

EMERIO *Design*

CIVIL ENGINEERS & PLANNERS

DATE: 12-16-2019

REQUEST: Final PUD Development Plan Approval for a the “**Denali Meadows PUD**”

ZONING: VLDR, Very Low Density Residential, City of Sherwood, Oregon

SIZE: 5.27 Acres

**PROPERTY OWNER/
DEVELOPER:**

J.T. Roth Construction, Inc.
Attn: Tim Roth
12600 SW 72nd, Suite 200
Portland, OR 97223

**CIVIL ENGINEER,
PLANNING &
SURVEYOR:**

Emerio Design, LLC
Attn: Steve Miller
6445 SW Fallbrook Pl., Suite 100
Beaverton, OR 97008
(541) 318-7487

LEGAL DESCRIPTION: Tax Map 2S133CB, Tax Lot 300 and a portion of Tax Lot 100 (6,384 sq. ft.)

LIST OF EXHIBITS:

- 1 - Detailed Final Development Plan and Landscape Plans
- 2 - Vicinity Map and Tax Maps
- 3 - CC&R's
- 4 – Title Report
- 5 – Copy of Ordinance 2019-012 – City Council PUD Approval for the Denali Meadows PUD
- 6 - Preliminary Plat

SHERWOOD PLANNING CODE SECTIONS

- 16.40.030 - Planned Unit Development Final Development Plan
16.120 – Final Subdivision Plat

I. INTRODUCTION

The applicant is applying for Final PUD Development Plan approval to divide an approximately 5.27 - acre property in a manner that allows the applicant to provide a variety of lot sizes and housing types, while at the same time preserving approximately 21% of the site in usable common open space. The applicant obtained Preliminary PUD approval from the City Council through Ordinance 2019-012 (i.e. File # PUD 19-02) on November 19, 2019.

This Final PUD Development Plan application is a request to develop the thirteen (13) lot subdivision entitled “**Denali Meadows PUD**”. As designed the proposed unit types blend in well with exiting development in the area and provide a good transition from the recently approved Denali PUD located to the southeast. Thus, the proposed PUD will have a look and feel similar to other nearby developments in the City, as well as provide the second development within the SE Sherwood Master Plan boundary that will be superior to a typical subdivision development.

With approval of the Final PUD Development Plan, the applicant will be able to create a greater variety and diversification in the relationship between homes and open spaces by using planned building groups. Together the combination of mixed housing types, pedestrian pathways, and the requested deviations to the City’ development code will improve property values and enhance the living environment both within the PUD and for the existing neighborhoods adjacent to the site.

II. PRELIMINARY PUD CONDITIONS OF FINAL APPROVAL

Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)

16.40.030 - Final Development Plan

A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per [Section 16.40.020](#). In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family structure or use not addressed under [Section 16.40.020\(B\)\(6\)](#), for review and approval, pursuant to the provisions of [Chapter 16.90](#). The site plan shall be processed concurrently with the Final Development Plan.

B. Final Subdivision Plat

If the PUD involves the subdivision of land, a final plat must be prepared and submitted for final approval, pursuant to [Chapter 16.120](#).

RESPONSE: The applicant received preliminary PUD approval by the City Council on November 19, 2019 (see Ordinance 2019-012). With this request the applicant has submitted the Final Development Plan as per this Chapter for review and approval of the Commission. A detailed final development plan has been provided (see Exhibit 1) for review and approval by the Planning Commission. In addition, as part of the submitted application materials, the applicant has also submitted a copy of the final PUD plat for final approval, pursuant to Chapter 16.120.

A. General Conditions

- 1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.***

RESPONSE: The applicant understands that compliance with the Conditions of Approval is their responsibility or its successor in interest.

- 2. *This land use approval shall substantially comply with the submitted preliminary site plans and narrative dated August 7, 2019 and prepared by Emerio Design, 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.***

RESPONSE: The applicant's submitted Final Development Plan complies with this condition of approval as the plan substantially complies with the submitted preliminary site plans and narrative, as prepared by Emerio Design, except as indicated in the following conditions.

As noted throughout this narrative, the Applicant has been working with the Washington County Surveyors office on the tentative plat. As a result of these efforts, the County Surveyor renumbered and lettered the proposed lots and tracks as they would like to see them on the final plat. As such, the lot numbering and tract lettering has changed since the Applicant received approval from the City Council on November 19, 2019.

As a result of the lot numbering and tract lettering being revised by the Washington County Surveyor, it has changed the lots that the applicant requested setback modifications for as part of the PUD.

As part of the planned unit development (PUD) proposal, the applicant requested a modification to the front yard setback, street side yard setback, and the rear yard setback. As part of the original application submittal, the Applicant requested that the front yard setback be 15-feet for the house and 20 feet for the garage for all lots, a street side yard setback of 15 feet for lots 4, 5, and 9, and a rear yard setback of 15-feet for Lots 1 and 4.

With the changes requested by the Washington County Surveyor, the lots requiring a street side yard setback of 15 feet are now Lots 1, 13, and 9, and the lots requiring a rear yard setback of 15-feet are now Lots 1 and 4, but they have been flipped from the original submittal. So, what was Lot 4 on the original submittal is now Lot 1, and what was Lot 1 on the original submittal is now Lot 4.

Thus, aside from the changes to the lot numbering and tract lettering requested by the Washington County Surveyor, the applicant's submitted Final Development Plan complies with this condition of approval as the plan substantially complies with the submitted preliminary site plans and narrative, as prepared by Emerio Design.

- 3. *The developer/owner/applicant is responsible for all costs associated with private/public facility improvements.***

RESPONSE: The application is aware that 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.***

RESPONSE: The applicant understands that the approval is valid for a two (2) year period from the date of the decision notice. It's not anticipated that an extension will be necessary as the applicant intends to complete the project in 2020. However, should the applicant experience delays, then an extension will be sought pursuant to the requirements of the Sherwood Zoning and Community Development Code at that time.

- 5. *The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.***

RESPONSE: The applicant understands the above condition and the long-term operation of the property will comply with the applicable requirements of the Sherwood Zoning and Community Development 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.*

RESPONSE: The applicant is aware that the City's approval does not negate the need for other permits. As such, the applicant will obtain all necessary permits whether local, state or federal as appropriate for the development of the project.

7. *Prior to commencement of the design, the developer shall attend a predesign meeting with the Sherwood Engineering Department.*

RESPONSE: After receiving Final Development Plan approval from the Commission, and prior to commencing any construction, the applicant will attend a predesign meeting with the City of Sherwood Engineering Department as required by this condition of approval.

8. *Tracts "A", "B", and "C" shall be owned and maintained by the homeowners' association.*

RESPONSE: As a result of the Applicant working with the Washington County Surveyors office on the tentative plat, the County Surveyor renumbered and lettered the proposed lots and tracks as they would like to see them on the final plat. As such, the lot numbering and tract lettering has changed since the Applicant received approval from the City Council on November 19, 2019. Per the tract lettering we received from the Washington County Surveyor, the Tracts that need to be owned and maintained by the homeowner's association are Tracts A, C, and D (see Exhibit 6).

Due to the changes required by the Washington County Surveyors office, the Applicant respectfully requests that this condition of approval be modified with the Final Development Plan approval to reflect the changes required by the Washington County Surveyor.

As required by the above condition, the required Tracts, as per the Washington County Surveyors re-lettering of the tracts (i.e. Tracts A, C, and D), will be owned and maintained by the "Denali Meadows" homeowners' association. See submitted CC&R's for more detail.

9. *All residents will need to bring their solid waste and recycling receptacles to the nearest public road.*

RESPONSE: As required by the above condition, all residents will be required to bring their solid waste and recycling receptacles to the nearest public road. See submitted CC&R's for more detail.

10. *Per City of Sherwood standards, all new utilities shall be placed underground.*

RESPONSE: All new utilities are proposed to be located underground as part of the development of the PUD.

11. *A Detailed Final Development Plan shall be submitted for review and approval, by the Planning Commission, within one (1) year of the preliminary PUD.*

RESPONSE: This condition of approval has been satisfied with the submittal of this Final Development Plan application. As part of the submitted application materials, the Applicant has submitted a detailed final development plan for review and approval by the City. The Preliminary PUD approval was granted by the City Council on November 19, 2019; therefore, the Applicant has satisfied the requirement of submitting the final development plan within 1 year of the preliminary PUD approval.

12. *There shall be no parking along Tract B and the flagpole drives of Lots 2 and 3.*

RESPONSE: As noted previously, the County Surveyor renumbered and lettered the proposed lots and tracks as they would like to see them on the final plat. As such, the lot numbering and tract lettering has changed since the Applicant received approval from the City Council on November 19, 2019. Per the tract lettering we received from the Washington County Surveyor, the Tract B is now Tract C. Also, Lots 2 and 3 have flipped per the County Surveyor. So, what was Lot 2 is now Lot 3, and what was Lot 3 is now Lot 2.

Due to the changes required by the Washington County Surveyors office, the Applicant respectfully requests that this condition of approval be modified with the Final Development Plan approval to reflect the changes required by the Washington County Surveyor.

As required by the above condition, the required Tract, as per the Washington County Surveyors re-lettering of the tracts (i.e. Tracts C), as well as Lots 2 and 3, per the Washington County Surveyors renumbering of these lots, will not allow parking along the tract or on the flagpole drives for the respective lots. See submitted CC&R's for more detail.

13. The applicant shall apply for and receive city addressing for all lots once the subdivision plat is recorded.

RESPONSE: The property owner/applicant is aware of this condition of approval and will apply for and receive city addressing for all lots once the subdivision plat is recorded with the County Surveyor.

B. Prior to Approval of PUD Final Development Plan and Subdivision Plat

1. Prior to the final development plan approval, provide CC & R's that document how the private street and open spaces (Tracts A, B, and C) will be maintained by the neighborhood association.

RESPONSE: With this Final PUD Development Plan application, the applicant has submitted CC&R's documenting how the open spaces Tracts and private street will be monitored and maintained by the neighborhood association.

As noted previously, the Washington County Surveyors office renumbered and lettered the proposed lots and tracks as they would like to see them on the final plat. As such, the lot numbering and tract lettering has changed since the Applicant received approval from the City Council on November 19, 2019. Per the tract lettering we received from the Washington County Surveyor, the Tracts that need to be owned and maintained by the homeowner's association are Tracts A, C, and D (see Exhibit 6).

Due to the changes required by the Washington County Surveyors office, the Applicant respectfully requests that this condition of approval be modified with the Final Development Plan approval to reflect the changes required by the Washington County Surveyor.

As required by the above condition, the required Tracts, as per the Washington County Surveyors re-lettering of the tracts (i.e. Tracts A, C, and D), will be owned and maintained by the "Denali Meadows" homeowners' association. See submitted CC&R's for more detail. This condition of approval has been satisfied.

2. Prior to approval of the Final Plat, submit a revised tree plan demonstrating compliance with the Clear Vision requirements of Section.16.58 of the Sherwood Zoning and Community Development Code.

RESPONSE: As part of the Final Development Plan application, the applicant has submitted detailed landscape plans that have been prepared, stamped and signed by a registered landscape architect. The submitted landscape plans also demonstrate compliance with the Clear Vision requirements of Section 16.58 of the Sherwood Zoning and Community Development Code. The Applicant's proposal satisfies this condition of approval.

Pursuant to section 16.58.010(C) of the City's code, "a clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side".

The applicant's proposed street trees comply with the above standards for being located in the clear-vision area as the street trees will be typical 2-inch caliper nursery trees, with average heights ranging between 12 – 14 feet. All branches will be limbed up to a minimum height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.

- 3. Prior to Final Development Plan approval, submit a detailed final landscape plan that that meets Section 16.92 landscaping standards and Section 142.040 visual corridors.**
- 4. Prior to Final Development Plan approval, submit a final landscape plan that has been verified by a landscape professional.**
- 5. Pryor to Final Development Plan approval, submit a final landscape plan that addresses the installation and maintenance standards of Section 16.92.040.**

RESPONSE: As part of the Final Development Plan application, the applicant has submitted detailed landscape plans that have been prepared, stamped and signed by a registered landscape architect. The submitted landscape plans meet the requirements of Section 16.92, Section 142.040, and also address the installation and maintenance standards of Section 16.92.040. The Applicant's proposal satisfies the above conditions of approval.

- 6. Prior to final plat approval, a shared access easement on Lots 2-3 flagpole shall be shown on the subdivision plat that benefits Lots 1-4.**

RESPONSE: As noted on the submitted plat, a shared access easement on Lots 2-3 flagpole has been shown on the subdivision plat that benefits Lots 1-4 as required by this condition of approval. The Applicant's proposal satisfies this condition.

- 7. Prior to Final Plat, the developer shall submit certification that the existing well meets all setback requirements or design for the abandonment of the existing well and new water service on the engineering plans.**

RESPONSE: The existing well will be abandoned with the construction of the infrastructure required to support the proposed PUD. The design for the abandonment of the existing well and new water service for the existing home will be shown on the engineering plans.

- 8. Prior to Final Development Plan approval, submit a landscape plan showing how the required 40-percent tree canopy is satisfied.**

RESPONSE: As noted above, the applicant has submitted detailed landscaped plans that have been prepared by a registered landscape architect. The submitted landscape plans also show how the required 40% tree canopy is being satisfied. The applicant's proposal satisfies this condition of approval.

- 9. Prior to Final Development Plan approval, a final tree preservation plan consistent with the requirements of Section 16J42.070.G shall be submitted.**

RESPONSE: The applicant's proposal satisfies this condition of approval because the applicant has submitted detailed landscape plans that have been prepared, stamped and signed by a registered landscape architect that is consistent with the requirements of Section 16J42.070.G for tree preservation.

10. Prior to Final Development Plan approval, access easements and driveway locations shall be shown for Lots 1-4.

RESPONSE: As noted on the submitted plat, a shared access easement on Lots 2-3 flagpole has been shown on the subdivision plat that benefits Lots 1-4 as required by this condition of approval. The Applicant's proposal satisfies this condition.

11. Prior to Final Development Plan, the applicant shall provide a parking plan showing two off-street parking spaces per lot.

RESPONSE: The applicant's proposal satisfies this condition of approval because the applicant has submitted a parking plan showing two (2) off-street parking spaces per lot as required by the above condition.

III. 16.120.050 Final Subdivision Plat

A. Procedure

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

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

B. Extensions

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

RESPONSE: In the event the Applicant needs to request an extension for the final plat, the Applicant will submit the request in writing prior to the preliminary plat expiring within two (2) years of the approval granted by the City Council through File # PUD 19-02, which was adopted by Council on November 19, 2019 by Ordinance 2019-012.

C. Approval Criteria: Final Plat

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

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

RESPONSE: The submitted final plat is consistent in design (e.g., number and dimensions of lots, easements, tracts, and right-of-way) with the approved preliminary plat as granted by the City Council through File # PUD 19-02 on November 19, 2019. In addition, all conditions of approval have either been satisfied or will be bonded for in accordance with the City of Sherwood development code and procedures.

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

RESPONSE: All public improvements required by the preliminary plat approval have been or will be installed and approved by the City Engineer or appropriate service provider. Alternatively, the applicant will provide the City with a performance guarantee in accordance with City of Sherwood Code Section 16.120.070 for those public improvements that are not completed prior to recording the final plat.

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

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

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

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

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

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

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

RESPONSE: As demonstrate on the submitted final plat, the final plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval), as well as with the required conditions of approval associated with the Preliminary PUD approval granted by the City Council through File # PUD 19-02 on November 19, 2019.

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

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

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

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

IV. 16.120.060 Improvement Agreement

A. Subdivision Agreement

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

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

B. Performance Security

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

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

VI. 16.120.070 Bond

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

- 1. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated or cash.**
- 2. Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.**
- 3. Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.**
- 4. When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit for reimbursement.**
- 5. Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.**

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

VI. 16.120.080 Filing and Recording of Final Subdivision Plat

A. County Review

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

B. Recording the Plat

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

C. Effective Date

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

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