

**Kohl's Minor Land Partition**

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Pre-App. Meeting:	N/A
App. Submitted:	December 10, 2013
App. Complete:	January 10, 2014
120-Day Deadline:	April 11, 2014

**Proposal:** The applicant proposes a three-lot partition on the 7.3-acre parcel in the Retail Commercial zone on the development known as the "Marketplace at Sherwood." There is an existing anchor tenant, Kohl's Department Store and three other retail flex buildings on the existing lot. The applicant proposes cross parking and utility easements over all of the proposed lots with no other changes to the developed site. The applicant's submittal materials are attached to this report as Exhibit A.

**I. BACKGROUND**

**A. Applicant/Owner:** FPWL Sherwood LLC managed by PWL REI, LLC which is managed by Pacific West Land, LLC  
403 Madison Ave. N. Ste. 230  
Bainbridge Island, WA 98110

**Contact:** Zachary Garratt, Asset Manager (contact)  
(206) 201-3397

**Applicant's Representative:** Harper Houf Peterson Righellis, Inc.  
205 SE Spokane Street, Suite 200  
Portland OR 97202

Keith Jones, AICP, LEED AP ND

**Contact:**

**B. Location:** 16775 SW 12<sup>th</sup> Street

**C. Tax Lot:** 2S130DD 2500

**D. Parcel Size:** The subject property is an irregularly shaped lot approximately 7.3 acres in size.

- E. Existing Development and Site Characteristics: The larger commercial site is known as the "Marketplace of Sherwood." The "Marketplace" consists of three existing parcels along SW Sherwood Blvd. McDonald's is on one of the parcels, and a Key Bank is on the other parcel. Those two parcels are not the subject of this partition.

The large site is fully developed. The Kohl's Department store is the largest building on the existing 7.33 acre lot. Two separate buildings on the south side of Kohl's are currently occupied by a daycare and customer service business. There is another commercial building on the corner of SW 12<sup>th</sup> and SW Sherwood Blvd. with a restaurant and pizza delivery business in two of four outlets within the building. The rest of the building is vacant.

There is a large parking area of 272 spaces encompassing the center of the development. Each building within the commercial center has adjoining parking areas specific for their use. The parking areas are separated with landscape islands that, to a limited extent assist in directing vehicles.

This commercial plaza area has the main access onto SW Sherwood Blvd. with a signalized entrance intersecting SW Langer Drive. Another access point on SW Sherwood Blvd. provides a right-in only entrance between Key Bank and McDonalds. There is an existing driveway on SW 12<sup>th</sup> St. for the Kohl's and another driveway on SW 12<sup>th</sup> for the loading area in the rear of the building. Each of the separated commercial properties includes parking in the front of their buildings. There is no direct access available on 99W to the parcel, but northbound traffic from 99W can turn right onto SW 12<sup>th</sup> Street, south of the development and gain access to the site.

- F. Site History: The site was originally part of a six-lot subdivision that was approved on April 2, 1996 (SUB 96-02). The McDonald's site received approval shortly after the initial subdivision approval. The subject site received land use approval through SP 00-05/VAR 00-01 Marketplace at Sherwood (GI Joes) Site Plan for three buildings and was constructed in 2001. Key Bank Site Plan (SP 04-11) was developed separately on 99W and SW Sherwood Blvd. in 2004.

Most recently, Kohl's Department Store (SP 11-06) received land use approval to modify the original site plan to add approximately 8,000 square feet to the front of the original Joe's Building and modify other features of the site design.

- G. Zoning Classification and Comprehensive Plan Designation: The zone is General Commercial (GC). Per § 16.30, the purpose of the GC zone is to provide for commercial uses which require larger parcels or uses which involve products or activities which require special attention to environmental impacts.
- H. Adjacent Zoning and Land Use: The subject site is addressed on SW 12<sup>th</sup> St. and is near SW Sherwood Blvd. and 99W. Surrounding uses include other general commercial developments with residential units, primarily duplexes, located across SW 12<sup>th</sup> Street to the east.
- I. Review Type: The minor land partition requires a Type II review. An appeal would be heard by the Planning Commission.

- J. Public Notice and Hearing: This application was processed consistent with the standards in effect at the time it was submitted. Notice of the application was mailed to property owners within at least 1,000 feet on January 24, 2014 and posted on the property and distributed in five locations throughout the City on January 24, 2014 in accordance with Section 16.72.020 of the SZCDC.
- K. Review Criteria: Sherwood Zoning and Community Development Code, 16.30 (General Commercial-GC), 16.58.010 (Clear Vision), 16.58.030 (Fences, Walls and Hedges), 16.94 (Off-Street Parking), 16.96 (On-Site Circulation), (Division VI 16.104-16.118 (Public Improvements), 16.122 (Land Partition), 16.126 (Design Standards), and 16.142 (Parks and Open Space).

## II. PUBLIC COMMENTS

Staff mailed public notice on January 24, 2014 and posted notice on the property and in five locations throughout the City on January 24, 2014. Staff received the following comments during the public comment period.

**James Parsons** sent an email comment on January 30, 2014 and described a non-compliant ADA sidewalk adjacent to the 7.33 acre parcel. He noted that there is a new disabled ramp on one of the driveways, but not on the other serving one of the main entrances to the shopping center. This poses a safety hazard as wheeled apparatus such as bikes and wheelchairs are forced to either maneuver in the actual drive aisle or drop directly off the curb into the driveway. This could be especially treacherous in poor lighting conditions.

**Staff Response:** The non-ADA sidewalk is located on adjacent private property, not the subject property. Therefore, the safety improvements proposed by Mr. Parsons cannot be required to be undertaken by the applicant. The City cannot impose a condition to construct the sidewalk improvements, as it is located on private property and not the subject of the partition applicant under review. The applicant is however encouraged to rectify this serious safety issue and work with the adjacent property owner to bring this sidewalk segment under compliance. (Exhibit B)

## III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on February 28, 2012. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: Craig Christensen, City Engineer submitted comments on February 20, 2014. (Exhibit C) These will be discussed and addressed within this report.

Clean Water Services: Jackie Sue Humphreys submitted comments dated February 3, 2014. She indicated that Clean Water Services had no issues with the proposal and provided general comments for development. Prior to any work on the site, a Clean Water Services Storm Water Connection Permit Authorization must be obtained. (Exhibit D)

Washington County, Kinder Morgan Energy, ODOT Transportation, METRO NW Natural Gas and Portland General Electric did not respond or provided no comments to the request for agency comments by the date of this report.

#### IV. PRELIMINARY PLAT– REQUIRED FINDINGS (SECTION 16.122)

##### 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 General Commercial (GC). The applicable zoning district and design standards will be discussed in further detail below.

**FINDING:** Based on the above discussion, the applicant meets this criterion or may satisfy the applicable provisions within this report.

**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.**

**FINDING:** The applicant proposes no dedications to the public, but as discussed below, it is necessary to protect some existing public utilities. This criterion is not met, but has been conditioned later in this decision.

**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 City's Engineering Department reviewed the adequacy of the public facilities and made the following comments.

##### **Sanitary Sewer**

All proposed parcels currently have sanitary sewer service from the public sanitary sewer system. A public sanitary sewer main exists on site within the northeastern portion of proposed Parcel 2 and the western portion of proposed Parcel 3. Any public sanitary sewer line located within private

property and not within a public sanitary sewer easement will require dedication of a public sanitary sewer easement (15' minimum width).

### **Water**

All proposed parcels currently have water service from the public water system. A public water main exists on site within proposed Parcel 1 along the northwestern property line, within proposed Parcel 2 along the northwestern and northeastern property lines, within proposed Parcel 3 along the northwest property line and within the western portion of proposed Parcel 3. Any public water line located within private property and not within a public waterline easement will require dedication of a public water line easement (15' minimum width).

Any other public water facilities (fire hydrants, vaults, water meters, etc.) located on site without adequate public easement coverage will require dedication of a public water line easement meeting City of Sherwood Engineering Department approval.

### **Storm Sewer**

Currently the subject site along with the two properties to the northeast are served by a private storm sewer system which drains to a water quality facilities in the western corner of proposed Parcel 1 prior to discharging into SW Pacific Highway (ODOT) right-of-way.

The existing private water quality facilities located in the western corner of proposed Parcel 1 is currently under a two-year maintenance bond for the improvements made to the facilities and is encompassed by a Private Stormwater Facility Access and Maintenance Covent. As part of the partition process, a new Private Stormwater Facility Access and Maintenance Covenant to replace the existing covenant shall be recorded with Washington County. The new covenant shall make all three proposed Parcels responsible for the cost of maintenance and repair of the water quality facilities. Specific language for the covenant will be developed as part of the design review and compliance agreement process.

Currently, a private storm sewer exists through the existing subject property that serves the two adjoining properties to the northeast. Upon partitioning the subject property, this storm sewer will also serve the three proposed Parcels. It is required that all private storm sewers that serve more than one parcel be encompassed by a private storm sewer easement to the benefit of the other parcels that it serves. These irrevocable easements can either be shown on the plat or via document recorded with Washington County with a copy being submitted to the City of Sherwood Engineering Department. Storm sewer easements shall meet the approval of the City of Sherwood Engineering Department. These easements will be in addition to the reciprocal utility easement.

**FINDING:** There is adequate water, sewer and other public services to the existing site and the partition will not impede those connections. The applicant has not fully met this criterion, but can do so with the following conditions.

**CONDITION:** Prior to final plat approval, dedicate a public sanitary sewer easement for any public sanitary sewer line located within private property and not within a public sanitary sewer easement (15' minimum width).

**CONDITION:** Prior to final plat approval, dedicate a public waterline easement for any public water line located within private property and not within a public waterline easement (15' minimum width).

**CONDITION:** Prior to final plat approval, dedicate any other public water facilities (fire hydrants, vaults, water meters, etc.) located on site without adequate public easement coverage meeting City of Sherwood Engineering Department approval.

**CONDITION:** Prior to final plat approval, record a new Private Stormwater Facility Access and Maintenance Covenant to replace the existing covenant with Washington County. The new covenant shall make all three proposed Parcels responsible for the cost of maintenance and repair of the water quality facilities.

**CONDITION:** Prior to final plat approval, record an irrevocable private storm easement between the parcels to the benefit of the other parcels that it serves. These irrevocable easements can either be shown on the plat or via document recorded with Washington County with a copy being submitted to the City of Sherwood Engineering Department. Storm sewer easements shall meet the approval of the City of Sherwood Engineering Department. These easements will be in addition to the reciprocal utility easement.

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

**FINDING:** The lot configuration does not affect access for any future development on any adjoining parcels, because the surrounding parcels have direct access to SW 12<sup>th</sup> Street or SW Sherwood Blvd. or are otherwise developed.

**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 site is 7.3 acres and serves as a large commercial development with a considerable parking lot area. Although each of the proposed parcels will be over an acre and could potentially be developed, each parcel has good access to the roadway network and any new configuration could be easily served with existing services. Additionally, any new partitions would undertake a similar review process.

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

**V. APPLICABLE CODE PROVISIONS**

The applicable zoning district standards are identified in Chapter 16.30 below.

**A. Division II– Land Use and Development**

**The applicable provisions of Division II include:**

**16.30 General Commercial**

**16.30.020 Permitted Uses-**The following uses and their accessory uses are permitted outright.

**FINDING:** The applicant proposes no changes to the existing slate of businesses located on site. Any new business would obtain a business license and the use would be verified through that process. Therefore, the applicant meets this criterion.

**16.30.040 Dimensional Standards**

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.

**A. Lot Dimensions**

Except as otherwise provided, required minimum lot areas and dimensions shall be:

1.	Lot area:	10,000 sq ft
2.	Lot width at front property line:	70 feet
3.	Lot width at building line:	70 feet

**B. Setbacks**

Except as otherwise provided, required minimum setbacks shall be:

1.	Front yard:	None, unless abutting residential zone (20 ft.)
2.	Side yard:	None, unless abutting residential zone (20 ft.)
3.	Rear yard:	None, unless abutting residential zone (20 ft.)

Parcel 1 is proposed to be 70,787 square feet, Parcel 2 is proposed to be 184,832 square feet and Parcel 3 is proposed to be 62,922 square feet. The sizes of the parcels exceed all of the minimum requirements. There are three existing buildings on site and the applicant meets the minimum setback requirements.

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

**C. Height**

Except as otherwise provided, the maximum height of structures shall be fifty (50) feet, except that structures within one-hundred (100) feet of a residential zone shall be limited to the height requirements of that residential area. Structures over fifty (50) feet in height may be permitted as conditional uses, subject to Chapter 16.82.

**FINDING:** As shown on the plans, the height of the tallest building is 35 feet and is not proposed to be changed. This criterion is met.

## **B. Division V. Community Design Standards**

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

#### **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.**

The applicant proposes shared parking throughout the development and proposes a shared parking and access easement between each of the parcels that will be noted on the plat. No other changes are proposed to the parking area. There is currently sufficient parking on site and that should not change with the partition. Access and shared parking easements should be adequate to ensure that this continues.

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

**CONDITION:** Prior to final plat approval, show a shared parking and access easement on the partition plat to be recorded.

#### **16.96.030.02. Sidewalks and Curbs**

**Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least 5 feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include paint striping.**

The site has sidewalk pathways connecting each of the buildings with a primary building entrance and the adjacent sidewalks on SW 12<sup>th</sup> Street and Sherwood Blvd. The partition does not impede the connections to the public right of way and all conditions will remain the same.

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

#### **16.96.040 - On-Site Vehicle Circulation**

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

**1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.**

**2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.**

Proposed parcel 1 has access via a signalized drive onto SW Sherwood Blvd. There is a direct sidewalk connection to SW Sherwood Blvd. Parcel 2 has two driveways onto SW 12<sup>th</sup> Street with additional access onto SW Sherwood Blvd. There are sidewalk connections to front of the

department store with the sidewalk on Highway 99W and onto SW 12<sup>th</sup> Street. Parcel 3 has access onto SW 12<sup>th</sup> Street with a driveway.

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

#### **16.98.020 - Solid Waste Storage**

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

The garbage receptacle location is not changing and it has recently been approved, it is likely that Pride Disposal accepts this location. They were provided notice and did not comment on the application.

**FINDING:** The applicant meets this criterion.

### **C. Division VI - Public Improvements**

#### **16.108– Streets**

##### **16.108.030.01 – Required Improvements**

**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.**

**FINDING:** The site is fully developed; the City Engineer has not required any additional improvements or right-of-way dedication. This standard is met.

##### **16.108.040.03 - 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:** There are existing public and private utilities. The minor land partition will not require that any additional utilities be undergrounded. This standard is met.

##### **16.108.050.11-Transit Facilities**

**Developments along existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, shall be required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:**

- 1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.**
- 2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.**
- 3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).**

4. **Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.**
5. **Provide lighting at a transit stop (if not already existing to transit agency standards).**

The site is fully developed. There is an existing transit line with a stop nearby. The sidewalks along the perimeter of the site provide direct pedestrian connections between the transit stop and the businesses.

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

#### **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:** The site has an existing sanitary sewer system that serves the site. The modification will not impact this utility. This standard is met.

#### **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 site has an existing water system that serves the site. The modification will not impact this utility. This standard is met.

#### **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 site has access to all the regular public facilities (water, sanitary sewer, and storm systems). There is an existing storm water facility that will require reciprocating easements between the three parcels that have been discussed and conditioned earlier within this report.

**FINDING:** Based on the above discussion, the applicant meets these criteria or has been conditioned earlier in this report.

#### **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.**

John Wolff, Deputy Fire Marshall from Tualatin Valley Fire and Rescue (TVF&R) reviewed the plans after receiving notice and found the project to be compliant with the TVF &R requirements.

**FINDING:** All Tualatin Valley Fire and Rescue (TVF&R) requirements apply to this development. Compliance with the standard TVF&R requirements is required throughout the development of this project.

**D. Division VII LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS**

**Chapter 16.128 Land Division Design Standards**

**16.128.010 Blocks**

**B. Utilities Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.**

**FINDING:** As discussed earlier within this report the applicant will be required to provide easements or dedicated documents prior to final plat approval.

**16.128.030 Lots**

**A. Size and Shape**

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

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

**B. Access**

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

**C. Double Frontage**

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

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

All of the proposed lots have direct access to a public street with existing driveways onto to either SW 12<sup>th</sup> Street or SW Sherwood Blvd. The original 7.3-acre parent parcel is oddly shaped confined by the roadway configuration and the proposed three lots adapt at right angles to the existing roadway.

**FINDING:** Based on the above discussion, the applicant meets these criteria.

### **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 preliminary plat does not fully comply with the standards but can be conditioned to comply. Therefore, staff **approves the proposal subject to the conditions below.**

## **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. This land use approval shall substantially comply with the submitted preliminary plat prepared by Harper, Houf, Peterson Righellis Inc. except as indicated in the following conditions of the Notice of Decision. Additional development or change of use may require a new development application and approval.
3. The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.
4. **This approval is valid for a period of two (2) years 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.

### **B. Prior to Approval of the Final Plat:**

1. Dedicate any other public water facilities (fire hydrants, vaults, water meters, etc.) located on site without adequate public easement coverage meeting City of Sherwood Engineering Department approval.
2. Record a new Private Stormwater Facility Access and Maintenance Covenant to replace the existing covenant with Washington County. The new covenant shall make all three parcels responsible for the cost of maintenance and repair of the water quality facilities.
3. Record an irrevocable private storm easement between the parcels to the benefit of the other parcels that it serves. These irrevocable easements can either be shown on the plat or via document recorded with Washington County with a copy being submitted to the City of Sherwood Engineering Department. Storm sewer

easements shall meet the approval of the City of Sherwood Engineering Department. These easements will be in addition to the reciprocal utility easement.

4. Record a shared parking and access easement between the three parcels on the partition plat.

## VII. Exhibits

- A. Applicant's submittal with narrative and supporting documents submitted on December 16, 2013
- B. Email from James Parsons received January 30, 2014
- C. Comments from the Engineering Department dated February 20, 2014
- D. Comments received from Clean Water Services dated February 3, 2014

End of Report

## 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 March 11, 2014. 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.

## Declaration of Mailing

I, Michelle Miller for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision for minor land partition approval on Case File No. MLP 13-05 was placed in a U.S. Postal receptacle on February 25, 2014.



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City of Sherwood Planning Department

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