CITY OF SHERWOOD
Staff Report and Notice of Decision

Date: September 12, 2013
File No: MLP 13-02
Miller Minor Land Partition

PLANNING DEPARTMENT

App. Submitted:	July 02, 2013
App. Complete:	July 31, 2013
120-Day Deadline:	November 28, 2013

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 Lincoln St in the low-density residential zone (LDR).

I. BACKGROUND

A. Owner/Applicant:

Legacy Homes, Inc.
Brad Miller
18025 SW Brookman Rd.
Sherwood OR 97140
503-544-6783

B. Location: The site is identified as Tax Lot 1400 on Washington County Tax Assessor Map 2S132AC. The site address is 22886 SW Lincoln Street. This site is located on the east side of Lincoln Street just north of Division Street.

C. Parcel Size: This site measures approximately 0.37 acres.

D. Existing Development and Site Characteristics: The site is vacant sloping up toward the southeast corner of the lot. There is a mixture of deciduous and evergreen trees on the site. The parcel has frontage on SW Lincoln Street.

E. Site History: The parcel is located on a vacant site in a residential neighborhood. A single family home on the property had been demolished several years ago. The home was not on Sherwood's Historical and Cultural Resource inventory. A mixture of six evergreen and deciduous trees are scattered around the property. There was an earlier land use approval granted in 2006 (Lincoln Street Partition, MLP -06 -02, Exhibit B) dividing the parcel, but no plat was recorded. The parcel is not part of any prior subdivision.

F. Zoning Classification and Comprehensive Plan Designation: The property is zoned Low Density Residential (LDR). Per section 16.12, the purpose of the LDR zone is to provide for single-family dwellings with a density not to exceed 3.5 dwelling units per acre and a density not less than five (5)

dwellings per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirements.

G. Adjacent Zoning and Land Use: The subject site is located on SW Lincoln on the south-central side of the City. Adjacent properties to the south, east and north, as well as properties to the west across Lincoln Street, are all zoned Low Density Residential (LDR) and are developed with single-family detached homes.

H. 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.

I. Public Notice: Notice of the application was mailed to property owners within 1,000 feet, posted on the property and in five locations throughout the City on August 6, 2013 in accordance with Section 16.72.020 of the SZCDC.

J. Review Criteria: Sherwood Zoning and Community Development Code, 16.12 (Residential Standards – Low Density Residential), 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 August 6, 2013. Staff has received the following comments:

Richard and Lou Hanson, 22890 SW Lincoln, submitted comments indicating that they own the property adjacent to the site. They indicated general support for the project especially if it included the street improvements and sidewalks. They are hopeful that trees would be removed that are in close proximity to their residence, powerlines and driveways. The comments are attached as Exhibit C.

Staff Response: The applicant will be installing sidewalks as part of the public improvements to the project. The applicant may remove some of the trees on site, but that is at their discretion.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on August 6, 2013. 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 August 13, 2013 and amended. The comments included an overview of the project as well as conditions that are specific to construction of public improvements of streets and utilities as well as on-site erosion control. The specific information addressed in the notes is available below.

The comments included specific information regarding SW Lincoln Street. The existing street section (both structural and dimensional) does not meet the City's current standards, as defined by the TSP and Engineering Design Manual, for a residential street section. Per the City's Transportation System Plan, the street is classified as a residential neighborhood street. The improvements would include:

a. 18-foot AC pavement improvement width, meeting City HMAC pavement section standards for a neighborhood street section.

b. Concrete curb and gutter combination

c. A five foot- wide planter strip measured from the face of curb.

d. An eight foot- wide concrete sidewalk

The applicant has proposed to pay a fee in lieu of amount for storm water treatment and detention, but Clean Water Service no longer requires a fee in lieu on partitions. The applicant will just need to connect the laterals to the existing stormwater system with SW Lincoln Street and that is acceptable to the Engineering Department.

The applicant proposes to dedicate 12 feet of property for right of way improvements that meets the neighborhood street section criteria.

The applicant will be required to create an eight-foot public utility easement along the property frontage.

A full copy of the Engineering department comments are included as Exhibit D and will be discussed further within this report.

Clean Water Services (CWS) submitted comments dated August 9, 2013 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 are included as Exhibit E and will be discussed further within this report.

Tualatin Valley Fire and Rescue Department (TVF&R) submitted comments on August 15, 2013 that indicated initial support for the project. A full copy of the TVF& R department comments are included as Exhibit F and will be discussed further within this report.

Washington County, ODOT, Pride Disposal, NW Natural Gas and Portland General Electric 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 Divisions IV, VI, VIII and IX, and complies with Chapter 16.128 (Land Division Design Standards).

The applicable zoning district is LDR. The applicable zoning district and design standards will be discussed in further detail below.

> **FINDING:** Based on the above discussion, the applicant meets this criterion or as conditioned below 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 stree parks, floodplains, and sanitary sewer, storm water, and water supply systems.

FINDING: The applicant proposes dedicating the necessary public improvements and 12 feet of right of way as discussed in detail throughout this report.

C. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, 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 o more if the private system is permitted by County Health and City sewer lines are not within three-hundred (30 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 two parcels 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 Lincoln 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 i 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 furth 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. <u>Division II– Land Use and Development</u>

<u>§ 16.12.010. - Purpose and Density Requirements</u>

B. Low Density Residential (LDR)

The LDR zoning district provides for single-family housing and other related uses with a density of 3.5 to 5 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 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 Low Density Residential zone.

FINDING: Single-Family attached or detached dwellings are a permitted use in this zone. The applicant has indicated that he intends to construct two single-family lots as part of this development, which are 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.

LOW DENSITY RESIDENTIAL STANDARDS

1.	**Lot area:**	**7,000 sq ft**
2.	**Lot width at front property line:**	**25 feet**
3.	**Lot width at building line**	**60 ft**

The applicant proposes to partition one lot with the dimensions of 100 feet wide by 160 long. Parcel 1 will be 7,750 square feet and Parcel 2 will be 7,760 square feet, which meets the standard for lot area.

The applicant proposes to create two lots dividing the parcel equally to make each lot fifty feet wide. This does not meet the criteria for lot width at the building line. The applicant has elected to apply the infill standards to this development. Those standards are discussed in more detail later within this report.

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

LOW DENSITY RESIDENTIAL SETBACK REQUIREMENTS

1. **Front yard:** **Twenty (20) feet**
2. **Side yard:** **Five (5) feet**
3. **Rear yard:** **Twenty (20) 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 Parcel 1 and 2 showing that the structures meet LDR minimum front, rear 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 dwelling on parcel 1 and 2, staff cannot confirm the proposed height meets the standards. Therefore, this standard is not met but it can be met as conditioned below.

CONDITION: Submit plans, prior to issuance of building permits, showing that the height of the dwelling on Parcel 1 and 2 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.

B. In commercial and industrial zones, the minimum distance shall be fifteen (15) feet, or at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.
C. Where no yards are required, buildings may be constructed within the clear vision area.

The parcels are not located near an intersection. The location of the driveways have not been determined, but can be reviewed for compliance during plot plan review.

> **FINDING:** Since plans have not been submitted for the dwelling location on parcel 1 and 2, staff cannot confirm the locations of the driveway will meet the clear vision standards. Therefore this standard is not met but it can be met as conditioned below.
>
> **CONDITION:** Submit plans, prior to issuance of building permits, showing that the clear vision areas are unobstructed for parcel 1 and 2.

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. 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 size(s) and dimensions are not less than eighty-five percent (85%) of the standard minimum lot area of the zone; and

The applicant proposes to meet the requirements of the minimum lot size along with the setback requirements for property zoned low density residential. The applicant proposes to meet the minimum lot size requirements of 7000 sq. ft. The resulting lot sizes are not less than 85% of the standard minimum lot area of the zone and all other setback requirements will be reviewed during the building permit approval process

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

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;

> **FINDING:** Each of the parcels will meet the minimum lot size requirements and therefore the resulting average lot size meets this criterion.

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

FINDING: There are no natural features on the site and applicant is not proposing a reduction in lot area and thus this criterion is not applicable.

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

FINDING: Each parcel will have access to a public street with more than 40 feet of frontage. This criterion is met.

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

FINDING: The applicant is not proposing a reduction in minimum lot size area and thus this criterion is not applicable.

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

FINDING: The applicant is not proposing a reduction in lot area and thus this criterion is not applicable.

B. Lot dimension(s) 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.

The applicant is proposing a lot width of 50 feet at the building, which is below the standard 60 feet required for standard LDR properties. Because the original parcel is 100 feet wide, the applicant proposes to divide the property equally to achieve 50 feet at the building width. The purpose of infill is to mitigate the development of larger lots within existing neighborhoods so that the form and function of the development is more compatible with existing development patterns. The applicant can feasibly conform to all other dimensional requirements,

including the setback and minimum lot size requirements for the zone. This is the only infill standard that the applicant has sought a reduction from the minimum standard.

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

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: Floor area in any dwelling with a height greater than twenty four (24) feet shall not exceed the following floor area ratios, except that the first 200 square feet of floor area in a detached garage or other accessory structure shall be exempt, when the accessory structure is located behind a single family dwelling (dwelling is between accessory structure and abutting street), the lot is not a through lot, and the accessory structure does not exceed a height of eighteen (18) feet. Floor area shall not exceed:

1. Low Density Residential (LDR): 50% of lot area

The applicant has not submitted building plans with this partition application.

FINDING: Based on the above discussion, this standard has not been met but can be met as conditioned below.

CONDITION: Prior to building permit approval, submit building plans that show any buildings over 24 feet in height do not exceed the floor area ratios of 50 %.

B. Interior Side Setback and Side Yard Plane. When a structure exceed twenty four (24) feet in height:

1. The minimum interior side setback is five (5) feet, provided that elevations or portions of elevations exceeding twenty four (24) feet in height shall be setback from interior property line(s) an additional one-half (½) foot for every one (1) foot in height over twenty four (24) feet (see example below); and

2. All interior side elevations exceeding twenty four (24) feet in height shall be divided into smaller areas or planes to minimize the appearance of bulk to properties abutting the side elevation: When the side elevation of such a structure is more than 750 square feet in area, the elevation shall be divided into distinct planes of 750 square feet or less. For the purposes of this standard, a distinct plane is an elevation or a portion of an elevation that is separated from other wall planes, resulting in a recessed or projecting section of the structure that projects or recedes at least two (2) feet from the adjacent plane, for a length of at least six (6) feet. The maximum side yard plane may be increased by ten percent (10%) for every additional five (5) feet of side yard setback provided beyond the five (5) foot minimum.

The applicant has not submitted building plans with this partition application.

FINDING: Based on the above discussion, this standard has not been met but can be satisfied by meeting the condition below.

CONDITION: Prior to building permit approval, submit building plans that show any buildings over 24 feet in height meet the interior yard setback requirements.

C. Garage Orientation. On lots with a minimum width of sixty (60) feet or less, the garage shall meet the following orientation and design standards:

1. The garage shall not be 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. For the purpose of meeting this standard, the exterior wall of at least one room of habitable space, which may include habitable space above the garage, shall be located closer to the street than the garage door. Any garage opening width beyond fifty percent (50%) standard shall be set back at least (2) feet further from the front property line than the facade of the other garage volume. Alternatively, and subject to the Approval Authority's approval, the front elevation may incorporate a decorative trellis, pergola or other architectural feature that provides a shadow line giving the perception that the garage opening is recessed;

2. The standard in subsection c.1. above, does not apply where the average slope of a parcel of a lot exceeds twenty percent (20%) where the garage is proposed to be set back at least forty (40) feet from the public right-of-way, or where the garage is to be accessed from an alley;

3. When the side or rear elevation of a front-loading garage is exposed to the street or an abutting property, such elevation(s) shall have more than one plane (offset or projection of 2 feet or more) or shall have window area equal to at least ten percent (10%) of the exposed garage wall.

The applicant is proposing lots that are less than sixty feet. Since no building plans have been submitted at this time, it will be reviewed by the Planning Department at the time of building permit approval.

FINDING: Based on the above discussion, this criterion has not been met but the standards can be met by satisfying the following condition.

CONDITION: Prior to building permit approval, 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.

16.68.040 - Height

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

FINDING: The applicant has not submitted building plans as of yet. The height of the buildings will be reviewed at the time of building permit submittal and this can be met with the following condition.

CONDITION: Prior to building permit approval, 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.

16.68.050 - Yard Requirements for Infill Development

The Approval Authority may approve modifications to the minimum yard 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. Side and/or rear yard(s) may be reduced below the minimum standard of the applicable zoning district when the Approval Authority finds:

1. The resulting yard(s) is/are not less than eighty-five percent (85%) of the standard of the zone; and

2. Where a side or rear yard abuts another residential property outside the subject development, it shall not be reduced to less than eighty five percent (85%) of the abutting yard dimension, except where the yard of the abutting property is less than the minimum standard of the zone, in which case a reduction equal to the yard of the abutting property may be permitted. In no case shall a yard of less than five (5) feet be permitted unless the structure is approved as a zero-lot line or common wall dwelling; and

FINDING: The applicant is not proposing a reduction in side or rear yard setback standards and thus this criterion is not applicable.

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

4. All required local street connections, pedestrian access ways, utility easements, emergency access, and other Code requirements are met.

FINDING: The applicant proposes to connect to the local street, install, and construct sidewalks, curbs and a planter strip. This criterion is met.

B. Front yards may be reduced below the minimum standard of the applicable zoning district when the Approval Authority finds:

1. The front yard is reduced by no more than six (6) feet; and

2. All garage openings are setback twenty (20) feet or more from all street rights-of-way.

3. The reduction is to accommodate an unenclosed front porch; or

4. The reduction is necessary to protect natural features on or adjacent to the subject lot; or

5. The reduction allows for greater separation or buffering between infill development and existing residential uses(s) at lower densities (or larger lot sizes).

FINDING: The applicant does not propose a reduction in front yard setbacks. Additionally, setbacks will be verified at the time of building permit submittal. This standard is not applicable.

C. Rear lots, also known as flag lots, are those that have less than twenty five (25) feet of street frontage, are oriented with their buildable area (flag) behind another lot that has standard street frontage, and receives access from a narrow strip of land (flag pole). The Approval Authority may approve a rear lot only upon finding that it has sufficient lot area after excluding the access drive (easement, tract, or flag pole), it meets emergency access and circulation requirements, and side lot lines adjacent to the access drive have adequate landscape buffering in accordance with Section 16.58.020D. Where two rear lots are proposed contiguous to one another, the Approval Authority may require the two lots share a common access and driveway to reduce the number of curb cuts and turning movement conflicts and to minimize impervious surfaces.

FINDING: The applicant is not proposing a flag lot and thus this standard is not applicable.

D. In approving reductions to yard dimensions, the Approval Authority must find that the provisions of Sections 16.68.030 through 16.68.050, and all other applicable Code requirements, are met.

FINDING: The applicant proposes to reduce the building width at the property line. This is the only standard to be reduced. As discussed earlier, all other applicable Code Requirements are met or will be verified at the time of building permit approval. This criterion is met.

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

FINDING: This standard is not applicable as discussed above.

16.96.010.03 - Connection to Streets

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

The two lots will take access from SW Lincoln Street. There is not an existing sidewalk on SW Lincoln so the new driveway drops can easily be put 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 or ten (10) feet, not to exceed a grade of 14% will be required at the time sidewalks are installed.

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

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

C. Division VI - Public Improvements

16.106.010 - Generally

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

Type of Street	Right of Way Width	Number of Lanes	Minimum Lane Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip (exclusive of Curb)	Median Width
Neighborhood 1,000 vehicles per day	**64'**	**2**	**18'**	**8'**	**None**	**8'**	**5' with 1' buffer**	**none**

The preliminary development plans show construction of full improvements for SW Lincoln St to conform with the neighborhood classification for the roadway. SW Lincoln currently is a semi-improved street with deteriorating pavement and curb. Half-street pavement improvements to Lincoln Street are essential to the development of this site due to the extreme deterioration of the roadway. Other needed improvements include a landscape strip, street trees, and sidewalks as shown on the preliminary development plans. These improvements are necessary to support the development as it is proposed. The applicant also shows a dedication of twelve feet of property along the length of the frontage in order for right of way improvements to meet the standards for this roadway.

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

CONDITION: Prior to public improvement plan approval, submit plans and a final plat that show the required 12 feet of right of way dedication along the frontage of Parcel 1 and 2.

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.

Figure 8-1 of the Transportation System Plan, (TSP), classifies SW Lincoln Street as a neighborhood street which requires a sixty-four foot right of way. Requirements for local streets can be seen in figure 8-5a of the TSP. The existing right-of-way width is substandard. As the applicant proposes, a right-of-way dedication of 12 feet will be required along the frontage of SW Lincoln to meet the requirements set forth in figure 8-5a of the TSP. The details will be conditioned below.

FINDING: The applicant's proposal meets this standard, however a condition is needed to ensure the dedication and 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, in addition to requirements established b other jurisdictional agencies providing land use comments are as follows:

Per the City's TSP (Figure 8-5a) the neighborhood classification street improvements shall include:

i) 18-foot AC pavement improvement width (½ street), meeting City HMAC pavement section standards for a neighborhood street section (4" thick, 2 lifts of Level 2, ½" Dense HMAC, over 2" leveling course rock, over 8" of base rock);

ii) a concrete curb and gutter combination (3,300 psi);

iii) a 5-foot wide planter strip, measured from the face of curb; and

iv) an 8-foot wide concrete sidewalk.

B. Existing Streets

Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.

FINDING: The applicant has been conditioned above to meet this criterion by construction of an eighteen-foot, ½ street pavement improvements.

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.

It does not appear that the utilities along SW Lincoln Street have been undergrounded. Both parcels will require sanitary, water and storm lines are underground which will be discussed later in this report. The electrical line has not been undergrounded as required by this standard.

> **FINDING**: As discussed above, this standard is not met as the utilities along the frontage of SW Lincoln Street must be placed underground as required by the Engineering Department.
>
> **CONDITION:** Submit public improvement plans that demonstrate the placement of all existing and proposed utilities underground.

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.

b. Neighborhood Routes:

Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single-family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than fifty (50) feet.

The two proposed homes will take access from SW Lincoln Street, designated a "Neighborhood Route" in the TSP. Because there is no option for taking access from a local street, the two homes must take access from this street. However, because this is a neighborhood route and access points should be limited, the two homes must share one access point. The proposed driveway(s) are not shown on the submitted plans, but the building permits will be reviewed to ensure that one access is taken from this neighborhood collector. Since there are existing driveways on the north and south side of the property, it appears that the partitioned lots will need to share a driveway access to comply with the Code requirements.

> **FINDING:** Based on the above discussion, the applicant does not meet this criterion, but can do so with the following condition.
>
> **CONDITION**: Prior to engineering approval, submit plans for Parcels 1 and 2 that show a shared driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%.

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.

The applicant's design shows the northern lot receiving service from an existing lateral and the southern lot receiving service from a new lateral to the existing sanitary main line located in Lincoln Street.

> **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, either submit verification and sizing of the existing sanitary line to parcel 1 or obtain engineering approval for the extension of a new sanitary sewer service lateral connection to be taken from existing mainline within SW Lincoln. Installation of any new utility service laterals shall conform to current City standards.

16.112– Water Supply

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

> **FINDING:** The applicant has indicated that water service can be made available to both parcels although the size of the lateral has not been identified. This standard is not met but it can be as conditioned below.
>
> **CONDITION:** Prior to public improvement plan approval, submit verification and sizing of the existing water line to parcel 1 and 2. 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.

The construction plans indicate that the development will pay a fee in-lieu-of amount for the storm water treatment and detention (Sheet 2/4, Specific Note 1.) The latest CWS standards for 2-lot residential partitions do not require providing stormwater treatment, nor require paying a fee-lieu-of amount. The applicant will just have to connect laterals to the existing 15" diameter stormwater system within Lincoln Street. This is acceptable.

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 condition.

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

a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2b.-1 Design and Construction Standards.

b. Detailed grading and erosion control plans. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans.

c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.

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 on the minor land partition application. The applicant will need to assure adequate emergency access and adequate hydrant location and water flow are present for future building on the site. When we see detailed plans for the site, they will review in more detail.

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.

As discussed previously in this report all public utilities shall be undergrounded. The applicant does not show an eight (8) foot public utility easement along the frontage of any of the parcels exists or will be provided.

> **FINDING:** There are no existing public utility easements along the frontage of Parcels 1, and 2 and 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.

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

> **FINDING:** This has been discussed and conditioned above in this report therefore this standard is met.

D. Division VIII – Environmental Resources

16.142 – Parks and Open Space

16.142.060 - Street Trees
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 proposes installation of four street trees within the planter strip. The applicant proposes that the tree to be planted is a Red Sunset Maple with a canopy spread of 25-35 feet. This tree is listed on the recommended street tree list.

FINDING: The applicant has not submitted a plan that verifies the location of the street trees, but the type and number of trees appear to meet this criterion. This can be verified at the time of final plat approval.

CONDITION: Prior to final plat approval, submit public improvement plans to the Engineering Department that show two (2) new street trees on each parcel within the new planter strip.

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 a minimum of six feet tall.

CONDITION: Prior to occupancy, install a root barrier around all Red Sunset Maple or similar recommended trees that are planted as street trees.

16.142.070 - Trees on Property Subject to Certain Land Use Applications
A. Generally

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

C. Inventory

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

a. Tree size (in DBH and canopy area)

b. Tree species

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

d. The location of the tree on the site

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

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

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

The applicant submitted a tree inventory and report with the application of the trees onsite. However, the applicant has not completed the final assessment of which trees need to be removed to accommodate the development. Staff received comments from neighbors indicating that they wish the trees would be removed near their property, as they may be hazardous to their property. Staff cannot require removal of trees and the Code in fact encourages tree retention and provides incentives to do so when possible. It will be up to the discretion of the property owner, which trees to retain or remove.

> **FINDING:** Based on the above discussion, the applicant does not meet this criterion, but can do so with the following condition.
>
> **CONDITION**: Prior to submittal of public improvements, submit a tree inventory and report that identifies the trees to be retained and removed due to development.

D. Retention requirements

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

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

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr2 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

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

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

CONDITION: Prior to public improvement plan approval, submit plans that show the tree canopy requirements and the new plantings in compliance with the canopy requirement of 40% canopy cover for the development.

DECISION

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's revised submittal, staff finds that the proposed site plan does not fully comply with the standards but can be conditioned to comply. Therefore, staff **approves the Miller 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.

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. <u>Prior to issuance of grading or erosion control permits from the Building Department</u>:

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. <u>Prior to approval of the public improvement plans:</u>

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 b other jurisdictional agencies providing land use comments are as follows:

   Per the City's TSP (Figure 8-5a) the neighborhood classification street improvements shall include:

   i) 18-foot AC pavement improvement width (½ street), meeting City HMAC pavement section standards for a neighborhood street section (4" thick, 2 lifts of Level 2, ½" Dense HMAC, over 2" leveling course rock, over 8" of base rock);
   ii) a concrete curb and gutter combination (3,300 psi);
   iii) a 5-foot wide planter strip, measured from the face of curb; and
   iv) an 8-foot wide concrete sidewalk.

2. Submit plans for Parcels 1 and 2 that show a shared driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%.

3. Submit plans and a final plat that show the required 12 feet of right of way dedication along the frontage of Parcel 1 and 2.

4. 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

5. Submit verification and sizing of the existing sanitary lines or obtain engineering approval for the extension of a new sanitary sewer service lateral connection to be taken from existing mainline within SW Lincoln Street. Installation of any new utility service laterals shall conform to current City standards.

6. Submit verification of location and sizing of an existing water line in SW Lincoln Street to serve Parcel 2 or obtain engineering approval to constructed a new water line connection to be taken from existing mainlines within SW Lincoln Street. Installation of any new utility service laterals shall conform to current City standards.

7. Submit verification of location and sizing of an existing storm water line in Pine Street to serve Parcel 2 or obtain engineering approval to constructed a new sanitary line connection to be taken from existing mainlines within Lincoln Street. Installation of any new utility service laterals shall conform to current City standards.

8. Submit to the Engineering Department for review and approval a final stormwater report meeting design standards of both the City of Sherwood and Clean Water Services.

9. Submit public improvement plans that demonstrate the placement of all existing and proposed utilities underground.

10. Submit plans showing an eight (8) foot public utility easement along the frontage of Parcels 1 and 2.

11. All public easement dedication documents must be submitted to the City for review, signed by the City and the applicant, and recorded by the applicant with the original or a certified copy of the recorded easements on file at the City prior to release of the public improvement plans.

12. Submit the final plat for review to the Planning Department.

13. Submit public improvement plans to the Engineering Department that show two (2) new street trees on each parcel within the new planter strip.

14. Submit plans that show the tree canopy requirements and the new plantings in compliance with the canopy requirement of 40% canopy cover for the development.

D. <u>Prior to Approval of the Final Plat:</u>

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. In addition, the following specific conditions shall be met prior to approval of the final plat:
A plat note shall be included on the plat referring to the recorded document or documents that indicate that Parcel 1 and 2 are subject to the infill standards; and that setbacks are subject to infill standards.

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. Show the required 12 feet of right of way dedication along the frontage of Parcel 1 and 2.

4. 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.

5. 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.

E. <u>Prior to Issuance of a Building Permit:</u>

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 Parcel 1 and 2 showing that the structures meet Low Density Residential minimum front, rear and side setback requirements.

3. Submit plans showing that the height of the dwelling on Parcel 1 and 2 do not exceed two (2) stories or thirty feet, whichever is less.

4. Submit plans, showing that the clear vision areas are unobstructed for parcel 1 and 2.

5. Submit building plans that show any buildings, over 24 feet in height do not exceed the floor area ratios of 50 %.

6. Submit building plans that show any buildings, over 24 feet in height meet the interior yard setback requirements.

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. <u>Prior to Final Occupancy:</u>

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.

2. Install a root barrier around all Red Sunset Maple or similar recommended trees that are planted as street trees.

G. <u>On-going Conditions</u>

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

5. Decks, fences, sheds, building additions and other site improvements shall not be located within any public easement unless otherwise authorized in writing by the City Engineer.

6. Comply with the Clean Water Services Service Provider Letter throughout the development of the site.

7. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.

8. 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.

9. 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. Application materials submitted by Legacy Homes
B. Staff Report and Notice of Decision Lincoln Street MLP 06-02
C. Public testimony from, Richard and Lou Hanson, 22890 SW Lincoln
D. Engineering comments dated September 10, 2013
E. Clean Water Services letter dated August 9, 2013
F. Email from TVF & R dated, August 15,2013

APPEAL

This decision shall become final 14 days from the date of the mailing of this decision unless otherwise appealed. **This decision is final unless an appeal is received by 5:00 PM September 26, 2013.** The appeal shall be submitted on forms provided by the City, shall include the appeal fee, as identified in the most recently adopted fee schedule, and shall have a petition for review as described in SZCDC § 16.76.030.

End of Report

STATE OF OREGON)
)
Washington County)

I, Michelle Miller, Senior Planner for the Planning Department, City of Sherwood, State of Oregon, in Washington County, do hereby certify that the Notice of Decision on Case File No. MLP 13-02 Miller Partition was placed in a U.S. Postal receptacle on September 12, 2013.