

PLANNING DEPARTMENT

App. Submitted: December 15, 2014
App. Complete: January 8, 2015
120-Day Deadline: May 8, 2015



Michelle Miller, AICP Senior Planner

Proposal: The applicant has requested minor land partition approval in order to divide one parcel into two parcels of similar size located on SW Park Street in the medium density residential low zone (MDRL). The applicant proposes to meet the other dimensional standards for the MDRL zone. The applicant's materials are attached to this report as Exhibit A.

I. BACKGROUND

- A. Owner/Applicant: Brad and Ann Brucker
22545 SW Park Street
Sherwood OR 97140
503-625-0818
- B. Location: The site is identified as Tax Lot 6000 on Washington County Tax Assessor Map 2S132BC. The site address is 22545 SW Park Street. This site is located on the west side of SW Park St. and north of SW Railroad.
- C. Parcel Size: This site measures approximately .55 acres.
- D. Existing Development and Site Characteristics: The site has a single family home with access onto SW Park Street. There are three trees on site that will be removed.
- E. Site History: The property has a single family home that will remain. The original home was built in 1916 and the property has not otherwise been divided.
- F. Zoning Classification and Comprehensive Plan Designation: The property is zoned Medium Density Residential Low (MDRL). Per section 16.12, the purpose of the MDRL zone is to provide for single-family dwellings with a minimum density of 5.6 dwelling units per acre and a maximum density of (8) dwellings per acre. Minor land partitions are exempt from the minimum density requirements.
- E. Adjacent Zoning and Land Use: The subject site is located on the west side of SW Park Street. The other adjacent properties to the north and south are zoned MDRL. The property directly across the street is a

museum and zoned Institutional and Public. The area across the street is within the Old Town Overlay District.

- F. Review Type: The proposal requires a Type II review with a decision made by the Planning Director after consideration of public comment. An appeal would be heard by the Planning Commission.
- G. Public Notice: Notice of the application was mailed to property owners within 1,000 feet on January 22, 2015 and posted on the property on January 21, 2015 and in five locations throughout the City in accordance with Section 16.72.020 of the SZCDC.
- H. Review Criteria: Sherwood Zoning and Community Development Code, 16.12 (Residential Standards – Medium Density Residential Low), 16.58.010 (Clear Vision), 16.58.030 (Fences, Walls and Hedges), 16.96 (Residential On-Site Circulation), Division VI - 16.104-16.118 (Public Improvements), 16.122 (Preliminary Plats), 16.128 (Land Partitions), and 16.142 (Parks and Open Space).

II. PUBLIC COMMENTS

Public notice was mailed, posted on the property and in five locations throughout the City on January 22, 2015. Staff has received the following comments.

Tom and Barbara Reynolds, 16201 SW Villa Road provided comments indicating that they were concerned about drainage onto their property. The also commented that the plans showed a driveway extending to the back of their property.

Staff Response: The applicant does not propose a driveway to extend to the back of their property. The applicant will be required to comply with Engineering Department requirements that are discussed further within this report concerning storm water.

Adam and Meghan Best, 16233 SW Villa Road, provided comments indicating concerns about storm water runoff, dividing the large lot into two, the proposed house characteristics, landscaping, fencing and setbacks.

Staff Response: The issues concerning the driveway and stormwater will be discussed within this report and the applicants will be conditioned to comply with the Sherwood Zoning and Development Code. The proposal is to divide the lot into two. Each lot will be at least 11,000 square feet. The two lots to the south of this property are both smaller than the proposed lots that will be created. The properties across the street and within Old Town have smaller lots. When Old Town was first platted over a hundred years ago, the lots were established to be around 5,000 square feet; therefore, the applicant's proposal is compatible with the character of the neighborhood and meets the MDRL minimum lot size requirement of 5,000 square feet.

No house plans have been submitted, but the applicant will not be able to exceed the height of 30 feet or two stories whichever is less. The building needs to be at least 20 feet from the front and rear yard property lines. Fences and screening landscaping is not required between residential properties. However, the applicant proposes to install seven trees at the rear of property and adjacent to the Bests' property.

Mark and Stacey Keating, 22583 SW Park Street, expressed concerns about the design and height of the homes and generally about adding to the residential neighborhood.

Staff Response: The house plans have not been submitted as of yet, but as stated above will need to be no taller than 30 feet or two stories. Also discussed above, the new parcel that is proposed well exceeds the minimum dimensional standards for this zone and will be of similar in size to the surrounding properties.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on January 20, 2015. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: submitted comments dated January 22, 2015. The comments included an overview of the project as well as conditions that are specific to construction of infrastructure improvements as on-site erosion control. The comments are attached to this report as Exhibit B.

Clean Water Services (CWS) submitted comments dated and indicated that that a Storm Water Connection Permit Authorization must be obtained prior to the plat approval and recordation. A full copy of the CWS comments is included as Exhibit C and will be discussed further within this report.

Tualatin Valley Fire and Rescue Department (TVF&R) submitted comments via email on February 2, 2015 that indicated initial support for the project.

Portland General Electric submitted comments via email on January 21, 2015 indicating that the utility poles (PGE #s 01717 and 01948) fronting the property belongs to Frontier. If they conflict with the proposed street improvements, they would be relocated by, or with permission from Frontier.

Washington County, ODOT, NW Natural Gas, Pride Disposal and were given the opportunity to comment but did not provide comments on this project or indicated that they had no comment.

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 MDRL. The design standards of this zone will be discussed in further detail below.

FINDING: The applicant meets the criterion as discussed under Section V. of this report below and can feasibly satisfy the applicable provisions mentioned above.

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

The property abuts SW Park Street, an improved street with sufficient right of way. No dedication is necessary. The applicant is proposing infrastructure that will serve the new parcel. The specifics will be discussed further within this report.

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

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.

FINDING: There is adequate water, sewer and other public services to support the addition of service to the additional parcel as evidenced by the engineering comments and detailed further within this report.

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 Park Street 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.

FINDING: The site is smaller than one acre and thus, this section is not applicable.

V. APPLICABLE CODE PROVISIONS

The applicable zoning district standards are identified in Chapter 16.12 below.

A. Division II– Land Use and Development

§ 16.12.010 - Purpose and Density Requirements

C. Medium Density Residential Low (MDRL)

The MDRL zoning district provides for single-family housing and other related uses with a density of 5.6 to 8 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

FINDING: The applicant proposes a two-lot partition, which is exempt from the minimum density requirements. This provision is not applicable.

16.12.020. - Allowed Residential Land Uses

A. Residential Land Uses

Single-family homes are permitted in the Medium Density Residential Low zone.

FINDING: Single-family attached or detached dwellings are a permitted use in this zone. The applicant has indicated that he intends to construct another single-family dwelling as part of this development, which is allowed outright within the zone.

16.12.030 - Residential Land Use Development Standards

A. Generally

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

B. Development Standards

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

MEDIUM DENSITY RESIDENTIAL LOW STANDARDS

1.	Lot area:	5,000 sq. feet
2.	Lot width at front property line:	25 feet
3.	Lot width at building line	50 feet

The applicant proposes to partition one lot into two lots. Parcel 1 will be 13,058 square feet; Parcel 2 will be 11,087 square feet exceeding the above standard for minimum lot area.

The applicant proposes to create two lots dividing the parcel relatively equally to make each lot at least fifty feet wide. This meets the criteria for lot width at the building line.

FINDING: Based on the above discussion the applicant meets the criteria with respect to lot area and lot width at front property line.

MEDIUM DENSITY RESIDENTIAL LOW SETBACK REQUIREMENTS

1. **Front yard:** Twenty (20) feet
2. **Side yard:** Five (5) feet
3. **Rear yard:** Twenty (20) feet
4. **Corner yard:** Fifteen (15) feet

It appears feasible that the proposed lots will be able to accommodate houses that conform to these standards, but this cannot be confirmed until the applicant applies for building permits.

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

CONDITION: Prior to issuance of building permits, submit plans for the houses showing that the structures meet the minimum front, rear corner and side setback requirements.

16.12.050.C. Height

Except as otherwise provided, the maximum height shall be two (2) stories or thirty (30) feet, whichever is less.

FINDING: Since plans have not been submitted for the dwellings, staff cannot confirm the proposed height meets the standards. Therefore, this standard is not met but can be conditioned below.

CONDITION: Prior to issuance of building permits, submit plans showing that the height of the dwellings do not exceed two (2) stories or thirty feet, whichever is less.

16.58.010 Clear Vision Areas

A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.

A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.

A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2-1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground.

The following requirements shall govern clear vision areas:

A. In a residential zone, the minimum distance shall be thirty (30) feet, or at intersections including an alley, ten (10) feet.

The partition is not on a corner lot. The applicant has not provided details of the driveway locations. It is possible to maintain the clear vision area at the private drives. This can be confirmed at the time of plot plan review.

FINDING: Since plans have not been submitted for the driveways, staff cannot confirm the proposal meets the standards. Therefore, this standard is not met but can be conditioned below.

CONDITION: Prior to issuance of building permits, submit plans that identify the appropriate clear vision area.

B. Division V- Community Design

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

16.96 On-Site Circulation

16.96.010 – On-site pedestrian and bicycle circulation

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single family detached housing), shall provide a continuous system of private pathways/sidewalks at least 6 feet wide.

The applicant proposes to install sidewalks along the frontage of the two parcels. The specifics will be discussed further within this report.

FINDING: The parcels have frontage along a public street that includes sidewalks built to public standards. This criterion is satisfied or will be conditioned further within this report.

16.96.010.03 - Connection to Streets

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

The lots will take access from SW Park Street. There is not an existing sidewalk on SW Park so the new driveway drop can be constructed in place with the new sidewalk.

FINDING: This standard is met as discussed above.

16.96.020. Minimum Residential Standards

16.96.020.1.A. Driveways

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

Driveway drops with a minimum width of ten (10) feet, not to exceed a grade of 14% will be required at the time sidewalks are installed on SW Park Street.

FINDING: As discussed above, there are not currently driveway drops for Parcel 1 and 2 shown on the plans; therefore, this standard is not met but can be met as conditioned below.

CONDITION: Prior to public improvement plan approval, submit plans that show a driveway for parcel 1 and 2 improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%.

C. Division VI - Public Improvements

16.106.020 - Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. The following figure provides the depiction of the functional classification of the street network as found in the Transportation System Plan, Figure 8-1.

The property abuts SW Park Street. Currently SW Park Street consists of ±13 feet of pavement width from right-of-way centerline to the existing concrete curb. No sidewalk currently exists along the subject property frontage. The existing right-of-way is currently 60 feet in width. Generally, standard residential streets have a 28-foot curb to curb width with 5-foot wide landscape strips and 6-foot wide sidewalks within a 52-foot wide right-of-way.

The Engineering Department recommends that new curb and gutter be installed at 14 feet from right-of-way centerline with 3 feet minimum of new asphalt replacement between the front of the gutter to the existing asphalt. Width of new asphalt replacement is subject to the approval of the City Inspector based upon existing asphalt conditions. Concrete sidewalk shall be installed along the subject property frontage having a width of 5 feet with a 5-foot wide planter strip (including curb). No additional right-of-way dedication is required.

Street lights exist on the existing power poles at the SW Park Street\SW First Street and SW Park Street/SW Villa Road Intersections. No additional street lighting is required.

FINDING: The applicant's proposal generally meets this standard; however, a condition is needed to ensure the improvements are properly shown on the public improvement plans and final plat.

CONDITION: Prior to engineering approval, submit engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) **to the Sherwood Engineering Department.** The engineering plans shall conform to the design standards of the City of Engineering Design and Standard Details Manual and Clean Water Services (CWS) Design and Construction Standards Manual as follows:

- a. New curb and gutter shall be installed at 14 feet from right of way centerline with three-foot minimum of new asphalt replacement between the front of the curb gutter to existing asphalt.
- b. the concrete sidewalk shall be installed along the subject property frontage, five feet wide and include a five-foot wide planter strip including the curb.

106.030- Location

C. Underground Utilities

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

FINDING: The applicant proposes to place all utilities underground. Therefore the applicant meets this criterion.

16.106.040 – Design

M. Vehicular Access Management

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the Engineering Design Manual.

Both homes will take access from SW Park, a designated “Local Street” in the Transportation System Plan (TSP). The proposal appears to have adequate frontage to provide access from parcel 1 and 2 to the street.

FINDING: Based on the above discussion, the applicant does meet 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.

There is a 12-inch diameter public sanitary sewer main on the southwest side of SW Park Street along the subject property frontage. Therefore, no extensions of the sanitary sewer main are required to serve adjacent properties. Direct sanitary sewer will be installed to accommodate development of the new parcel.

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

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

16.112– Water Supply

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

FINDING: There is an existing six-inch water main on SW Park Street along the southern 85 feet of the subject property that changes to a newer 8-inch diameter public water main located near the center of SW Park Street that continues northward. The applicant has not met this standard but it is feasible to meet the standard with the following condition.

CONDITION: Prior to public improvement plan approval, submit verification and sizing of the existing water line to the additional parcel. Installation of any new utility service laterals shall conform to current City standards.

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.

There is a storm manhole on SW Park Street, near the southeastern edge of the subject property. There is no main line along the frontage. The existing home appears to have a storm connection through a weep hole in the front of proposed parcel 2. The applicant shows a new weep hole for proposed parcel 2, but does not indicate the facilities for the existing home on parcel 1. The applicant has not provided plans that show how the applicant will meet this standard. The applicant will have to have storm sewer laterals to serve each parcel that receive the approval of the Engineering Department.

The water quality treatment is required to meet the approval of the City of Sherwood Engineering Department and Clean Water Services (CWS).

According to the CWS comments, that applicant will need to obtain a Storm Water Connection Permit Authorization prior to the final plat approval and recordation that complies with the requirements of the Design and Construction Standards Resolution and Order No. 07-20.

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

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

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2b.-1 Design and Construction Standards.
- b. Detailed grading and erosion control plans. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans.
- c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
- d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 07-20, Section 4.05.5, Table 4-1.

e. If use of an existing offsite original Water Quality Facility is proposed, it must be clearly identified on the plans, showing its location, condition, capacity to treat this site and any additional improvements and/or upgrades that may be needed to utilize that facility.

f. If private lot LIDA systems are proposed, it must comply with the current CWS Design and Construction Standards. A private maintenance agreement for the proposed private lot LIDA systems needs to be provided to the city for review and Acceptance.

g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.

h. Any proposed offsite construction activities will require an update or amendment to the current Service Provider letter for this project.

CONDITION: Prior to public improvement plan approval, provide plans that show the storm sewer lateral connections for each parcel that meet Engineering Department approval.

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.

TVFR has no opposition to the minor land partition application. The applicant will need to assure adequate emergency access and adequate hydrant location and water flow are present through the final approval process.

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

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

16.118.020 – Public and Private Utilities Standard

A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.

B. Public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer.

C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property (ies).

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

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

F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.

All public utilities are required to be undergrounded. The applicant will be required to install Sherwood Broadband utilities along the subject property. The applicant does not show an eight (8) foot public utility easement along the frontage the parcels.

FINDING: There are no existing public utility easements along the frontage of Parcels 1 and 2. The applicant has not proposed to provide easements; therefore, this standard is not met. This standard can be met as conditioned below.

CONDITION: Prior to final plat approval, submit plans showing an eight (8) foot public utility easement along the frontage of Parcels 1 and 2.

CONDITION: Prior to approval of the public improvement plans, all public easements, not being provided on the partition plat, must be submitted to the City for review, signed by the City and the applicant and recorded by the applicant with a certified copy of the recorded easements on file at the City.

CONDITION: Prior to Building Permit approval, installation of any new utility service laterals shall conform to current City standards.

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

CONDITION: Prior to public improvement plan approval, submit plans that demonstrate the placement of Sherwood Broadband utilities along the subject property frontage.

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

FINDING: This has been discussed and conditioned above in this report; as conditioned, this standard can be met.

D. Division VIII – Environmental Resources

16.142 – Parks and Open Space

16.142.060 - Street Trees

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

Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.

1. Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.

2. Size: Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.

3. Types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.

The applicant has submitted a plan that verifies the location of the four street trees, as well as the type and number of trees needed to meet this criterion. The assurance that the street trees will be installed will occur prior to final occupancy approval.

CONDITION: Prior to occupancy, plant the approved street trees with a minimum trunk diameter of two (2) caliper inches which is measured six inches above the soil line and ensure that the planted trees are a minimum of six feet tall.

16.142.070 - Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time

C. Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a tree and woodland inventory and report. The report shall be prepared by a qualified professional and must contain the following information:

a. Tree size (in DBH and canopy area)

b. Tree species

c. The condition of the tree with notes as applicable explaining the assessment

d. The location of the tree on the site

e. The location of the tree relative to the planned improvements

f. Assessment of whether the tree must be removed to accommodate the development

g. Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.

The applicant identified the location and size of ten trees onsite. The applicant's plans propose that three trees be removed. The applicant describes the types of tree, the status of the tree, and shows that the proposed trees to be removed are within the proposed building footprint. Based on the information provided, staff is able to determine that three trees need to be removed for the development and seven of the trees will be retained. However, the applicant has not provided a plan that demonstrates how the trees to remain on-site are to be protected during construction; therefore a condition to ensure that the development complies with this section is warranted.

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

CONDITION: Prior to issuance of a grading and erosion control permit, submit a tree protection plan showing how any trees to be retained will be protected throughout the construction of the site.

CONDITION: Prior to issuance of a grading and erosion control permit Install tree protection fencing around trees to be retained on site. The tree protection fencing shall be inspected and deemed appropriate by the arborist to be reviewed by the Planning Department.

D. Retention requirements

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

2. Required Tree Canopy - Residential Developments (Single Family Attached, Single Family Detached and Two - Family)

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other

qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.

	Residential (single family & two family developments)
Canopy Requirement	40%
Street trees included in canopy requirement	Yes
Landscaping requirements included in canopy requirement	N/A
Existing trees onsite	Yes x2
Planting new trees onsite	Yes

The applicant proposes to use existing and new trees to achieve the tree canopy requirements of 40%. The applicant proposes four new deciduous trees on parcel 1 and three new deciduous trees on parcel 2. The applicant also proposes to add a total of four street trees at the frontage of the properties. The calculations that the applicant provided show that there will be 9,658 square feet of canopy cover when 9,583.2 square feet is required to meet the forty percent canopy requirement. Does this count the trees that are to remain on site?

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

DECISION

Based upon review of the applicant’s submittal information, review of the code, agency and citizens’ comments and consideration of the applicant’s revised submittal, staff finds that the proposed partition does not fully comply with the standards but can be feasibly conditioned to comply. Therefore, staff **approves the Brucker Park Street Minor Land Partition** with the following conditions.

VI. CONDITIONS OF APPROVAL

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. Development and construction on the site shall conform substantially to the preliminary plat development plans submitted by and dated except as modified in the conditions below, (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official, Clean Water Services, and Tualatin Valley Fire and Rescue, and Washington County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.
3. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the plat as required by these conditions of approval, to the plans, standards, and specifications of the City of

Sherwood. The developer shall also provide to the City financial guarantees for construction of all public streets and utilities within and adjacent to the plat, as required by the engineering compliance agreement.

4. **This approval is valid for a period of one (1) year from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code. The final partition plat shall be reviewed and recorded within 1 year.
5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code and Municipal Code.
6. Placement of construction trailers or temporary storage containers on the subject property shall require a Temporary Use Permit per Section 16.86 of the SZCDC.
7. 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.
8. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls located on private property that support a surcharge or are over four feet in height measured from the bottom of the footing will require a permit from the Building Department.

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

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

C. Prior to approval of the public improvement plans:

1. Submit engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) to the Sherwood Engineering Department. The engineering plans shall conform to the design standards of the City of Engineering Design and Standard Details Manual and Clean Water Services (CWS) Design and Construction Standards Manual, in addition to requirements established by other jurisdictional agencies providing land use comments are as follows:
 - a. New curb and gutter shall be installed at 14 feet from right of way centerline with three-foot minimum of new asphalt replacement between the front of gutter to existing asphalt.
 - b. Concrete sidewalk shall be installed along the subject property frontage, five feet wide and with a five-foot wide planter strip including the curb.
2. All public easements, not being provided on the partition plan, must be submitted to the City for review, signed by the City and the applicant and recorded by the applicant with a certified copy of the recorded easements on file at the City prior to release of the public improvement plans.
3. Submit plans that show a driveway for parcel 1 and 2 improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%.
4. Obtain engineering approval for the extension of a new sanitary sewer service lateral connection to extend from the existing mainline on SW Park. Installation of any new utility service laterals shall conform to current City standards
5. Submit verification and sizing of the existing water line to the additional parcel. Installation of any new utility service laterals shall conform to current City standards.
6. Submit public improvement plans that demonstrate the placement of all existing and proposed utilities underground.
7. Obtain a Storm Water Connection Permit Authorization from CWS that includes the following:
 - a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2b.-1 Design and Construction Standards.
 - b. Detailed grading and erosion control plans. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans.
 - c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
 - d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 07-20, Section 4.05.5, Table 4-1.
 - e. If use of an existing offsite original Water Quality Facility is proposed, it must be clearly identified on the plans, showing its location, condition, capacity to treat this site and any additional improvements and/or upgrades that may be needed to utilize that facility.

f. If private lot LIDA systems are proposed, it must comply with the current CWS Design and Construction Standards. A private maintenance agreement for the proposed private lot LIDA systems needs to be provided to the City for review and Acceptance.

g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.

h. Any proposed offsite construction activities will require an update or amendment to the current Service Provider letter for this project.

8. Submit revised plans that provide adequate, hydrant location and adherence in compliance with TVF&R standards as verified by an acceptance letter from TVF&R.
9. Submit plans that show the storm sewer lateral connections for each parcel that meet Engineering Department approval.
10. Submit plans showing an eight (8) foot public utility easement along the frontage of Parcels 1 and 2.
11. Submit the final plat for review to the Planning Department.
12. Submit plans that show the tree canopy requirements and the new plantings are in compliance with this order.
13. Submit plans that demonstrate the placement of Sherwood Broadband utilities along the subject property frontage.

D. Prior to Approval of the Final Plat:

1. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.
2. Obtain approval from the Engineering Department of the public improvement plans and signature of a compliance agreement must be complete prior to release of the plat to the County for review. In addition, prior to final plat approval, either all on-site work must be complete or the improvements bonded or guaranteed with a cash deposit.
3. The final plat shall show the following:
 - a. The Planning Manager as the City's approving authority within the signature block of the final plat.
 - b. An 8-foot public utility easement (PUE) along the property frontage.
 - c. All existing and proposed public and private easements.

E. Prior to Issuance of a Building Permit:

1. The public improvements must be complete and accepted by the City Engineer, and the final plat(s) must be recorded. An approval letter shall be issued from the Engineering Department, accepting all public improvements.
2. Submit plans for the houses showing that the structures meet the minimum front, rear corner and side setback requirements.
3. Submit plans showing that the heights of the dwellings do not exceed two (2) stories or thirty feet, whichever is less.
4. Submit plans showing that the clear vision areas are unobstructed.
5. Submit building plans that show that the garage is not located closer to the street than the dwelling, unless the combined width of garage opening(s) does not exceed fifty percent (50%) of the total width of the front (street-facing) elevation.
6. Submit building plans that illustrate that the proposed homes are not taller than the maximum height allowed of 30 feet or two stories whichever is less.
7. All existing and proposed lots shall obtain approval from the Engineering Department and connect to storm, sanitary sewer and water.
8. All agreements required as conditions of this approval must be signed and recorded.
9. Submit an electronic version of the final plat to the Planning Department.

F. Prior to Final Occupancy:

1. Plant the approved street trees with a minimum trunk diameter of two (2) caliper inches which is measured six inches above the soil line and a minimum of six feet tall.

G. On-going Conditions

1. All rain, storm, and other surface water runoff from roofs, exposed stairways, light wells, courts, courtyards, and exterior paved areas shall be disposed of in compliance with local ordinances and state rules and regulations, in a manner that will not increase runoff to adjacent properties. The approved points of disposal include storm sewer laterals to a public system or other storm sewer system as approved by the City Engineer.
2. Joint mailbox facilities shall be installed prior to the City signing the Letter of Acceptance for the development. Joint mailbox facilities must be installed per U.S. Postal Service's "*Developers' Guide to Centralized Box Units*". The Developer shall provide a signed copy of the U.S. Postal Services "*Mode of Delivery Agreement*". Submittal of this agreement shall be required prior to a pre-construction meeting taking place.
3. The developer shall coordinate location of garbage and recycling receptacles with Pride Disposal.

4. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
5. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
6. That all construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the Community Development

VII. EXHIBITS

- A. Applicant's materials dated December 15 and 29, 2014 and January 8, 2015.
- B. Engineering Comments submitted by Craig Christensen dated February 19, 2015
- C. Clean Water Services comments submitted January 28, 2015
- D. Tom and Barbara Reynolds comments submitted on February 2, 2015
- E. Adam and Meghan Best comments submitted on February 2, 2015
- F. Mark and Stacey Keating comments submitted on February 4, 2015

VIII. 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 17, 2015.** 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 § 16.76.030.

End of Report



DECLARATION OF MAILING

I, Kirsten Allen for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision on Case File No. MLP 14-01 Brucker Park Street Partition was placed in a U.S. Postal receptacle on March 3, 2015.

Kirsten Allen
City of Sherwood

End Notice