

June 30, 2014

**Application and Findings
For
8-Lot Subdivision
For
JT Smith Companies
CES #2988**

Applicant: JT Smith Companies
John Wyland
5285 SW Meadows Road, Suite 171
Lake Oswego, OR 97035

Owner: The Estate of Gerald J. Fitch
PO Box 553
Sherwood, OR 97140

Applicant's Representative: CESNW, Inc.
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Location: 22810, 22824, 22894 SW Main Street
2S1W32bd-4600, 4700 and 4701

Zoning: MDRH – Medium Density Residential
High

Requested Land Use Reviews: 8-Lot Subdivision

General Information

Proposal: The request is for an 8-lot subdivision for single family dwellings on a site comprised of 1.1 acres in three legal lots of record.

Site and Vicinity: The site contains three existing dwellings and is located on SW Main Street, just across the RR tracks from downtown. All surrounding properties are zoned MDRH.

Zoning and Development Code Standards

Division II – Land use and Development

Chapter 16.12 – Residential Land Use Districts

16.12.010 Purpose and Density Requirements

D. Medium Density Residential High (MDRH)

The MDRH zoning district provides for a variety of medium density housing, including single-family, two-family housing, manufactured housing, multi-family housing, and other related uses with a density of 5.5 to 11 dwellings per acre. Minor land partitions shall be exempt from the minimum density requirement.

Response: Eight lots are proposed, the minimum and maximum density is calculated as follows:

1.1 Gross Acres – .13 Acres of ROW dedication = .97 Net Ac

.97 Net Acres * 5.5 = 5.3 Min

.97 Net Acres * 11 = 10.67 Max

The proposed density complies with this standard.

16.12.20 Allowed Residential Land Uses

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

Response: Single family dwellings are a permitted use in the MDRH district.

16.12.30 Residential Land Use Development Standards

C. Development Standards per Residential Zone

Response: The table below demonstrates the required and proposed development standards for single-family detached housing in the MDRH zoning district.

Standard	Required	Proposed
Minimum Lot Area	5,000 sf	5,036 sf (ave)*
Minimum Lot Width at Front Property Line:	25'	Min. 25'
Minimum Lot Width at Building Line:	50'	50'
Lot Depth:	80'	90'
Maximum Height:	35' or 2.5 stories	35' or 2.5 stories

Setbacks:		
Front:	14'	15'**
Face of Garage:	20'	20'
Interior Side Yard:	5'	5'
Corner lot Street Side:	15'	N/A
Rear Yard:	20'	20'

*As allowed by Infill Standards

**To allow for 15' visual corridor.

Chapter 16.58 – Clear Vision and Fence Standards

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 streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.

Response: No lots at a street intersection are proposed.

16.58.020 Fences, Walls and Hedges

Response: Any fences, walls or hedges will be consistent with these standards.

Chapter 16.68 – Infill Development Standards

16.68.020 Lot Sizes and Dimensions for Infill

The Approval Authority may approve modifications to the minimum lot size and/or lot dimensions of this Code for residential developments containing less than five (5) acres (i.e., is not otherwise eligible for a Planned Unit Development), subject to all of the following requirements:

A. Lot area may be reduced below the minimum standard of the applicable zoning district through the land division or lot line adjustment process when the Approval Authority finds:

1. The resulting lot sizes and dimensions are not less than eighty-five percent (85%) of the standard minimum lot area of the zone; and

Response: The smallest lot proposed is 4,644 SF, and is equal to 92% of the standard minimum lot size of the zone.

2. The resulting average lot size of the development (partition or subdivision) shall be no less than the minimum lot size of the zone in which it is located; the resulting density shall be no more than the allowable density of the zone. Areas reserved as open space, such as central greens, plaza, and other common open space may be counted toward the average lot size and density of the development when such areas are centrally located and accessible to every lot in the development; and

Response: The minimum lot size for the zone is 5,000 SF, the proposed average lot size is 5,036 SF.

3. The reduction in lot size and/or dimensions shall not be detrimental to any designated natural feature; the Approval Authority may require mitigation to protect and enhance such features, as applicable; and

Response: The reduced lot size is not detrimental to any natural feature requiring mitigation.

4. *All required local street connections, pedestrian access ways, utility easements, emergency access, and other Code requirements are met; the Approval Authority may require shared driveways (i.e., for two dwellings) for paired lots that individually have less than 40 feet of street frontage, except where driveway access is provided from an alley; and*

Response: All lots meet the minimum frontage requirements.

5. *The land division shall be conditioned, and a deed restriction recorded on each lot that contains less than the minimum lot size of the zone, requiring that building elevations and floor plans be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot, and such plans be binding on future building. Building plans required under this section shall meet the following standards as provided in Section 16.68.040;*

- a. *Floor area ratio*
- b. *Side setback plane, and*
- c. *Garage orientation and design standards*

6. *The land division shall be conditioned, and a deed restriction shall be recorded on each lot that contains less than the minimum lot size of the zone, requiring that a landscape plan be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot. Landscape plans required under this section shall provide plant materials and irrigation that are equal to or better than those existing residential landscapes in the vicinity. The Approval Authority may consider plant species, quantity/volume of plant material, irrigation, slope, aspect, soil, and other relevant factors in determining the adequacy of landscape plans and in requiring additional landscaping.*

Response: All of lots meet the required side setbacks, garage orientation and maximum floor area ratios. The maximum floor area ratio available for lots 1 through 5, is between 50% to 52% which is less than the maximum allowed of 60%. Therefore deed restrictions will not be necessary for these lots.

- B. *Lot dimensions may be reduced below the minimum standards of the applicable zoning district through the land division or lot line adjustment process provided that the development conforms to Section 16.68.020A, above, and all other applicable Code requirements are met.*

Response: All lots meet or exceed the minimum dimensional standards of 16.68.020A and the base zone.

- C. *Lot width and frontage standards may be waived for rear lots created through partitioning...*

Response: The proposal is for an 8-lot subdivision, no flag lots are proposed.

16.68.030 Building Design on Infill Lots

Structures exceeding twenty four (24) feet in height shall conform to the following standards:

- A. Floor Area...
- B. Interior Side Setback and Side Yard Plan...
- C. Garage Orientation...

Response: Dwelling for lots 1 through 5 will be consistent with these standards, and will be verified at the time of building permit application.

16.68.040 Height

The maximum heights specified in the underlying zone shall be the maximum height for any infill development.

Response: The zone allows a maximum height of 35' or 2.5 stories.

16.68.050 Yard Requirements for Infill Development

The Approval Authority may approve modifications to the minimum yard dimensions of this Code for residential development containing less than five (5) acres (i.e., is not otherwise eligible for a Planned Unit Development), subject to all of the following requirements...

Response: Modifications to the minimum yard dimensions are not requested.

Division V – Community Design

Chapter 16.92 – Landscaping

16.92.030 Site Area Landscaping and Perimeter Screening Standards

D. Visual Corridors

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

Response: SW Main Street is designated as an arterial, therefore, a 15' visual corridor along Main Street is required, and will be provided in the front yards of the lots. The front yard setbacks have been increased to 15-feet to allow for the visual corridor. Detailed landscape plans will be provided with the construction plans.

16.94 – Off-Street Parking and Loading

16.94.020 Off-Street Parking Standards

Response: Each dwelling unit will provide a minimum of 1 off-street parking space.

Division VI – Public Infrastructure

Chapter 16.104 – General Provisions

16.104.030 Improvement Procedures

Response: The proposed improvements are designed to be consistent with City standards. Construction plans will be submitted for City review and approval prior to commencement of construction activities.

Chapter 16.106 – Transportation Facilities

16.106.020 Required Improvements

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 feet.

Response: Right-of-way dedication along Main Street will provide 39-feet from centerline and results in additional 14' dedication. Main Street was recently improved with new curbs, sidewalks, street trees and lighting. Per Engineering Department direction, no street widening is required for this project. Sidewalk, curb and driveways will be reconstructed as required to facilitate the new lot layout.

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

Response: No new streets are proposed or are included in the City's TSP in the project area.

Chapter 16.108 – Improvement Plan Review

16.108.010 Preparation and Submission

16.108.020 Construction Permit

Response: Preliminary improvement plans have been prepared by a registered civil engineer and are included with the application package. Final construction plans will be submitted for City review and approval and all pertinent permits will be obtained prior to commencement of construction activities.

Chapter 16.110 – Sanitary Sewers

16.110.010 Required Improvements

16.110.020 Design Standards

16.110.030 Service Availability

Response: Sanitary sewer is available to serve the proposed development. The applicant proposes to serve the lots via individual

laterals to a line in the rear yards of the lots, crossing the property to the east and connecting to a main in SW Park Row. A 12" public sanitary sewer main that bisects the subject site will be relocated, Lots 6 and 7 have modified side yard setbacks to accommodate that line. Existing and proposed easements are shown on the plans, portions of the existing easements will be vacated when the line is relocated. Construction plans will be reviewed and approved by the City prior to installation of sanitary sewer facilities. The three existing homes are currently served by the sanitary sewer in Main Street. New services will be provided for the lots and are shown on the Preliminary Utility Plan.

Chapter 16.112 – Water Supply

16.112.010 Required Improvements

16.112.020 Design Standards

16.112.030 Service Availability

Response: A 12" public water main exists within SW Main Street along the site frontage. Each lot will be served by a separate water service. The three existing homes are currently served by the water. New services will be provided for the lots and are shown on the Preliminary Utility Plan.

Chapter 16.114 – Storm Water

16.114.010 Required Improvements

16.114.020 Design Standards

16.114.030 Service Availability

Response: An existing 36-inch storm sewer main crosses through the site that will be relocated in conjunction with the proposed development. Each lot will be provided a storm lateral. Proposed storm facilities, connections and easements are shown on the Preliminary Utility Plan. The applicant is electing to use the proposed regional storm water quality facility at Columbia and Main Street to provide for storm water quality treatment.

Chapter 16.116 – Fire Protection

16.116.010 Required Improvements

When land is developed so that any commercial or industrial structure is further than two hundred fifty feet or any residential structure is further than five hundred feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.

Response: The nearest fire hydrant is approximately 60 feet from the site, across Main Street.

16.116.020 Standards

- A. Capacity..
- B. Fire Flow...

- C. *Access to Facilities...*
- D. *Hydrants...*

Response: Public water lines exist in Main Street along the site frontage. Fire flow testing will occur prior to building permit application. The nearest fire hydrant is located across Main Street from proposed Lot 7, at the corner of Main and Columbia Street, approximately 60' from the site.

Chapter 16.118 – Public and Private Utilities

16.118.020 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.*

Response: All proposed utilities have been designed to be consistent with City standards. Existing and proposed easements are shown on the plans.

- B. *Public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.*

Response: Public utility easement is shown on the Preliminary Site Plan along the new right-of-way line on Main Street consistent with City standards.

- 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).*

Response: Adjacent properties have adequate access to utilities.

- D. *Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.*

Response: Construction plans will be reviewed and approved by the utility providers prior to commencement of construction.

- E. *Public Telecommunication conduits and appurtenances shall be installed per the City Sherwood telecommunication design standards.*

Response: Construction plans will be reviewed and approved by the City prior to installation.

Chapter 16.120 – Subdivisions

16.120.020 General Subdivision Provisions

Response: The proposed subdivision complies with City code, which is consistent with state regulations regarding subdivisions. The lots are sized such that future re-division is not allowed under the current code standards. All proposed lots are consistent with the lot size standards of

the Code, with modifications allowed by the Infill Standards. Building setback lines are shown on the plans.

16.120.040 Approval Criteria: Preliminary Plat

No Preliminary plat shall be approved unless:

- A. *Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.*

Response: Proposed street dedication is consistent with City requirements and shown on the plans.

- 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.*

Response: No private roads are proposed.

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

Response: As demonstrated in this document and on the plans, the proposed subdivision complies with the applicable standards.

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

Response: All necessary services are available or can be made available to serve the proposed subdivision. The existing dwellings are currently served.

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

Response: The proposal does not preclude development of adjacent properties.

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

Response: Necessary services are available to surrounding properties, it is not necessary for the proposed development to provide access to services. Existing utilities that cross the site are being relocated to accommodate the proposed development and will continue to be available to serve surrounding properties.

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

Response: The existing trees have been surveyed and are shown on the Existing Conditions Plan.

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

Response: The specified information is shown on the plans.

- 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 Subdivision) (S/B 16.142.030 for single family), if applicable.*

Response: The project includes Tract A which meets or exceeds the 5% open space requirement. Tract A is adjacent to City owned property.

Chapter 16.128 – Land Division Design Standards

16.128.010 Blocks

Response: No new blocks will be created or completed with this development.

16.128.020 Pedestrian and Bicycle Ways

Response: No pedestrian or bicycle connections are proposed. Sidewalks will be constructed along the site frontage.

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 exceptions:

Response: The proposed lots are sized and oriented appropriately for the site conditions. All lots meet the standards of the Code, with modifications permitted through the Infill Standards.

B. *Access*

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

Response: All proposed lots have frontage onto Main Street, a public street.

C. *Double Frontage*

Double frontage and reversed frontage lots are prohibited except...

Response: No double frontage or reversed frontage lots are proposed.

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.

Response: The proposed lot lines are at right-angles to the street to the greatest extent possible.

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 and one-half (1 ½) feet horizontally to one foot vertically.
2. Fill slopes shall not exceed two feet horizontally to one foot vertically.

Response: The site contains existing development that will be removed. No site grading is proposed for this project. Any grading on the site will be the minimum necessary to prepare the site for single family dwellings and the facilities to serve them. Cuts and fills will be consistent with City standards.

Division VIII – Environmental Resources

Chapter 16.142 – Parks, Trees and Open Spaces

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.

Response: Five percent of the net site, (42,429sf * 0.05 = 2121sf) 2121 square feet is required and 2,134 square feet is proposed.

- B. Enhanced streetscapes such as "boulevard treatments"...

Response: No 'boulevard treatments' are proposed.

- C. The open space shall be conveyed in accordance with one of the following methods:

Response: The 2,134 SF open space tract is proposed to be conveyed 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.

Response: Density was calculated based on the net buildable area of the site without exclusion of the 5% open space requirement.

- 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...

Response: The site does not contain, and is not adjacent to a site identified, as parks on the Acquisition Map of the Parks Master Plan.

- 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

Response: The site does not contain and is not adjacent to a site identified as parks on the Acquisition Map of the Parks Master Plan.

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.*

Response: The proposal is for a subdivision, not a partition.

H. *The value of the open space conveyed under Subsection (A) above may be eligible for Parks System Development Charges (SDCs) credits based on the methodology identified in the most current Parks and Recreation System Development Charges Methodology Report.*

Response: The proposed open space will be conveyed to the City, it is expected that a credit will be applied to the parks SDC.

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...

Response: A 15' landscaped visual corridor along Main Street is proposed to be located within the front yards of the lots.

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

B. *Landscape Materials*

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

Response: The required visual corridor will be located within the front yard setbacks of the lots. Detailed landscape plans will be included for review with the construction plans.

16.142.060 Street Trees

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

Response: Street trees will be installed along the site frontage as specified, conceptual locations are shown on the plans.

16.142.070 Trees on Property Subject to Certain Land Use Applications

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.

Response: No woodland areas exist on the site, existing trees have been surveyed and are shown on the Existing Conditions 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...*

Response: An arborist report is included with the application materials.

D. *Retention Requirements*

1. *Trees may be considered for removal to accommodate the development including buildings, parking walkways, grading etc., provided the development satisfies D.2 or D.3, below.*

Response: Tree proposed for removal are shown on the Driveway Access and Street Tree Plan.

2. *Required 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.

Response: An arborist has provided a plan to meet the specified criteria. The proposed tree plantings are shown on the Driveway Access/Tree Plan.

Chapter 16.156 – Energy Conservation

16.156.020 Standards

Response: The existing development and street patterns determine the orientation of the buildings on the proposed lots.