Based on the above discussion, the applicant has not met the standards, but may do so with the following conditions.

RECOMMENDED CONDITION: Prior to issuance of an Engineering Compliance Agreement, eastbound Highway 99W shall be designed to have an 8-foot wide bike lane, a 15-foot wide landscape strip and a 10-foot wide sidewalk as well as right-of-way dedication as needed to establish the right-of-way at 1-foot behind the back of sidewalk.

RECOMMENDED CONDITION: Prior to issuance of the Engineering Compliance agreement, the applicant is required to obtain a State Highway Approach Road Permit from ODOT for access to the state highway or written determination (e-mail, fax or mail acceptable) from ODOT that the existing approach(es) is/are legal for the proposed use is required. Truck turning templates shall be provided as needed to ensure vehicles can enter and exit the approach safely. Site access to the state highway is regulated by OAR 734.51.

RECOMMENDED CONDITION: Prior to issuance of an Engineering Compliance agreement, an ODOT Miscellaneous Permit must be obtained and copies provided to the City for all work in the highway right of way. When the total value of improvements within the ODOT right of way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the transfer of ownership of the improvement to ODOT. An Intergovernmental Agreement (IGA) is required for agreements involving local governments and a Cooperative Improvement Agreement (CIA) is required for private

sector agreements. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements

RECOMMENDED CONDITION: Prior to issuance of the Engineering Compliance Agreement, the applicant will obtain the Reciprocal Conveyance of Access before the access can legally be permitted.

16.110 Sanitary Sewers

Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Sanitary Sewers shall be constructed, located, sized and installed at standards consistent 16.110.

FINDING: Sanitary sewer must be installed to accommodate project development and shall be extended through the development to serve future development of properties to the southwest. Any public sanitary sewer outside of the public right-of-way/public property will be located within a dedicated public easement. All sanitary sewer infrastructure shall be designed to meet the approval of the City of Sherwood Engineering Department prior to issuance of an Engineering Compliance Agreement. The applicant must full comply with this standard by fulfilling the following conditions.

RECOMMENDED CONDITION: Prior to final plat approval, all public sanitary sewer outside of the public right-of-way/public property shall be located within a dedicated public easement.

RECOMMENDED CONDITION: Prior to issuance of an Engineering Compliance Agreement, all sanitary sewer infrastructure shall meet City of Sherwood standards and be reviewed and approved by the Sherwood Engineering Department.

16.112 Water Supply

Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development in compliance with 16.112.

ANALYSIS: Water mains shall be installed to accommodate project development and shall be extended through the development to serve future development of properties to the southwest. Public water facilities within the subject property and outside of the public right-of-way/public property will be located within a dedicated public easement. All water infrastructure shall be designed to meet the approval of the City of Sherwood Engineering Department prior to issuance of an Engineering Compliance Agreement.

Extension of the public water line within Tract 'QQ' of Woodhaven No. 9 may be too close to Lot 446 of Woodhaven No. 9 to be able to extend without a disturbing the neighboring property. If so, the developer shall obtain a temporary construction easement for the extension of the water line.

FINDING: Based on the above analysis and review of the utility plans, the project can be served through the extension of existing lines. The applicant will be required to comply with the following conditions in order to meet this criterion.

RECOMMENDED CONDITION: Prior to issuance of an Engineering Compliance Agreement, all water infrastructure shall meet City of Sherwood standards and be

reviewed and approved by the Sherwood Water Department (Public Works Department).

RECOMMENDED CONDITION: Prior to issuance of the Engineering Compliance Agreement, the developer shall obtain a temporary construction easement for the extension of the water line as needed.

16.114 Storm Water

Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage system consistent with the Comprehensive Plan, the requirements of the Clean Water Services water quality regulations and section 16.114.

ANALYSIS: Storm sewer shall be installed to accommodate project development and shall be extended through the development to serve future development of properties to the southwest.

Water quality treatment is required meeting the approval of the City of Sherwood Engineering Department and Clean Water Services. New water quality facilities for new subdivision improvements located outside of ODOT right-of-way shall be within a separate tract dedicated to the City of Sherwood. The capacity of the existing storm sewer (beneath Highway 99) receiving runoff from the subject development shall be verified. If undersized, the existing storm sewer shall be upsized or detention shall be provided to accommodate the subject property.

FINDING: Based on the above discussion the applicant does not fully comply with the above criterion, but can do so with the following conditions.

RECOMMENDED CONDITION: Prior to final engineering approval of the improvements if the existing storm sewer (beneath Highway 99) receiving runoff from the subject development is undersized, the existing storm sewer shall be upsized or detention shall be provided to accommodate the subject property.

RECOMMENDED CONDITION: Prior to final plat approval, the public storm sewer outside of the public right-of-way/public property will be located within a dedicated public easement.

RECOMMENDED CONDITION: Oregon Department of Transportation (ODOT) storm sewer facilities shall not be installed outside of ODOT right-of-way without approval from the City Engineer.

RECOMMENDED CONDITION: All new water quality facilities shall be within a separate tract dedicated to the City of Sherwood.

RECOMMENDED CONDITION: The capacity of the existing storm sewer receiving runoff from the subject development shall be verified. If undersized, the existing storm sewer shall be upsized or detention shall be provided to accommodate the subject property.

RECOMMENDED CONDITION: Prior to final plat approval, all public storm sewer outside of the public right-of-way/public property will be located within a dedicated public easement.

RECOMMENDED CONDITION: All storm sewer infrastructure shall meet City of Sherwood standards and be reviewed and approved by the Sherwood Engineering Department prior to issuance of an Engineering Compliance Agreement.

16.116.010 Fire Protection

When land is developed so that any commercial or industrial structure is further than 250 feet or any residential structure is further than 500 feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety. In addition capacity, fire flow, access to facilities and number of hydrants shall be consistent with 16.116.020 and fire district standards.

16.116.020 Standards

A. Capacity

All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.

B. Fire Flow

Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.

C. Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

D. Hydrants

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.

ANALYSIS: The proposed development provides for water service, and shows the location of proposed fire hydrants to provide fire protection for the development. Tom Mooney, Deputy Fire Marshal for Tualatin Valley Fire and Rescue (TVFR), provided

comments via a letter dated September 14, 2016 and attached as Exhibit D to this report. Generally, Mr. Mooney has indicated that the district is supportive of the proposed development, but has indicated that several items needed to be verified before issuance of building permits.

FINDING: The applicant has provided enough evidence within the record to suggest that meeting the standards for fire protection is feasible with the proposed development. However, the Fire Marshall from TVFR has indicated that some of the subdivision design, specifically, street radii, may require additional mitigation to ensure that they fire district can readily provide service. Therefore, the following condition is warranted.

RECOMMENDED CONDITION: Prior to the issuance of any building permits for the proposed subdivision, the applicant shall provide the Planning Department with a letter or e-mail from the TVFR District Fire Marshal that indicates that the concerns within his letter, attached as Exhibit D to this report, have been addressed and mitigated to the districts satisfaction.

16.118.020 Public and Private Utilities Standard

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer.**
- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property (ies).**
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.**
- F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.**

ANALYSIS: The applicant has provided a preliminary utility plan. The utility plan simply shows public water, sewer, and storm sewer. While the plan does not illustrate the location and placement of franchise utilities, the applicant does show a public utility easement along all street frontages, and indicates within the narrative that all public utilities will be placed underground prior to paving.

FINDING: The placement of utilities within the development is conducive to future extensions beyond this property, and the developer has illustrated an 8-foot public utility easement along the street frontages of all lots. The City Engineering division has provided comments responding to the preliminary development plans provided by the applicant. Therefore, it is feasible for the proposed development to satisfy these standards provided the applicant complies with following conditions.

RECOMMENDED CONDITION: Prior to final plat approval, the applicant shall provide construction plans that demonstrate compliance with City of Sherwood standards for review and approval by the Sherwood Engineering Department. The applicant will have

met this condition with the issuance of an Engineering Compliance Agreement from the City of Sherwood.

16.118.050 - Private Streets

The construction of new private streets, serving single-family residential developments shall be prohibited unless it provides principal access to two or fewer residential lots or parcels i.e. flag lots. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records. A private street shall also be signed differently from public streets and include the words "Private Street".

FINDING: Due to the site constraints and limited access to surrounding properties, the applicant proposes a private drive to serve two of the lots. The applicant will be able to comply with this criterion with the following condition.

RECOMMENDED CONDITION: Prior to issuance of the Engineering Compliance Agreement, Lots 10 and 11 shall obtain access via a private drive within a private tract. A design for the non-standard private drive typical section shall be submitted via a design modification request, meeting the approval of the City Engineer.

D. Division VII – Subdivisions and Partitions

16.122.010.3- Required Findings for Subdivision Preliminary Plats

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.

FINDING: The streets proposed for SW Forest Creek Drive are of the same width already established with the construction of the same street further to the south. The applicant has proposed the street to connect with the properties to the south in the general vicinity of the Sherwood Transportation System Plan (TSP). This standard is met.

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.

FINDING: The applicant has been required above to submit appropriate reservations and restrictions relating to the private drive. This standard has been met.

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

FINDING: The applicant has proposed single family detached dwelling units that provide a mix of housing types with the MDRH zone. The applicant has further met the requirements of this code section. This standard has been met.

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

FINDING: As discussed previously in this report under Division VI this standard has been met.

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

FINDING: There are no additional, contiguous properties under the same ownership and, therefore, this standard does not apply.

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

FINDING: As discussed above, this standard has been met.

G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

FINDING: Tree and woodland inventories are discussed and conditioned, if necessary, below in Section 16.142.060.

16.126.010- Blocks- Connectivity

A. 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.

FINDING: The length, width, and shape of the block proposed is designed to provide adequate building sites for the uses proposed. Access, circulation, traffic control and safety are all addressed by the proposed development. This standard is met.

B. Block Length. Block length standards shall be in accordance with Section 16.108.050. 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.

FINDING: The entire subdivision is less than eighteen hundred feet in length and adjacent to Highway 99W, a principle arterial and therefore, this standard has been met.

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

FINDING: To comply with section 16.108.040.2.F, the applicant is proposing a pedestrian connection to SW Pinehurst. This standard is met.

16.126.020- Easements

1. 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.

FINDING: The applicant will be required to provide an 8-foot public utility easement along all street frontages, as discussed and conditioned in Section 16.118. No additional easements are required as utilities are proposed within the public right-of-way. This standard is met. No structures can be located to obstruct the PUE. In this case, the applicant proposes a retaining wall along lots 1 and 2, which will obstruct the PUE. This will not be allowed unless an exception is granted by the City Engineer. Based on the above discussion, the applicant does not meet this criterion, but can do so with the following condition.

RECOMMENDED CONDITION: Prior to final plat approval, provide an 8-foot public utility easement along all street frontages that are not obstructed with any permanent structures.

2. 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.

FINDING: This subdivision is not traversed by a watercourse, drainageway, channel or street and, therefore, this standard is not applicable.

16.126.030- 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.

FINDING: A pedestrian/bicycle connection has been proposed to connect with the Woodhaven subdivision at the southern boundary of the site. This standard has been met as discussed and conditioned previously in this report.

16.126.040- Lots

1. Size and Shape

Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision, and shall comply with applicable zoning district requirements, with the following exceptions:

a. Lots in areas not served by public sewer or water supply, shall conform to any special Washington County Health Department standards.

FINDING: The size, shape, width and orientation of all of the lots in this subdivision are appropriate for the location and topography of the subdivision and comply with the applicable zoning district requirements, as discussed above in Sections 16.16.040 and 16.18.040. This standard has been met.

2. Access

All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.

FINDING: All proposed lots in this subdivision abut a public street with the exception of lots 10 and 11. Since no vehicular access would be allowed on SW Pinehurst as there is not enough dedicated right of way at Tract QQ of the Woodhaven subdivision. Therefore, a private street could be provided to service no more than two lots. The driveway has been discussed earlier in this report. This standard is met.

3. 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.

ANALYSIS: There are nine double frontage lots proposed along proposed SW Forest Creek Drive, The lots with double frontage along 99W are permitted as they provide a separation of the residential development from 99W, a highway. Placing these lots with the rear facing 99W allows fencing and the visual corridor (discussed and conditioned below in Section 16.142.040) to separate the residential development from the highway.

FINDING: Although there are double frontage lots proposed with this application, they all meet the requirements of this standard and, as discussed above staff does not recommend landscape easements. This standard has been met.

4. 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.

FINDING: The side lot lines of this proposed development generally run at right angles to the street upon which the lots face. In one instances, the streets curve and does not make complete corners. At this location, the lot lines are radial to the curve of the street. This standard is met.

5. Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:

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

B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

FINDING: The submitted grading plan shows that the grading of the building sites will conform to these standards. This will be verified by the Engineering and Building departments prior to public improvement plan approval and issuance of a 1200-C permit, as conditioned above.

RECOMMENDED CONDITION: Prior to grading the site obtain from the building department a grading permit and 1200-C permit.

E. Division VIII – Environmental Resources

16.142 Parks and Open Space

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*.

ANALYSIS: The net developable area of the site is approximately 91,149 square feet after excluding the public right of way and environmentally constrained areas. A subdivision is required to include at least 5% of the remaining net developable site area

for open space or in this case, 4557 square feet of open space area. The applicant's proposal includes 6554 square feet of 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.

FINDING: Based on the above discussion, the applicant does not meet this standard but the applicant may be able to meet this standard as conditioned below.

RECOMMENDED CONDITION: Prior to final plat approval, provide documentation, to be recorded with the plat, dedicating the tracts of open space to the Homeowner's Association.

RECOMMENDED CONDITION: Prior to final plat approval provide public pedestrian access easements over all soft and hard surface pathways throughout the subdivision.

RECOMMENDED CONDITON: Prior to final plat approval, submit a landscape and programming plan for open space area that demonstrates that it is a usable and accessible area for the neighborhood

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:

	Category	Width
2.	Arterial	15 feet
3.	Collector	10 feet

B. 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.

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).

ANALYSIS: This project abuts Highway 99W. As such, a 25-foot landscaped visual corridor is required along this frontage. The applicant has not identified the visual corridor on the plans nor identified the planting plan for the landscaped corridor. The applicant has not shown how the landscaped visual corridor will be maintained; however, the Home Owner's Association (HOA) is typically responsible for the

maintenance of landscaped visual corridors. These standard could be met as conditioned below.

Because six of the residential lots abut Highway 99W, a 25-foot visual corridor is required. While the required rear yard of lots is 20 feet, Lots 1-9 will need to have a required lot depth of at least 25 feet to comply with the visual corridor requirements. The required 25-foot visual corridor can fall within this required yard. This will be verified when the visual corridor plan is submitted for review, as conditioned above and reviewed during plot plan review.

FINDING: As discussed above, the applicant has not submitted a planting plan for the visual corridor and, therefore, staff cannot verify that this standard is met. However, as conditioned above, this standard can be met by the applicant submitting a landscaped visual corridor plan prior to final plat approval and installing the landscaping prior to issuance of building permits.

RECOMMENDED CONDITION: Prior to final plat approval, submit verification of perpetual maintenance of the landscaped visual corridor through evidence of a homeowners' association being established with authority to assess funds to ensure maintenance or another acceptable means.

RECOMMENDED CONDITION: Prior to final plat approval, submit a planting plan for the 25-foot landscaped visual corridor along 99W meeting the standards of 16.142.040 prior to approval of the final plat. Install the landscaped visual corridor or bond for the installation of improvements prior to issuance of any building permits for lots abutting 99W.

RECOMMENDED CONDITION Prior to final plat approval, provide plans that show the cross section and landscape plans including the specific planting materials to be installed within the visual corridors along Highway 99W.

RECOMMENDED CONDITION: Prior to final occupancy of lots 1-6, install the visual corridor landscaping per the landscape plans submitted during final plat review.

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 a 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.

ANALYSIS: The applicant has not identified the street trees that will be used along the street frontage, but has indicated trees within the planter strips adjacent to the roadways. This is a preliminary plan, the type and number of trees could change as the site design is further refined. A plan is needed to ensure compliance with this criterion.

FINDING: Based on the above discussion, the applicant does not fully comply with the standard, but can do so with the following condition.

RECOMMENDED CONDITION: Prior to final plat approval, submit a street tree and landscape plan from the approved street tree list that shows spacing in relation to the driveways and selection of suitable street trees.

RECOMMENDED CONDITION: Prior to approval of the Engineering Compliance agreement, submit a street tree planting plan that show trees a minimum of 2 inches DBH and 6 feet high. Plant street trees for each lot prior to a certificate of occupancy for the home on the lot.

RECOMMENDED CONDITION: Prior to final plat approval, obtain an ODOT permit to place trees in the state right of way. Tree spacing and design must be consistent with

the ODOT Highway Design Manual) or ODOT must approve a Design Exception. If trees are proposed in the planter strip a Design Exception for the clear zone is required.

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.
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 πr^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.

ANALYSIS: The applicant provided a tree inventory for the six lots that will be removed to accommodate development on the site. The applicant has not provided a planting plan that addresses the tree canopy requirements for subdivisions. The development has options for achieving the 40 % canopy requirement.

FINDING: Based on the above discussion, the applicant does not meet this criterion, however the applicant may be able to meet this criterion with the following condition.

RECOMMENDED CONDITION: Prior to final plat approval, provide an estimated tree canopy assessment for the subdivision that satisfies the 40 % canopy requirement.

16.144- Wetland, Habitat and Natural Areas

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.

1. Verifying boundaries of inventoried riparian habitat. Locating habitat and determining its riparian habitat class is a four-step process:
 - a. Located the Water Feature that is the basis for identifying riparian habitat.
 1. Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.
 2. Locate all flood areas within 100 feet of the property.
 3. Locate all wetlands within 150 feet of the property based on the Local Wetland Inventory map and on the Metro 2002 Wetland Inventory map (available from the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232). Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers.
 - b. Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas or are within 100 feet of flood areas. Vegetative cover status shall be as identified on the Metro Vegetative Cover map. In the event of a discrepancy between the Metro Vegetative Cover map and the existing site conditions, document the actual vegetative cover based on the following definitions along with a 2002 aerial photograph of the property;
 1. Low structure vegetation or open soils — Areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).
 2. Woody vegetation — Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown-closure) located within 300 feet of a surface stream.
 3. Forest canopy — Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.
 - c. Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% (using the Clean Water Services Vegetated Corridor methodology); and
 - d. Identify the riparian habitat classes applicable to all areas on the property using Table 8-1.
2. Verifying boundaries of inventoried upland habitat. Upland habitat was identified based on the existence of contiguous patches of forest canopy, with limited canopy openings. The "forest canopy" designation is made based on analysis of aerial photographs, as part of determining the vegetative cover status of land within the region. Upland habitat shall be as identified on the HCA map. The perimeter of an area delineated as "forest

canopy" on the Metro Vegetative Cover map may be adjusted to more precisely indicate the drip line of the trees within the canopied area.

ANALYSIS: The applicant has submitted along with the application materials, a Service Provider Letter from CWS indicating a vegetated corridor buffer that will need to be preserved. A tributary of Cedar Creek flows south to north across the easternmost portion of the lot. The site has been degraded for agricultural use and other invasive species. The site has remained vacant for a number of years and no structures are currently on site. The regulated width of the on-site vegetated corridor located west of on and off site sensitive area will be 50 feet. The fifty foot width applies to the entire sensitive area because the tributary has been documented to be perennial, and wetlands that have direct hydrologic connection to any drainage also require a fifty foot corridor. The SPL indicates that there is an existence of water quality sensitive area, including wetlands and a perennial stream requiring protection via a vegetated corridor on site to equal to 17,483 square feet denoted on the plans as Tract A. The applicant will be required to comply with the conditions of CWS and the Engineering Department as stated below.

FINDING: As discussed above, this standard has not been fully met. If the applicant complies with the conditions below, this standard will be met.

RECOMMENDED CONDITION: Comply with the Clean Water Services, Service Provider Letter throughout the development of the site.

RECOMMENDED CONDITION: Prior to final plat approval, identify the vegetated corridor within a tract, as dedicated to the City of Sherwood on the final plat submittal.

RECOMMENDED CONDITION: Prior to issuance of an Engineering Compliance Agreement, an arborist report shall be provided by the developer identifying any hazardous trees within the vegetated corridor.

RECOMMENDED CONDITION: Prior to final engineering approval of the improvements, any trees within the vegetated corridor that have been identified as hazardous shall be removed by the developer.

RECOMMENDED CONDITION: All existing trees within the vegetative corridor shall be maintained by the developer for a period of 2-years after engineering approval of the vegetative corridor plantings. Any trees becoming a hazard within the 2-year maintenance period shall be removed by the developer.

RECOMMENDED CONDITION: Prior to the release of the vegetative corridor maintenance bond, any trees identified as being a hazard during the 2-year maintenance vegetative corridor maintenance bond period shall be removed by the developer.

F. Division IX – Historic Resources

FINDING: There are no identified historic resources on any of these properties and this site is not located in Old Town. Therefore, the standards of Division IX are not applicable.

VI. RECOMMENDATION

Based on a review of the applicable code provisions, agency and public comments, and staff review, staff **RECOMMENDS APPROVAL with conditions** of the proposed subdivision for SUB 16-01 Del Boca Vista Subdivision (as identified on the preliminary plat, Exhibit A). The specific conditions of approval are:

A. General Conditions:

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

1. Development and construction on the site shall conform substantially to the preliminary plat development plans submitted by Multi/Tech on August 29, 2016, except as modified in the conditions below, and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official, Clean Water Services, Tualatin Valley Fire and Rescue, Pride Disposal and Oregon Department of Transportation. All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.
2. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the plat as required by these conditions of approval, to the plans, standards, and specifications of the City of Sherwood. The developer shall also provide to the City financial guarantees for construction of all public streets and utilities within and adjacent to the plat, as required by the engineering compliance agreement.
3. Placement of construction trailers on the subject property shall require a Temporary Use Permit per Section 16.86 of the SZCDC. Construction trailers shall be located outside the public right-of-way.
4. Oregon Department of Transportation (ODOT) storm sewer facilities shall not be installed outside of ODOT right-of-way without approval from the City Engineer.
5. All new water quality facilities shall be within a separate tract dedicated to the City of Sherwood.
6. Comply with the Clean Water Services, Service Provider Letter throughout the development of the site.
7. Any trees within the vegetated corridor that have been identified as hazardous shall be removed by the developer.
8. All existing trees within the vegetative corridor shall be maintained by the developer for a period of 2-years after engineering approval of the vegetative corridor plantings. Any trees becoming a hazard within the 2-year maintenance period shall be removed by the developer.
9. Prior to the release of the vegetative corridor maintenance bond, any trees identified as being a hazard during the 2-year maintenance vegetative corridor maintenance bond period shall be removed by the developer.
10. Upon issuance of the Notice of Decision, a pre-design meeting between the Engineer of Record and the City Engineering Department shall be held.

11. Sherwood Broadband utilities shall be installed as per requirements set forth in City Ordinance 2005-017 and Resolution 2005-074.

B. Prior to grading the site:

1. Install tree protection fencing around trees to be preserved on the site.
2. Obtain Building Department permits and approval for erosion control and grading on private property and Engineering Department permits and approval for all grading in the public right-of-way.
3. Obtain a grading permit and 1200-C permit.

C. Prior to approval of public improvement plans:

1. Submit public improvement plans to Engineering for review and approval. The public improvement plans must be approved and bonded for prior to the City's approval of the final plat.
2. Provide for engineering review a public improvement design that shows a photometric street light design meeting IESNA standards for SW Forest Creek Drive and the access way.
3. All existing and proposed lots shall obtain approval from the Engineering Department and connect to sanitary sewer. Any existing septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law. The method and schedule for abandonment of these shall be reviewed and approved by the City Engineer prior to issuance of a grading permit.
4. Submit to the Engineering Department for review and approval a stormwater report identifying adequate space in the facility developed on site, in Tract B. The public improvement plans must include detention and treatment of all stormwater on the site in compliance with Clean Water Services standards and the CWS Provider Letter submitted with this application.
5. Submit to the engineering department a detailed downstream analysis and satisfy all storm treatment requirements including run-off from the SW Forest Creek Drive improvements.
6. Submit plans that include fire protection standards in compliance with TVF&R regulations and must include "no parking" signs on Tract C.
7. Submit public improvement plans that include installation of conduits for public and private utilities as well as laterals for individual lots, 8-foot public utility easements (PUEs) adjacent to all right-of-way and any required design and installation for Sherwood Broadband.
8. Submit public improvement plans to Engineering for review and approval, which include all existing and proposed utilities placed underground.

9. Submit a street tree planting plan as part of the public improvements that show trees a minimum of 2 inches DBH and 6 feet high.
10. If the existing storm sewer (beneath Highway 99) receiving runoff from the subject development is undersized, the existing storm sewer shall be upsized or detention shall be provided to accommodate the subject property.

D. Prior to Issuance of the Engineering Compliance Agreement:

1. Receive City Engineer approval of construction plans for all public improvements (see condition C.1 above).
2. All existing and proposed lots shall obtain approval from the Engineering Department and connect to sanitary sewer.
3. For the purposes of future connectivity, terminate SW Forest Creek Drive stub at the southwestern site boundary to provide for a future street extension to the south as the adjacent parcel develops. Install signage indicating that this stub street will be continued with future development.
4. Design the public street intersections to meet sight distance requirements. Provide certification by a registered Oregon Professional Engineer that the constructed public street intersections meet sight distance requirements.
5. Restrict and maintain on-site landscaping, utilities, and any other obstructions in the sight distance triangles to provide adequate sight distance at access locations to SW Forest Creek Drive.
6. Public easements are required over all public utilities outside the public right-of-way. Easements dedicated to the City of Sherwood are exclusive easements unless otherwise authorized by the City Engineer.
7. Submit to the City for review and signing, all necessary public and private easements.
8. Sign, record and return the original recorded documents to the City for all necessary public and private easements. Alternatively, receive approval from Planning and Engineering Departments for the necessary easements to be recorded with the plat.
9. The driveway for Lot 1 shall be designed to be located as close to the southwest property line as possible.
10. Lot 1 shall have a sight triangle easement designed to meet the approval of the City of Sherwood Engineering Department.
11. Lots 10 and 11 shall obtain access via a private drive within a private tract. A design for the non-standard private drive typical section shall be submitted via a design modification request meeting the approval of the City Engineer.
12. Eastbound Highway 99W shall be designed to have an 8-foot wide bike lane, a 15-foot wide landscape strip and a 10-foot wide sidewalk as well as right-of-way dedication as needed to establish the right-of-way at 1-foot behind the back of sidewalk.
13. The applicant is required to obtain a State Highway Approach Road Permit from ODOT

for access to the state highway or written determination (e-mail, fax or mail acceptable) from ODOT that the existing approach(es) is/are legal for the proposed use is required. Truck turning templates shall be provided as needed to ensure vehicles can enter and exit the approach safely. Site access to the state highway is regulated by OAR 734.51.

14. An ODOT Miscellaneous Permit must be obtained and copies provided to the City for all work in the highway right of way. When the total value of improvements within the ODOT right of way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the transfer of ownership of the improvement to ODOT. An Intergovernmental Agreement (IGA) is required for agreements involving local governments and a Cooperative Improvement Agreement (CIA) is required for private sector agreements. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements
15. The applicant will obtain the Reciprocal Conveyance of Access before the access can legally be permitted.
16. The developer shall obtain a temporary construction easement for the extension of the water line as needed.
17. The capacity of the existing storm sewer receiving runoff from the subject development shall be verified. If undersized, the existing storm sewer shall be upsized or detention shall be provided to accommodate the subject property.
18. All public storm sewer outside of the public right-of-way/public property will be located within a dedicated public easement.
19. All storm sewer infrastructure shall meet City of Sherwood standards and be reviewed and approved by the Sherwood Engineering Department prior to issuance of an Engineering Compliance Agreement.
20. Lots 10 and 11 shall obtain access via a private drive within a private tract. A design for the non-standard private drive typical section shall be submitted via a design modification request, meeting the approval of the City Engineer.
21. Submit a street tree planting plan that show trees a minimum of 2 inches DBH and 6 feet high. Plant street trees for each lot prior to a certificate of occupancy for the home on the lot.

E. Prior to approval of the final plat:

1. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.
2. Submit a planting plan for the 25-foot landscaped visual corridor along 99W meeting the standards of 16.142.040 prior to approval of the final plat. Install the landscaped visual corridor or bond for the installation of improvements prior to issuance of any building permits for lots abutting 99W.
3. Submit verification of perpetual maintenance of the landscaped visual corridor.

4. Submit a tree mitigation plan to the City Planning Department prior to approval of the final plat. Complete mitigation or bond for the completion of the mitigation prior to signature by the City of the mylar.
5. Submit a landscape plan that shows adequate perimeter screening for the lots abutting the commercial property.
6. Show a public access and utility easement over the private drive on the final plat.
7. Receive final approval from Tualatin Valley Fire and Rescue for the subdivision.
8. Submit a revised tree plan demonstrating compliance with the Clear Vision requirements of Section.16.58.
9. Receive approval of the layout from Pride Disposal so that the solid waste hauler trucks can maneuver and serve the subdivision.
10. The developer shall dedicate right of way to the City to accommodate project development including street lighting, street signs, Pavement markings, etc. The street improvements shall extend to serve future development properties to the southeast.
11. The developer shall dedicate right of way adjacent to Highway 99W and along the length of the subject property to be in compliance with ODOT requirements found in Exhibit F. specifically:
 - a) Curb, sidewalk, cross walk ramp(s) bikeways and road widening shall be constructed as necessary to be consistent with local, ODOT and ADA standards.
 - b) Right of way deeded to ODOT as necessary to accommodate the planned cross section shall be provided. The deed must be to the State of Oregon, Oregon Department of Transportation. The ODOT District contact will assist in coordinating the transfer. ODOT should provide verification to the local jurisdiction that this requirement has been fulfilled. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site prior to transfer of property to the Department.
12. All public sanitary sewer outside of the public right-of-way/public property shall be located within a dedicated public easement.
13. The applicant shall provide construction plans that demonstrate compliance with City of Sherwood standards for review and approval by the Sherwood Engineering Department. The applicant will have met this condition with the issuance of an Engineering Compliance Agreement from the City of Sherwood.
14. Provide an 8 -foot public utility easement along all street frontages that are not obstructed with any permanent structures.
15. Provide public pedestrian access easements over all soft and hard surface pathways throughout the subdivision.
16. Submit a landscape and programming plan for open space area that demonstrates that it is a usable and accessible area for the neighborhood.

17. Submit verification of perpetual maintenance of the landscaped visual corridor through evidence of a homeowners' association being established with authority to assess funds to ensure maintenance or another acceptable means.
18. Submit a planting plan for the 25-foot landscaped visual corridor along 99W meeting the standards of 16.142.040 prior to approval of the final plat. Install the landscaped visual corridor or bond for the installation of improvements prior to issuance of any building permits for lots abutting 99W.
19. Provide plans that show the cross section and landscape plans including the specific planting materials to be installed within the visual corridors along Highway 99W.
20. Submit a street tree and landscape plan from the approved street tree list that shows spacing in relation to the driveways and selection of suitable street trees.
21. Obtain an ODOT permit to place trees in the state right of way. Tree spacing and design must be consistent with the ODOT Highway Design Manual) or ODOT must approve a Design Exception. If trees are proposed in the planter strip a Design Exception for the clear zone is required.
22. Provide an estimated tree canopy assessment for the subdivision that satisfies the 40 % canopy cover requirement for subdivisions.
23. Identify the vegetated corridor within a tract, as dedicated to the City of Sherwood on the final plat submittal.

F. Prior to Issuance of Building Permits:

1. Submit to the Planning Department for review and approval the building plans for each building on lots 1-13.
2. The public improvements must be complete and accepted by the City Engineer, and the final plat(s) must be recorded. An approval letter from the Engineering Department, accepting all public improvements, shall be issued prior to issuance of building permits.
3. The developer shall provide a geotechnical investigation report if required by the Building Official.
4. An electronic version of the final plat must be submitted to the Planning Department.
5. Driveways shall conform to Section of the Sherwood Zoning and Community Development Code, with individual driveway slopes not exceeding a grade of 14%. A shared driveway providing access to two lots shall be a minimum of twenty (20) feet in width.
6. Submit verification of perpetual maintenance of the landscaped visual corridor through evidence of a homeowners' association being established with authority to assess funds to ensure maintenance or another acceptable means.

7. Submit plot plans showing that the height of the dwellings do not exceed two (2) stories or thirty feet, whichever is less, in the 2.5 stories or 35 feet, whichever is less, in the MDRH zoned areas.
8. The applicant shall provide the Planning Department with a letter or e-mail from the TVFR District Fire Marshal that indicates that the concerns within his letter, attached as Exhibit D to this report, have been addressed and mitigated to the districts satisfaction.

G. Prior to final occupancy of the subdivision:

1. Provide signage at the southern boundary of SW Forest Creek Drive that notifies the public of the intent to extend the drive with the following language: "This road will be extended with future development. For more information, contact the City of Sherwood at 503-625-4202.
2. Plant the required street trees for each lot prior to a certificate of occupancy for the home on the lot.
3. Install the landscaping according to the landscape plan prior to the issuance of the occupancy permits or pay a security bond for 125% of the cost of the landscaping payable to the City. If the landscaping is not completed within six months, the security may be used by the City to complete the installation.
4. Design the public street intersections to meet sight distance requirements. Provide certification by a registered Oregon Professional Engineer that the constructed public street intersections meet sight distance requirements.
5. Provide signage at the intersection of the private drive and SW Forest Creek Drive that differentiates that it is a private drive with public pedestrian and bicycle access only.
6. Install the visual corridor landscaping per the landscape plans submitted during final plat review for lots 1-6.

H. On-going Conditions

1. All homes exceeding 3,600 square feet of living space must have available hydrant flow approved.
2. Fences separating lots from adjacent pedestrian access way may not exceed 42" in height unless the fences are setback with at least three (3) feet of landscaping from the pedestrian path. All rain, storm, and other surface water runoff from roofs, exposed stairways, light wells, courts, courtyards, and exterior paved areas shall be disposed of in compliance with local ordinances and state rules and regulations, in a manner that will not increase runoff to adjacent properties. The approved points of disposal include storm sewer laterals to a public system or other storm sewer system as approved by the City Engineer.
3. The developer shall coordinate the location of mailboxes with the Post Office.

4. The developer shall coordinate location of garbage and recycling receptacles with Pride Disposal.
5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.
6. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise determined by the City of Sherwood.
7. Fences separating lots from adjacent pedestrian access way may not exceed 42" in height unless the fences are setback with at least three (3) feet of landscaping from the pedestrian easement.
8. This approval is valid for a period of two (2) years from the date of the decision notice, per Section 16.124.101.1.
9. Comply with the Clean Water Services Service Provider Letter throughout the development of the site.
10. Restrict and maintain on-site landscaping, utilities, and any other obstructions in the sight distance triangles to provide adequate sight distance at access locations to SW Forest Creek Drive
11. As an on-going TVF&R condition, all homes exceeding 3,600 square feet of living space must have available hydrant flow approved.

VII. EXHIBITS

- A.** Preliminary subdivision plan and land use revised submittal received from MultiTech on May 27, 2016 and amended July 19, and August 29, 2016
- B.** Memo and proposed conditions from Sherwood Engineering Department dated September 14, 2016
- C.** Comments provided by Clean Water Services September 20, 2016
- D.** Comments provided by Tualatin Valley Fire and Rescue dated September 14, 2016
- E.** Comments provided by Pride Disposal dated September 20, 2016
- F.** Oregon Department of Transportation, comments dated September 22, 2016

End of Report