

Staff Report and Notice of Decision
Denali Minor Land Partition

App. Submitted: April 18, 2013
App. Complete: August 15, 2013
120 Day Deadline: December 13, 2013



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Senior Planner

Proposal: The applicant proposes to partition a 3.71-acre parcel into three lots just east of SW Murdock Road and north of SW Denali Lane in the Very Low Density Residential (VLDR) zone. The proposed lots proposed range in size from 40,046 to 48,488 square feet. The applicant’s materials are marked as Exhibit A to this report.

I. APPLICATION INFORMATION

Applicant and Owner	John Satterberg Community Financial PO Box 1969 Lake Oswego, OR 97035
Applicant’s Representative	Emerio Design 6900 SW 105 th Avenue Beaverton OR 97008 Contact: Kirsten Van Loo 503-956-4180
<u>Tax Lot:</u>	2S133CB01000

Property Description: The parcel is 3.71 acres in size with an irregular shape that includes a narrow strip that extends to SW Murdock at the northwest corner of the site approximately 710 feet long and 25 feet wide. There is another narrow strip of land on the southeast corner of the site, approximately 210 feet long and 40 feet wide.

Existing Development and Site Characteristics: The site slopes steeply upward from north to the south. There is no development on the site. There are eight fir trees approximately 8-10" in diameter on the southwest corner. There are invasive blackberry bushes in several places on the site. A segment of the site approximately 710 feet long and 25 feet wide follows along SW Ironwood Lane with a line of trees bordering the street.

Comprehensive Plan Land Use Designation and Zoning Classification: Very Low Density Residential (VLDR) for residential use and single-family homes

Adjacent Zoning and Land Use: The surrounding properties to the north and south are zoned VLDR and the properties to west and across SW Murdock Road are zoned Low Density Residential. The land use is residential.

Land Use Review: Because the development is a partition of land creating three or fewer lots, the proposal requires a Type II review with a decision made by the Planning Director after consideration of public comment. The Planning Commission would hear an appeal.

Public Notice: Notice of this land use application was posted at the site and five public locations throughout the city. Notice was also mailed to property owners within 1,000 feet of the site on August 28, 2013 in accordance with § 16.72.020 of the Sherwood Zoning and Community Development Code.

Review Criteria: Zoning and Community Development Code Sections: 16.12 (VLDR), 16.58.010 (Clear Vision), 16.58.030 (Fences, Walls and Hedges), 16.96 (Residential On-Site Circulation), Division VI - 16.104-16.118 (Public Improvements), 16.122 (Preliminary Plats), 16.128 (Land Partitions), and 16.142 (Parks and Open Space).

Site History: The site was part of the "Ken Foster Farm" site, originally about 40 acres of farmland. It was subdivided approximately twenty years ago a portion of which is this 3.71 acre parcel. The site has remained vacant with no buildings. It is known that portions of the larger Ken Foster Farm site had been used for discarding animal hides and carcasses that were remnants from the local tannery operation in the city. As part of the Department of Environmental Quality (DEQ) investigation of the Tannery site on SW Oregon Street, it was discovered that the soil on the Ken Foster Farm site was contaminated. The property to the northeast, Ironwood Subdivision, was in development when the issue arose which required significant soil removal and oversight from the Department of Environmental Quality (DEQ).

An excerpt from the Department of Environmental Quality Technical Memorandum dated July 13, 2005 describes that from 1962 to 1971, Mr. Foster applied tannery wastes from the Frontier Leather Company to several areas of pastureland. Liquid sludge from tannery's primary wastewater settling tanks was also distributed on the site.

DEQ entered the Ken Foster Farm site into the Environmental Cleanup Site Information Database in 2000, and completed a Preliminary Assessment (PA) in 2004, funded by cooperative grant funds

from the Environmental Protection Agency (EPA) Region 10. (DEQ Technical Memorandum) The results of the soil sampling completed for this site listed concentrations of antimony, chromium, lead and mercury above expected background concentrations. In addition, sediment samples from the wetland areas on the site were found to contain elevated concentrations of chromium copper, mercury and zinc on a nearby parcel.

In November 2011, DEQ updated its risk-based concentrations for hexavalent chromium based on new EPA toxicity data. A better understanding of the extent of hexavalent chromium was needed to complete an updated risk assessment. Oregon DEQ conducted additional investigation in summer 2013. DEQ will use the investigation results to complete a revised risk assessment and identify appropriate actions to protect human health and the environment. Any development will need to receive a no further action letter from DEQ prior to site work.

II. PUBLIC COMMENTS

John and Judy Carter 23552 SW McLaughlin Ct.: Submitted comments via email on September 5, 2013 concerning the use of Denali Lane for through traffic. They are concerned about the increase of traffic in the Sherwood View Estates subdivision. They want the size of the lots to remain similar to the already developed lots as well as the design of the homes to be of similar quality. (Exhibit B)

Staff Response: The applicant proposes that two lots will have access to SW Denali Lane, a public street. Residential traffic will likely increase slightly to accommodate the two residential dwelling units. Sherwood View Estates is a subdivision with over 70 single-family homes and two additional units using the roadways to get to SW Murdock Road will be a minimal change to the amount of traffic within this subdivision. There are no Code provisions that would address the quality of design for these residential homes.

III. 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 has reviewed the proposal and provided comments, which are incorporated into this report and decision. They are included as Exhibit C.

Clean Water Services provided comments and recommended conditions, which will be discussed further within this report and are included as Exhibit D.

Tualatin Valley Fire and Rescue (TVF&R) provided comments, which are included as Exhibit E to this report.

IV.PRELIMINARY PLAT – REQUIRED FINDINGS

A. Chapter 16.122 LAND PARTITIONS

16.122.020 - Approval Criteria: Preliminary Plat

Partitions shall not be approved unless:

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

The applicable zoning district is Very Low Density Residential (VLDR). The applicable zoning district and design standards will be discussed in further detail below. As discussed in the site history, the property is part of the Ken Foster Farms DEQ site. Cleanup and remediation of the site should be viewed as a part of the construction process. The City Engineer is also concerned that stormwater runoff from the site must be free of contamination during and post construction.

FINDING: Based on the above discussion, the applicant does not meet the criterion, but can do so With the following condition.

CONDITION: Prior to approval of the public improvement plans, comply with the requirements of the DEQ pertaining to the cleanup of the contaminated soils on site.

B. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.

The applicant proposes to dedicate all required common improvements as needed or conditioned further within this report. No parks are required to be dedicated with this partition. Any improvements to the public infrastructure will be discussed under the applicable code provisions found further within this report.

FINDING: Based on the above discussion, the applicant meets this criterion or can be conditioned further within this report under the public improvement section.

C. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:

1. Connection to the City water supply system shall be deemed to be adequate water service.

2. Connection to the City sewer system shall be deemed to be adequate sanitary sewer service if sewer lines are within three-hundred (300) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed

adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within three-hundred (300) feet.

3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

The applicant proposes to connect each dwelling unit to the City's water, sanitary sewer and other public facilities to support the residential use. This will be discussed in greater specificity further within this report.

FINDING: Based on the above discussion, the applicant meets this criterion.

D. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

E. Future Development Ability

In addition to the findings required by Section 16.122.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

The applicable zoning district is Very Low Density Residential (VLDR). The zoning and design standards will be discussed in further detail below. Parcel 1 is proposed to be over one acre in size and the potential exists for redevelopment under the Planned Unit Development standards within this zone due to the special density allowance criteria. The proposed lot configuration is similar to the lot configuration of Denali PUD (11-01) which shows the current minor land partition to be in conformance with criteria and able to be repartitioned with the current lot configuration.

FINDING: Based on the above discussion, the applicant meets this criterion or can be conditioned further within this report under the public improvement section.

B. Chapter 16.128 - LAND DIVISION DESIGN STANDARDS

16.128.030 - Lots

A. Size and Shape

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

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

FINDING: The applicant is not proposing an exception to this standard and thus this criterion is not applicable.

B. Access

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

The applicant proposes access to SW Denali Lane for Parcels 2 and 3, and SW Ironwood Lane for Parcel 1. This criterion is met.

C. Double Frontage

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.

The lots do not have double frontage.

FINDING: This criterion is not applicable to the proposed development.

D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.

The lots within this partition are at least 40,000 square feet with the ability to meet the setback requirements. The preliminary plat shows lots 1, 2 and 3 share portions of a curved side lot line. This generally follows the topography of the lot as well as a potential future extension of SW Denali Lane.

FINDING: Based on the above discussion, there is a reason for the curvature of the side lot lines and the applicant meets this criterion.

E. Grading

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

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

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

FINDING: The erosion and grading plans will be reviewed during the building permit approval process and therefore this criterion is met.

VI. APPLICABLE CODE PROVISIONS

A. Division II - Land Use and Development

The subject site is zoned Very Low Density Residential (VLDR). Compliance with this section is discussed below.

16.12.010 Purpose

The VLDR zoning district provides for low density, larger of single-family housing and other related uses in natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development, with a density of .7 to 1 dwelling unit per acre. If developed through the PUD process, as per Chapter 16.40 and if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, a density not to exceed two dwelling units per acre and a density not less than 1.4 dwelling units per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirements.

FINDING: The applicant proposes low-density housing by partitioning the property into three parcels and are exempt from the density requirements.

16.12.040 Dimensional Standards

a. Lot dimensions

1.	Lot areas:	
	a. Single-Family Detached (conventional):	40,000 sq. ft.
	b. Single-Family Detached (PUD)	10,000 sq. ft
2.	Lot width at front property line:	25 feet
3.	Lot width at building line:	No minimum
4.	Lot depth:	No minimum

The applicant proposes lots for single-family detached dwelling units ranging in size from 40,046 to 48,488 square feet meeting the requirements of the standard lot area. Lots 2 and 3 abut 25 feet of SW Denali and Lot 1 abuts SW Ironwood Lane, approximately 700 feet via a flag lot portion as well as SW Murdock Road

FINDING: Based on the above discussion, the applicant meets this criterion.

b. Setbacks

1.	Front yard:	20 feet
2.	Side yard:	
	a. Single-Family Detached:	5 feet
	Corner Lot (street side):	20 feet
	b. Single-Family Attached (one side):	5 feet
	Corner Lot (street side):	20 feet
3.	Rear yard:	20 feet
4.	Height	2 stories or thirty (30) feet

FINDING: The plans illustrate the building footprint, and it is apparent that the homes can easily be placed within the required setbacks due to the large lot sizes. This will be confirmed at the time of the plot plan review for each specific house. Therefore, it is feasible to assert that the application can meet this criterion.

c. Height

Except as otherwise provided for accessory structures, and for infill development under Chapter 16.68, the maximum height of structures shall be two stories or thirty feet.

FINDING: The applicant plans to design and construct single-family homes that meet this criterion. The height of the structures will be reviewed during plot plan review. Therefore, the applicant meets this criterion.

B. Division V- Community Design

The applicable provisions of Chapter 5 include 16.96 (On-site Circulation). 16.98 Compliance with the standards in these sections is discussed below:

16.96 On-Site Circulation

16.96.010 – On-site pedestrian and bicycle circulation

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and

commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single family detached housing), shall provide a continuous system of private pathways/sidewalks at least 6 feet wide.

The three parcels will have detached single-family dwelling units, therefore the development is not required to have on-site pedestrian and bicycle circulation.

FINDING: This standard is not applicable as discussed above.

16.96.010.03 - Connection to Streets

A. Except for joint access as per 16.96.010, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.

The applicant proposes that two of the parcels will take access at the end of SW Denali Lane. The applicant proposes a design that does not meet engineering design standards and will need to modify the design as discussed later in this report. The applicant also proposes the connection for parcel 1 onto SW Ironwood Lane that does not meet the standard.

FINDING: This criterion has not been met but has been conditioned to satisfy this standard later in this report.

16.96.020. Minimum Residential Standards

16.96.020.1.A. Driveways

A. Single-Family: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

Driveway drops with a minimum width or ten (10) feet, not to exceed a grade of 14% will be required.

FINDING: As discussed above, there are not currently driveway drops; therefore, this standard is not met but can be met as conditioned below.

CONDITION: Prior to public improvement plan approval, submit plans showing driveways improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14% for each of the parcels.

C. Division VI - Public Improvements

16.106.010 - Generally

A. Creation Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional street classification, as shown on the TSP Map and in Figure 1, of Chapter 6 of the

Community Development Plan, and other applicable City standards. The following table depicts the guidelines for the street characteristics.

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. The following figure provides the depiction of the functional classification of the street network as found in the Transportation System Plan, Figure 8-1.

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.

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.
2. Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer.

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.
2. If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:
 - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
 - b. A partial improvement may create a potential safety hazard to motorists or pedestrians.

c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;

d. The improvement would be in conflict with an adopted capital improvement plan;

e. The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or

f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.

Figure 8-1 of the Transportation System Plan, (TSP), classifies SW Denali as a local residential street with a future street connection northward to SW Ironwood Lane. A three-lot partition does not warrant the full extension of the street to SW Ironwood Lane. The current length of the frontage from Lots 2 and 3 onto the public right-of-way (SW Denali Drive) is 25 feet for each parcel. The applicant will need to adjust the design to ensure that there is adequate turnaround access for emergency vehicles and any local traffic. This can be done with a public access easement over the turnaround portion of the properties.

The current SW Ironwood Lane street cross section configuration does not comply with City requirements for a residential street. The frontage of Proposed Parcel 1 abuts along the entire frontage of SW Ironwood Lane from SW Murdock Road for approximately 700 feet. The existing pavement section does not include any curb and gutter, and as a result, is a safety concern. Street trees are provided but the locations of the plantings do not comply with the City residential street cross-section standard. Street lighting is also absent from the existing street conditions. Given the length of the frontage of the SW Ironwood Lane alignment, full development of a half street to meet City Code requirements is not proportionate to the developments impact as the applicant is proposing access for one home and the length of the street required to be improved is over 700 feet. The City cannot find that improving the street is proportionate to the development for it would include a reconfiguration of the street lighting, street trees, a sidewalk as well as a possible dedication. However, the City has safety concerns about condition of the street for the neighborhood to bring it further into compliance with the City standards for a residential street. Additionally, this portion of the roadway will be the sole access for parcel 1. The applicant has agreed to make the minimal improvements as described below.

FINDING: The applicant's proposal does not meet these standards, and a condition is needed to ensure the improvements are properly shown on the public improvement plans and final plat is warranted.

CONDITION: Prior to engineering approval, submit engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) to the Sherwood Engineering Department. The engineering plans shall conform to the design standards of the City of Engineering Design and Standard Details Manual and Clean Water Services (CWS) Design and Construction Standards Manual, in addition to requirements established by other jurisdictional agencies providing land use comments are as follows:

1. Denali Lane Improvements will include:

- a) an emergency vehicle turnaround conforming to the Hammerhead Turnaround Detail (City Engineering Design and Standard Details Manual Detail No. RD-13) will need to be provided at the end of the SW Denali Drive extension.
- b) Extension of the existing public water main to provide access for private service laterals for Lots 2 and 3;
- c) The design requirements for this extension and location of service laterals and meters shall be coordinated with City Public Works.

2. SW Ironwood Lane improvements will include:

- a) Install a curb and gutter along the south side of SW Ironwood Lane, located in conformance with City street cross-section standards for a residential street.
- b) Extend the pavement section between the existing pavement and the installed curb and gutter to meet City pavement section standards for a residential street,
 - i) 4-inches of Level 2, 1/2" Dense asphalt cement pavement placed in two 2-inch lifts,
 - ii) 2-inches of 3/4" – 0" crushed aggregate leveling course, over;
 - iii) 8-inches of 1 1/2" – 0" crushed aggregate base rock course, over;
 - iv) Geotextile fabric over undisturbed subgrade.
- c) Scuppers may be installed within the curbline to direct stormwater runoff into existing drainage ditches along the south side of SW Ironwood Lane.

106.030- Location

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 utilities along the frontage of must be placed underground as reviewed by the Engineering Department. The applicant has not met this criterion, but can do so with the following condition.

CONDITION: Prior to approval of the public improvement plans, submit public improvement plans that demonstrate the placement of all existing and proposed utilities underground.

16.108.050.14.B.- Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

FINDING: The applicant proposes access onto local streets and thus this criterion is met.

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: Based on the above discussion it appears that the applicant meets this standard, but will need to be verified at the time plans are reviewed by the engineering department.

CONDITION: Prior to public improvement plan approval, obtain engineering approval for the extension of any new sanitary sewer service lateral connections to be taken from the existing mainline. Installation of any new utility service laterals shall conform to current City standards.

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.

FINDING: The applicant has indicated that water service can be made available to all parcels although the size of the lateral has not been identified. This standard is not met but it can be as conditioned below.

CONDITION: Prior to public improvement plan approval, provide for the extension of the existing public water main to provide access for private service laterals for Lots 2 and 3; and the design requirements for this extension and location of service laterals and meters shall be coordinated with City Public Works.

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.

The latest CWS standards for 3-lot residential partitions do not require providing stormwater treatment, nor require paying a fee-lieu-of amount. This is acceptable. According to the CWS comments, the applicant will need to obtain a Storm Water Connection Permit Authorization prior to

the final plat approval and recordation that complies with the requirements of the Design and Construction Standards Resolution and Order No. 07-20.

FINDINGS: Based on the above discussion, the applicant does not meet this criterion but can do so with the following condition.

CONDITION: Prior to final plat approval, obtain a Storm Water Connection Permit Authorization from CWS that includes the following:

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2b.-1 Design and Construction Standards.
- b. Detailed grading and erosion control plans. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200 CN Erosion Control Permit.
- c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
- d. Provisions for water quality in accordance with the requirements of the above named design standards
- e. If use of an existing offsite or regional WQF is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and any additional improvements and or upgrades that may be needed to utilize that facility.
- f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards.
- g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
- h. Site contains a Sensitive area. Applicant shall comply with the conditions as set forth in the Service Provider Letter No. 10-002401, dated July 14, 2011.
- i. Developer shall be required to preserve a corridor separating the sensitive area from the impact of development.
- j. Detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor
- k. Any proposed offsite construction activities will require an update or amendment to the current Service Provider letter for this project.

CONDITION: Prior to public improvement plan approval, a public storm water easement dedicated to the City will be recorded over the entirety of Tract C. The City will provide the applicant with an easement form for use in creating the easement document.

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.

Tualatin Valley Fire and Rescue (TVF&R) has no opposition to the minor land partition application. The applicant will need to assure an adequate turnaround at the terminus of SW Denali. Lane, emergency access and adequate hydrant location and water flow are present for future building on the site.

FINDING: Based on the above discussion, this standard is not fully met but it can be as conditioned below.

CONDITION: Prior to final plat approval, submit revised plans that provide adequate, hydrant location and adherence in compliance with TVF&R standards as verified by an acceptance letter from TVF&R.

CONDITION: Prior to final plat approval, receive TVF & R approval for the design configuration of the dead end roads and turnarounds contemplated for SW Denali and SW Ironwood Lane.

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.

As discussed previously in this report all public utilities shall be undergrounded. An access easement on Parcel 2 and 3 will be required to provide access to the water meters. The applicant does not show that an eight (8) foot public utility easement along the frontage of the parcels exists or will be provided.

FINDING: There are no existing public utility easements along the frontage of Parcels 2, and 3, therefore this standard is not met. This standard can be met as conditioned below.

CONDITION: Prior to final plat approval, submit plans showing an eight (8) foot public utility easement along the frontage of Parcels, 2, and 3 that allows the City access to water meters that serve parcel 2 and 3.

16.118.030 – Public and Private Utilities Underground Facilities - Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, and cable television, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the Commission.

FINDING: This has been discussed and conditioned above in this report. Therefore, this standard is met.

D. Division VIII – Environmental Resources

16.142 – Parks and Open Space

16.142.060 - Street Trees

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

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.

The applicant has not provided a clear inventory of the existing trees on site and whether they will be retained.

FINDING: Based on the above discussion, the applicant does not meet this criterion, but can do so by satisfying the following condition.

CONDITION: Prior to submittal of public improvements, submit a tree inventory and report that identifies the trees to be retained and removed due to development.

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.

	<u>Residential</u>	Old Town	Commercial
Canopy Requirement	<u>40%</u>	N/A	30%
Counted Toward the Canopy Requirement			
Street trees included in canopy requirement	<u>Yes</u>	N/A	No
Landscaping requirements included in canopy requirement	<u>N/A</u>	N/A	Yes
Existing trees onsite	<u>Yes</u> <u>x2</u>	N/A	Yes x2
Planting new trees onsite	<u>Yes</u>	N/A	Yes

As discussed above the applicant has not provided a tree removal and retention report and a report showing the proposed tree canopy indicating compliance with this section.

FINDING: Based on the above discussion, the applicant does not meet this criterion, but can do so with the following condition.

CONDITION: Prior to final plat approval, submit plans that show the tree canopy and the new plantings in compliance with the 40% mature canopy cover for residential development.

NOTICE OF DECISION

Based upon review of the applicant’s submittal information, review of the code, agency comments and consideration of the applicant’s revised submittal, staff finds that the proposed minor land partition (MLP 13-01) does not fully comply with the standards but can be conditioned to comply, and **approves** the request subject to compliance with the following conditions of approval.

VI. CONDITIONS OF APPROVAL

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. Development and construction on the site shall conform substantially to the preliminary plat development plans submitted by and dated April 18, 2013 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, and Tualatin Valley Fire and Rescue, and Washington County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.

3. 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.
4. This approval is valid for a period of one (1) year from the date of the decision notice. Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.
7. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls located on private property that support a surcharge or are over four feet in height measured from the bottom of the footing will require a permit from the Building Department.

B. Prior to issuance of grading or erosion control permits from the Building Department:

1. 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.
2. The Developer's engineer is required to provide a site-specific drainage plan to temporarily collect, route, and treat surface water and ground water during each construction phase. The construction plans shall specifically identify how the storm drainage system and erosion sediment control measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control, collection, routing and treatment of storm water runoff and ground water. No site construction will be allowed to take place if the storm drainage system and erosion sediment control measures are not installed per plan and functioning properly.
3. Submit a tree protection plan showing how any trees to be retained will be protected throughout the construction of the site.
4. Install tree protection fencing around any trees to be retained on site. The tree protection fencing shall be inspected and deemed appropriate by the arborist as verified in written documentation to be reviewed by the Planning Department.

5. Comply with the requirements of the DEQ pertaining to the cleanup of the contaminated soils on site.

C. Prior to approval of the public improvement plans:

1. Submit engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) to the Sherwood Engineering Department. The engineering plans shall conform to the design standards of the City of Sherwood's Engineering Department, Clean Water Services, Tualatin Valley Water District, Tualatin Valley Fire & Rescue and other applicable requirements and standards. The plans shall be in substantial conformance with the utility plans dated April 18, 2013 and prepared by Emerio Design with the following modifications:

a. Denali Lane improvements

- 1) An emergency vehicle turnaround conforming to the Hammerhead Turnaround Detail (City Engineering Design and Standard Details Manual Detail No. RD-13) will need to be provided at the end of the SW Denali Drive extension.

- 2) Extension of the existing public water main to provide access for private service laterals for Parcels 2 and 3. The design requirements for this extension and location of service laterals and meters shall be coordinated with City Public Works.

b. SW Ironwood Lane improvements:

- 1) Install a curb and gutter along the south side of SW Ironwood Lane, located in conformance with City street cross-section standards for a residential street.

- 2) Extend the pavement section between the existing pavement and the installed curb and gutter to meet City pavement section standards for a residential street, specifically:
 - i) 4-inches of Level 2, ½" Dense asphalt cement pavement placed in two 2- inch lifts, over;
 - ii) 2-inches of ¾" – 0" crushed aggregate leveling course, over;
 - iii) 8-inches of 1½" – 0" crushed aggregate base rock course, over;
 - iv) Geotextile fabric over undisturbed subgrade.

- 3) Scuppers may be installed within the curblineline to direct stormwater runoff into existing drainage ditches along the south side of SW Ironwood Lane.

2. Submit plans showing driveways with improved hard surface pavement with a minimum width of ten (10) feet, net to exceed a grade of 14% for the parcels.
3. Obtain engineering approval for the extension of any new sanitary sewer service lateral connections to be taken from the existing mainline. Installation of any new utility service laterals shall conform to current City standards.
4. Submit public improvement plans that demonstrate the placement of all existing and

proposed utilities underground.

5. All public easement dedication documents must be submitted to the City for review, signed by the City and the applicant, and recorded by the applicant with the original or a certified copy of the recorded easements on file at the City prior to release of the public improvement plans.
6. Provide the appropriate recommendations from a registered professional civil/environmental engineer or geotechnical engineer regarding how the soils are to be handled to prevent contaminated material from leaving the site. These recommendations are to be complied with in the development of the construction drawings and may require full review and approval from DEQ as part of the City approval process.
7. Comply with the DEQ requirements pertaining to the cleanup of the contaminated soils onsite.
8. Submit revised plans that provide adequate turning radius, hydrant location, fire flow, and adherence in compliance with TVF&R standards as verified by an acceptance letter from TVF&R.
9. Submit plans showing an eight (8) foot public utility easement along the frontage of Parcels 2, and 3 that allows access to the water meters.

D. 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; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.
2. Approval of the public improvement plans by the Engineering Department, and signature of a compliance agreement must be complete prior to release of the plat to the County for review. In addition, prior to final plat approval, either all on-site work must be complete or the improvements bonded or guaranteed with a cash deposit.
3. Comply with the conditions as set forth in the Service Provider Letter No. 10-002401, dated July 14, 2011.
4. Provide an easement over the vegetated corridor conveying storm and surface water management to CWS that would prevent the owner of the vegetated corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.

5. Receive TVF & R approval for the design configuration of the dead end roads and turnarounds contemplated for SW Denali and SW Ironwood Lane.
 6. Receive a Clean Water Connection Permit Authorization that meets the requirements of the CWS Memorandum dated September 12, 2013.
 7. Dedicate and record a public storm water easement to the City over the entirety of Tract C. The City will provide the applicant with an easement form for use in creating the easement document.
 8. The final plat shall show the following:
 - a. The Planning Director as the City's approving authority within the signature block of the final plat.
 - b. Private access easements, utility easements and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the Planning Department.
 9. The public improvement plans must be approved and bonded for prior to the City's approval of the final plat.
 10. Submit a tree inventory and report that identifies the trees to be retained and removed due to development.
 11. Submit plans that show the tree canopy and the new plantings in compliance with the 40% mature canopy cover requirement for the residential development.
- E. Prior to Issuance of a Building Permit:**
1. Prior to issuance of any building permits, 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.
 2. Prior to issuance of any building permits, the developer shall provide a geotechnical investigation report if required by the Building Official.
 3. Prior to issuance of building permits, an electronic version of the final plat must be submitted to the Planning Department.

F. Prior to Final Occupancy:

1. All public improvements shall be competed, inspected and approved, as applicable, by the City, CWS, TVF & R, TVWD and other applicable agencies.
2. All agreements required as conditions of this approval must be signed and recorded.

VIII. EXHIBITS

- A. Applicant's submittal materials by Emerio Design
- B. Comments from John and Judy Carter submitted via email on September 5, 2013
- C. City of Sherwood Engineering Comments dated October 17, 2013 amended
- D. Clean Water Services letter submitted September 12, 2013
- E. Tualatin Valley Fire and Rescue letter submitted September 5, 2013

APPEAL

This decision shall become final 14 days from the date of the mailing of this decision unless otherwise appealed. **This decision is final unless an appeal is received by 5:00 PM November 4, 2013.** The appeal shall be submitted on forms provided by the City, shall include the appeal fee, as identified in the most recently adopted fee schedule, and shall have a petition for review as described in SZCDC Section 16.76.030.

End of Report

STATE OF OREGON)
)
Washington County)

I, Michelle Miller, Senior Planner for the Planning Department, City of Sherwood, State of Oregon, in Washington County, do hereby certify that the Notice of Decision on Case File No. MLP 13-01 Denali Partition was placed in a U.S. Postal receptacle on October 21, 2013.



City of Sherwood

End Notice