

Planning Department

Pre-App. Meeting: April 7, 2014
App. Submitted: July 3, 2014
App. Complete: July 31, 2014
120-Day Deadline: November 28, 2014



Connie Randall, Associate Planner

Proposal: The applicant is requesting preliminary subdivision approval for an eight (8)-lot subdivision for single-family dwellings on a 1.1 acre site comprised of three legal lots of record.

I. BACKGROUND

- A. Applicant:
JT Smith Companies
Attn: John Wyland
5285 SW Meadows Rd #171
Lake Oswego, OR 97035
- Owner:
The Estate of Gerald J. Fitch
PO Box 553
Sherwood, OR 97140
- B. Location: The property is located on the east side of Main Street south of Railroad Street. The property addresses are 22810, 22824, and 22894 SW Main Street and are identified as tax lots 4600, 4700, and 4701 on Washington County Assessor Map 2S1W32BD.
- C. Parcel Size: The subject property is approximately 1.1 gross acres.
- D. Existing Development and Site Characteristics: The site is comprised of three lots with an existing single-family home on each lot. The topography of the site is relatively flat and a majority of the site sits at a lower elevation than Main Street.
- E. Site History: The site is owned by the Estate of Gerald J. Fitch. The site was annexed into the City prior to 1960. The three existing homes were constructed in 1901, 1914, and 1956.
- F. Zoning Classification and Comprehensive Plan Designation: The properties are zoned Medium Density Residential High (MDRH). The purpose of the MDRH zone is to provide for single-family and two-family housing, manufactured housing, multi-family housing and other related uses with a density of 5.5 to 11 dwelling units per acre.
- G. Adjacent Zoning and Land Use: The properties are surrounded by residential development zoned MDRH on the east, west, and south and by Union Pacific Railroad Right-of-Way on the north.
- H. Review Type: The subdivision requires a Type II review and decision made by the Planning Director per Section 16.72.010.A.2 of the Sherwood Zoning and Community Development Code (SZCDC). An appeal would be heard by City of Sherwood Planning Commission.

- I. Public Notice and Hearing: Notice of the application was mailed to property owners within 1,000 feet of the site, posted on the property and in five locations throughout the City on August 5, 2014 in accordance with Section 16.72.020 of the SZCDC.
- J. Review Criteria: Review of the application will be based on the following chapters and applicable sections of the SZCDC, 16.12 (Residential Land Uses), 16.58 (Clear Vision and Fence), 16.68 (Infill Development), 16.72 (Procedures for Processing Development Permits), 16.92 (Landscaping), 16.94 (Off-Street Parking), Division VI - 16.104-16.118 (Public Infrastructure), 16.120 (Subdivisions), 16.128 (Land Division Design Standards), 16.142 (Parks, Trees and Open Space), and 16.156 (Energy Conservation).

II. PUBLIC COMMENTS

Public notice was mailed and posted on the property and in five locations throughout the City on August 5, 2013. Staff has received one written comment and two telephone calls as of the date of this report.

On August 7, 2014, staff received a telephone call from Ms. Thelma Wooley. She raised concerns about the amount of parking provided for the new homes as there is limited parking available on adjacent residential streets.

On August 14, 2014, staff received an e-mail from Ms. Joyce Osborne stating that she was concerned about the amount of parking provided for the proposed residential lots, specifically that the plans indicate one (1) off-street parking space per lot. Ms. Osborne stated that because there is no parking allowed on Main Street, new development should be required to provide more parking. Additionally, she expressed a desire for standards that would produce quality homes. Ms. Osborne's e-mail is attached to this report as Exhibit B.

On August 19, 2014, staff received a telephone call from Jim Holoch. Mr. Holoch expressed concern about houses being "crammed onto lots" as well as excessive dirt and mud on the street and roadway blockages on Main Street during construction.

Staff Response: With respect to parking, the applicant will be required to provide two off-street parking spaces per dwelling unit due to the fact that Main Street, along the subject site, is a two-lane street with a 26-foot wide pavement width. Per Section 16.94.020 of the SZCDC: "If the street on which the house has direct access is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family residential unit."

The quality of development is regulated by the Sherwood Municipal Code, which includes the Zoning and Community Development Code, the Sherwood Engineering Design and Standard Details Manual, and the Oregon Building Codes. In whole, these codes regulate the planning, design, and construction of development within the City.

III. AGENCY COMMENTS

Staff sent e-notice to affected agencies on August 5, 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: The Sherwood Engineering Department has provided comments that are included in Division VI (Public Infrastructure) of this report. The applicant will be responsible for satisfying all construction and design standards in the final construction design of the application.

Sherwood Public Works Department: The Sherwood Public Works Department has provided comments that are included in Division VI (Public Infrastructure) of this report. The applicant will be responsible for satisfying all construction and design standards in the final construction design of the application.

Clean Water Services: Clean Water Services provided comments on the proposal that require a Storm Water Connection Permit Authorization. Their comments are attached to this report as Exhibit C.

Tualatin Valley Fire and Rescue: Tualatin Valley Fire and Rescue (TVFR) provided comments listing the minimum requirements for fire protection. Their comments have been incorporated into the record, and the applicant will be required to satisfy their minimum standards for fire protection in designing and constructing the subdivision. Their comments are attached to this report as Exhibit D.

Portland General Electric: Portland General Electric (PGE) provided comments noting that PGE has no conflict with the proposed subdivision. Their comments are attached to this report as Exhibit E.

Pride Disposal: Pride Disposal provided comments noting that future residents will need to bring their trash and recycling receptacles to Main Street for collection. Their comments are attached to this report as Exhibit F.

Bonneville Power Administration, Kinder Morgan Energy, ODOT, METRO, NW Natural Gas, Sherwood School District, Tri-Met, U.S. Fish and Wildlife Services, and Washington County were all provided with an opportunity to comment, but provided no comments as of the date of this staff report.

IV. PRELIMINARY PLAT– REQUIRED FINDINGS (SECTION 16.120)

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

FINDING: As discussed in Division VI (Public Infrastructure) below, the applicant will be dedicating 14 feet of additional right-of-way (ROW) along the east side of Main Street, increasing the half-street right-of-way to 39 feet. Main Street was recently improved with new curbs, sidewalk, street trees and lighting. Street widening is not required for this project. Sidewalk, curb, and driveways will be reconstructed as required to facilitate the new lot layout. No new streets are proposed with this subdivision. This standard can be met as conditioned in Division VI (Public Infrastructure) below.

- B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.**

FINDING: This criterion is not applicable as the applicant has not proposed any private roads or streets.

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

FINDING: Where applicable, this standard is met as discussed in Divisions IV (Planning Procedures), VI (Public Infrastructure) and VIII (Environmental Resources) of this report. Section IX (Historic Resources) is not addressed as it is not applicable.

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

FINDING: As discussed in Division VI (Public Infrastructure) of this report, there are adequate services to support the proposed subdivision. This standard is met.

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

FINDING: The property owner also owns the 0.34-acre undeveloped property previously platted as lots 6, 7, and 8 of the City View Addition in 1912. These lots have access to SW Park Row Avenue and can be developed in accordance with this Code. The proposed subdivision does not preclude the development of adjacent properties. This standard is met.

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

FINDING: As discussed above, the undeveloped properties to the east of the subject site are able to develop independently in accordance with this Code. This standard is met.

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

FINDING: As discussed in Division VIII (Environmental Resources) below, a tree and woodland inventory was submitted. This standard can be met as conditioned in Division VIII (Environmental Resources) below.

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

The preliminary plat clearly shows the proposed lot numbers, setbacks, a 14-foot ROW dedication along the eastern side of Main Street, and an eight (8)-foot public utility easement adjacent to the east side of the proposed ROW dedication. A 20-foot sanitary sewer and storm water easement is proposed along the eastern boundary of each lot as well as between lots 6 and 7 and are discussed in greater detail in Division VI (Public Infrastructure) of this report. These easements are not shown on the preliminary plat.

FINDING: This standard can be met as conditioned in Division VI (Public Infrastructure) below.

- I. **A minimum of five percent (5%) open space has been provided per § 16.44.B.8 (Townhome- Standards) or §16.142.020 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.**

FINDING: The applicant is required to provide a minimum of approximately 2,121 square feet (5%) of open space. The applicant has proposed a 2,134-square foot tract, Tract A. It should be noted that the applicant has requested to dedicate Tract A to the City for public open space as it is adjacent to the Sherwood Community Center parking lot. This standard is met.

V. APPLICABLE CODE PROVISIONS

A. Division II - Land Use and Development

The applicable provisions of Division II include: 16.12 (Medium Density Residential High); 16.58 (Visual Clearance); and 16.68 (Infill Development).

16.12.010 Purpose and Density Requirements

Zoning district description

The MDRH zoning district provides for single-family and two family housing, manufactured housing, multi-family housing and other related uses with a density of 5.5 to 11 dwelling units per acre.

FINDING: The gross site area is 1.1 acres. After street ROW dedications, the net acreage is 0.97 acres. The proposed density for this subdivision is 8.25 dwelling units per acre which falls within the allowable range for the MDRH zone. This standard is met.

16.12.020 Allowed Residential Land Uses

Single Family Attached or Detached Dwellings

FINDING: The applicant is proposing an eight (8)-lot subdivision for single family dwellings which is a permitted use in the MDRH. This standard is met.

16.12.030 Residential Land Use Development Standards

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

C. Lot Dimensions

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

| | | |
|-----------|--|-----------------|
| | | MDRH |
| 1. | Lot area: | 5,000 SF |
| 2. | Lot width at front property line: | 25 feet |
| 3. | Lot width at building line: | 50 feet |
| 4. | Lot Depth | 80 feet |

FINDING: The applicant is proposing to create eight (8) lots ranging in size from 4,644 square feet (Lot 1) to 6,527 square feet (Lot 6). This does not meet the standard for lot area. The applicant has elected to apply the Infill Development Standards of Chapter 16.68 to this development. Those standards are discussed in more detail later in this report.

As proposed, all eight (8) lots have a minimum width at the front property line of 47 feet, a minimum width at the building line of 50 feet, and a minimum lot depth of 83 feet which meet the requirements of this standard.

C. Setbacks

Except as otherwise provided, required minimum setbacks shall be:

| | | |
|-----------|--------------------------|---------------------------|
| 1. | Front yard: | Fourteen (14) feet |
| 2. | Side yard: | Five (5) feet |
| 3. | Rear yard: | Twenty (20) feet |
| 4. | Corner side yard: | Fifteen (15) feet |

FINDING: Building plans are not included with the proposal. However, the building envelopes demonstrate that lots are large enough for structures to meet the setbacks. As proposed, it appears that these standards can be met. The actual building envelopes will be reviewed when the lots are individually reviewed prior to issuance of building permits. These standards can be met as conditioned below.

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

C. Height

Except as otherwise provided, the maximum height shall be 30 feet or 2 stories.

FINDING: At this time it is unclear how tall the homes will be. The actual height of the homes will be reviewed when the lots are individually reviewed prior to issuance of building permits. This standard can be met as conditioned below.

CONDITION: Prior to issuance of building permits submit plot 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. 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.

- B. 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.
- C. 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 on the sidewalk side and ten (10) feet on the street side.

The following requirements shall govern clear vision areas:

- 1. In all zones, the minimum distance shall be twenty (20) feet.
- 2. In all zones, the minimum distance from corner curb to any driveway shall be twenty-five (25) feet.
- 3. Where no setbacks are required, buildings may be constructed within the clear vision area.

FINDING: The applicant is not proposing any lots at a street intersection. Clear vision at the intersection of Main Street with new private driveways will be checked at the time of plot plan review. This standard can be met as conditioned below.

CONDITION: Prior to issuance of building permits submit plot plans showing that the clear vision areas are unobstructed.

16.68.020 Lot Sizes and Dimensions for Infill

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

- A. Lot area may be reduced below the minimum standard of the applicable zoning district through the land division or lot line adjustment process when the Approval Authority finds:
 - 1. The resulting lot size(s) and dimensions are not less than eighty-five percent (85%) of the standard minimum lot area of the zone; and

FINDING: The MDRH zone requires a minimum lot size of 5,000 square feet. The applicant is proposing eight (8) lots ranging from 4,644 to 5,527 square feet. At 4,644 square feet, the smallest lot proposed is 92 percent of the standard minimum lot area, well above the maximum allowable reduction of 85 percent. This standard is met.

- 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 developments; and

FINDING: The MDRH zone requires 5.5 to 11 dwelling units per acre. The resulting average lot size for the proposed subdivision is 5,036 square feet which exceeds the minimum lot size for the MDRH zone. The proposed density of 8.25 dwelling units per acre is within the MDRH density range.

- 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 application; and**

FINDING: As the property is not located near any designated natural features, the reduced lot sizes will not be detrimental to any natural feature and no mitigation is required. This standard 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: This standard can be met as discussed and conditioned in Division VI (Public Infrastructure) later in this report.

- 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: As proposed, lots 1-5 have a lot area less than the minimum 5,000 required in the MDHR zone. This standard can be met as conditioned below.

CONDITION: A deed restriction shall be recorded on lots 1-5 requiring 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 that such plans shall meet the standards of Section 16.68.040 for floor area ratio, side setbacks and garage orientation and design.

- 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: As proposed, lots 1-5 have a lot area less than the minimum 5,000 required in the MDHR zone. This standard can be met as conditioned below.

CONDITION: A deed restriction shall be recorded on lots 1-5 requiring a landscape plan be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot and that such plans shall provide plant materials and irrigation that are equal to or better than those existing residential landscapes in the vicinity.

- 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.**

FINDING: The applicant is not proposing to reduce the lot dimensions below the minimum standards of the MDRH zone. This standard is not applicable.

- C. Lot width and frontage standards may be waived for rear lots created through partitioning where an access easement or tract of not less than twenty (20) feet in width connects the subject lot to a public street with a driveway meeting City standards and the yard requirements for rear lots, as provided in Section 16.68.0250, are met. The Approval Authority may require that such driveway be dedicated as a public alley and extended in accordance with local street network plans and connectivity requirements.**

FINDING: The applicant is not proposing to reduce the lot width and frontage standards of the MDRH zone. This standard is not applicable.

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:**

- 3. Medium Density Residential High (MDRH): 60% of lot area**

FINDING: The applicant has not submitted building plans with this application. Building plans will be reviewed at the time of building permit approval. This standard has not been met but can be met as conditioned below.

CONDITION: Prior to issuance of a building permit, submit building plans for each building over 24 feet in height showing that the building does not exceed the floor area ratio of 60%.

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 ($\frac{1}{2}$) 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.

FINDING: The applicant has not submitted building plans with this application. Building plans will be reviewed at the time of building permit approval. This standard has not been met but can be met as conditioned below.

CONDITION: Prior to issuance of a building permit, submit building plans for each building over 24 feet in height showing that building meets the minimum 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.**

FINDING: The applicant is proposing lots that are less than sixty (60) feet wide. The applicant has not submitted building plans with this application. Building plans will be reviewed at the time of building permit approval. This standard has not been met but can be met as conditioned below.

CONDITION: Prior to issuance of a building permit, submit building plans for each building showing that the garage complies with the garage orientation and design standards of section 16.68.030.C.

16.68.040 Height

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

FINDING: As previously discussed, the applicant has not submitted building plans with this application. The height of the buildings will be reviewed at the time of building permit submittal. This standards can be met as previously conditioned.

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:

FINDING: The applicant is not proposing any modifications to the minimum yard dimensions for the MDRH zone. This standard is not applicable.

B. Division III – Administrative Procedures

16.72.010.A.2 Type II reviews

FINDING: Section 16.72.010.A.2.i requires that applications for subdivisions between 4-10 lots be reviewed as a Type II project which is subject to consideration by the Planning Director. Appeals are heard by the Sherwood Planning Commission. These are not actual approval criteria, but rather directions to staff on how to process the application. All procedures have been followed consistent with this Chapter.

C. Division V – Community Design

The applicable provision of Division V include: 16.94.020.A (Off-Street Parking Standards) and 16.96.020.A (Driveways).

16.94.020 Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the

premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off-street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

**Minimum and Maximum Parking Standards
(Metro spaces are based on 1 per 1,000 sq ft of gross leasable area)**

| | Minimum Parking Standard | Maximum Permitted Parking Zone A ¹ | Maximum Permitted Parking Zone B ² |
|--|--------------------------|---|---|
| Single, two-family and manufactured home on lot ³ | 1 per dwelling unit | None | None |

³ If the street on which the house has direct access is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family residential unit. (includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot) If the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. x 20 ft.) parking space is required.

FINDING: Building plans and plot plans are not included in the application. The applicant's narrative states that each dwelling unit will provide a minimum of one (1) off-street parking space. The proposed lots have direct access to Main Street which has been developed with a paved width of twenty-six (26) feet. As Main Street is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per dwelling unit. This standard can be met as conditioned below.

CONDITION: Prior to issuance of a building permit, submit plot plans showing the provision of two (2) off-street parking spaces per dwelling unit.

16.96.020. Minimum Residential Standards

A Driveways

- 1. 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.**

FINDING: Public improvement plans have not been submitted with this application. These plans will be reviewed at time of building permit and public improvement plan approval. This standard is not met but can be met as conditioned below.

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

D. Division VI - Public Infrastructure

The applicable provision of Division VI include: 16.106 (Transportation Facilities); 16.110 (Sanitary Sewers); 16.112 (Water Supply); 16.114 (Storm Water); 16.116 (Fire Protection); 16.118 (Public and Private Utilities); and 16.128 (Land Division Design Standards).

16.106 Transportation Facilities

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 application includes frontage onto Main Street. Main Street, along the subject site, has an existing configuration of a two (2)-lane street with a 26-foot pavement width, a five (5)-foot wide planter strip and an eight (8)-foot wide sidewalk. The centerline of Main Street is located 25 feet from the subject site ROW line. The City's Transportation System Plan (TSP) classifies Main Street as a three (3)-lane arterial street with 50-foot paved width, a five (5)-foot wide planter strip, an eight (8)-foot wide sidewalk, with a one (1)-foot reserve space to the ROW line. Recent street improvements were made to Main Street along the development's frontage. These improvements included curb and gutter, planter strip and street trees, street lighting, and sidewalk. Based on this information, the applicant will need to dedicate 14-feet of additional ROW to meet City standards. This dedication is indicated on the preliminary plat. The development of Main Street to the full arterial section is not planned to occur in the foreseeable future. Dedication of ROW will allow development of a full arterial section in the future, should the City decide the need is warranted. Dedication of the ROW is proportional to the impacts generated by the development. Requiring widening the street and reconstructing the recent improvements without a definitive plan for improving the entire Main Street alignment from Railroad Street to Sunset Road is not proportional to the impacts generated by the development and therefore not required.

FINDING: This standard is met as conditioned below.

CONDITION: In conformance with the requirements of the Transportation System Plan, the applicant shall dedicate 14 feet of property fronting SW Main Street for public right-of-way.

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: As discussed, apart for the required ROW dedication, no additional improvements are required due to the fact that requiring widening of the street and reconstruction of the recent improvements without a definitive plan for improving the entire Main Street alignment from Railroad Street to Sunset Road is not proportional to the impacts generated by the development. This standard is not applicable.

16.106.040.K Traffic Controls

- 1. An application for a proposed residential development that will generate more than an estimated 200 average daily vehicle trips (ADT) must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flows.**

FINDING: The proposed eight (8)-lot subdivision will not generate more than 200 ADT, therefore a Traffic Impact Analysis (TIA) is not required. Consequently, this standard is not applicable.

16.106.040.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.

2. Roadway Access

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 17 of the TSP, Volume 1, shall be limited as follows:

(1) Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

(2) Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway 99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress. Alternatives include shared or crossover access agreement between properties, consolidated access points, or frontage or backage roads. When alternatives do not exist, access shall comply with the following standards:

(a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').

(b) The access to Highway 99W will be considered temporary until an alternative access to public right-of-ways is created. When the alternative access is available the temporary access to Highway 99W shall be closed.

(3) All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local, neighborhood route or collector streets, including frontage or backage roads, consistent with the Transportation Plan Map and Chapter 6 of the Community Development Plan.

3. Exceptions to Access Criteria for City-Owned Streets

a. Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is submitted to and approved by the City Engineer as the access management plan must be included as part of the land use submittal or an application for modification as described in Section 16.106.020.E (Transportation Facilities Modifications).

b. Access in the Old Town (OT) Overlay Zone

Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.

Any references to, and requirements related to, Highway 99W are not relevant to the proposed development. The proposed development is outside the Old Town Overlay Zone, so any allowances for access granted under that section of the Code do not apply.

Based on the site's location, no other public or private drive access points to the lots are available. The only public access point available to the proposed lots is off Main Street. For this development the overall intent will be to minimize the number of access points onto Main Street, an arterial road. To this end, the eight (8) individual driveway approaches shall be combined into four (4) access driveways, with two (2) lots sharing a single access driveway onto Main Street.

FINDING: This standard can be met as conditioned below.

CONDITION: Prior to issuance of building permits, the applicant shall show that driveway access onto Main Street is limited to the maximum extent possible, with two (2) lots sharing a single driveway access for a total of four (4) driveway accesses onto Main Street.

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.

An 8-inch diameter public sanitary sewer main exists within Main Street. A 12-inch diameter public sanitary sewer main runs east to west mid-lot across Lot 4701. The applicants intent is to relocate the sanitary mainline to provide a better alignment for the adjacent 36-inch storm mainline. The applicant shows the installation of an 8-inch sanitary mainline running along the rear of the proposed lots, which will provide service to all the lots.

Per City standards all public sanitary mainlines shall terminate at manholes.

The cost of relocating the 12-inch mainline is not eligible for reimbursement by City or Clean Water Services (CWS) sanitary system development charges (SDC's) as the relocation activity does nothing to increase capacity.

The easement width(s) shown on the preliminary plan conform to the requirements in CWS Resolution and Order (R&O) 07-20 Section 5.03-2 – Standard Conveyance Easement Widths. Where an existing easement is intended to be vacated due to the realignment process, approval of the vacation by City Council will be required.

The public sanitary system has the capacity to provide service to the proposed development.

FINDING: This standard can be met as conditioned below.

CONDITION: The applicant is responsible for all costs associated with relocating the 12-inch sanitary mainline. This relocation action is not eligible for CWS or City sanitary SDC reimbursement.

CONDITION: Any easement vacation(s) requested by the applicant shall be submitted to the City Council for review and approval. City staff shall present appropriate legislation to City Council for vacation request action.

CONDITION: All public sanitary sewer mainline systems shall be constructed to City standards and shall terminate with manholes. Cleanouts are not acceptable.

CONDITION: A 20-foot wide public utility easement along the eastern boundary of each lot and between lots 6 and 7 shall be dedicated on the final plat.

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.

There is a 12-inch diameter public water main existing within SW Main Street along the subject site frontage. This water main has the capacity to provide service to the proposed development.

The nearest fire hydrant is on Main Street approximately 60-feet from the proposed development.

Installation of water service laterals shall be coordinated through the Water Bureau of the City's Public Works Department.

The installation of addition public waterlines or appurtenances is not foreseen.

FINDING: This standard can be satisfied as conditioned below.

CONDITION: Installation of water service laterals shall be coordinated through the Water Bureau of the City's Public Works Department.

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.

An existing 36-inch diameter public storm sewer main runs east to west mid-lot across Lot 4701. The applicant's intent is to relocate the storm mainline to provide a better alignment for the sanitary sewer mainline. The applicant shows the installation of an 8-inch diameter public storm mainline running along the rear of the proposed lots, which will provide service to all the lots.

Per Section 5.06.1.C of CWS R&O 07-20, the minimum nominal pipe size shall be 12-inch for all public storm mainline pipes. The applicant shall provide appropriate pipe sizes to meet minimum requirement standards.

The cost of relocating the 36-inch mainline is not eligible for reimbursement by City or CWS storm water SDC's as the relocation activity does nothing to increase capacity.

The easement width(s) shown on the preliminary plan conform to the requirements in CWS R&O 07-20 Section 5.03-2 – Standard Conveyance Easement Widths. Where an existing easement is intended to be vacated due to the realignment process, approval of the vacation by City Council will be required.

The existing public storm system has the capacity to provide service to the proposed development.

The City is in the process of constructing a regional storm water treatment facility which will provide service to the drainage basin which includes this development. The applicant has determined that payment of the fee in-lieu-of construction alternative is appropriate.

The applicant has obtained a CWS Service Provider Letter, dated April 18th, 2014.

FINDING: This standard can be satisfied as conditioned below.

CONDITION: The applicant shall comply with CWS R&O 07-20, Section 5.06.1 for pipe sizing. Specifically, the minimum pipe size for public storm drainage mainlines shall be 12-inch diameter.

CONDITION: The applicant is responsible for all costs associated with relocating the 36-inch storm water mainline. This relocation action is not eligible for CWS or City storm water SDC reimbursement.

CONDITION: All public storm drainage systems shall be constructed to City standards and shall terminate with manholes. Cleanouts are not acceptable.

CONDITION: The applicant shall pay the current fee in-lieu-of construction (\$15,000) for connection to the regional storm water treatment facility.

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.

16.116.020 Standards

A. Capacity

All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.

B. Fire Flow

Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.

C. Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

D. Hydrants

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.

TVFR has reviewed this application for compliance with their standards, and provided written comments to ensure that the development complies with the applicable standards of the Fire Code noted in Attachment D. The applicant must satisfy these standards in order to obtain final plat approval. Upon review, it does not appear compliance will result in changes to the plat and the proposal is feasible.

FINDING: The districts comments do not point out any deficiencies with the proposed development. The applicant will be required to satisfy the districts standards for final plat approval.

CONDITION: Prior to final plat approval, the applicant shall provide the City a set of engineered construction plans that demonstrate compliance with the TVFR district standards for fire protection.

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.

FINDING: The applicant's preliminary plans provide the location of existing and relocated utilities as discussed above. This condition can be met as conditioned above and below.

CONDITION: An eight (8)-foot wide public utility easement shall be provided and dedicated adjacent and parallel to the dedicated 14-foot right-of-way for the length of the street right-of-way fronting the subject property on the final plat.

16.128.010 Blocks

A. Connectivity

1. Block Size

The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.

2. Block Length

Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.

3. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

FINDING: No new blocks are proposed. This standard is not applicable.

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

FINDING: The applicant's preliminary plans provide the location of existing and relocated utilities as discussed above. This condition can be met as conditioned above.

C. Drainages

Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.

FINDING: The subdivision is not traversed by a watercourse, drainage way, channel or street, drainage easement. This standard is not applicable.

16.128.020 Pedestrian and Bicycle Ways

Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.

FINDING: As previously discussed in this report, no additional ROW improvements that would affect existing pedestrian or bicycle ways are required. No new pedestrian or bicycle ways are proposed with this development. This standard is not applicable.

16.128.030 Lots

A. Size and Shape

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

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

The proposed lots appear to be appropriate for their location. As discussed in the zoning section of this report the dimensional standards have been met. The orientation and shape are acceptable. As proposed, there will be sewer, sanitary and water services available to each new lot created by this subdivision.

FINDING: This standard is met as discussed above.

B. Access

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

FINDING: All proposed lots abut a public street, Main Street. This criterion is met.

C. Double Frontage

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific

topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.

FINDING: No double frontage lots are proposed. This standard is not applicable.

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

FINDING: The side lot lines are acceptable and run at right angles, to the extent possible, to the street upon which they face. This standard is met.

E. Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:

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

FINDING: As proposed, it appears that the lots will conform to these standards. Final grading will be verified by the Engineering and Building divisions prior to issuing site permits in compliance with the Engineering Design and Standard Details Manual and Uniform Building Code.

E. Division VIII – Environmental Resources

16.142 Parks and Open Space

16.142.030 Single-Family or Duplex Residential Subdivisions

- A. A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. The following may not be used to calculate open space:**
 - 1. Required yards or setbacks.**
 - 2. Required visual corridors.**
 - 3. Required sensitive areas and buffers.**
 - 4. Any area required to meet a standard found elsewhere in this code.**
- B. Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.**
 - 1. Example: if a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement.**
- C. The open space shall be conveyed in accordance with one of the following methods:**
 - 1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be**

- acceptable to the City Manager or the Manager's designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;
2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.
- D. The density of a single-family residential subdivision shall be calculated based on the net buildable site prior to exclusion of open space per this Section.
1. Example: a 40,000 square foot net buildable site would be required to maintain 2,000 square feet (5%) of open space but would calculate density based on 40,000 square feet.
- E. If a proposed residential subdivision contains or is adjacent to a site identified as "parks" on the Acquisition Map of the Parks Master Plan (2006) or has been identified for acquisition by the Sherwood Parks and Recreation Board, establishment of open space shall occur in the designated areas if the subdivision contains the park site, or immediately adjacent to the parks site if the subdivision is adjacent to it.
- F. If the proposed residential subdivision does not contain or is not adjacent to a site identified on the Parks Master Plan map or otherwise identified for acquisition by the Parks and Recreation Board, the applicant may elect to convey off-site park/open space.
- G. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.
- H. The value of the open space conveyed under Subsection (A) above may be eligible for Parks System Development Charges (SDCs) credits based on the methodology identified in the most current *Parks and Recreation System Development Charges Methodology Report*.

As indicated previously in this report, the applicant is required to provide a minimum of approximately 2,121 square feet (5%) of open space. The applicant has proposed a 2,134-square foot tract, Tract A. This area will exceed the 5% required by the proposed development. No "boulevard treatments" are proposed. The site does not contain and is not adjacent to a site identified as "parks" on the Acquisition Map of the Parks Master Plan. The applicant intends to dedicate the open space, Tract A, to the City of Sherwood and seek a Parks SDC credit.

FINDING: This standard can be met as conditioned below.

CONDITION: Prior to final plat approval, provide documentation, to be recorded with the plat, dedicating Tract A to either a Homeowner's Association, or the City of Sherwood, as open space unless another acceptable alternative for open space is provided.

16.142.040.A Visual Corridors

A. Corridors Required

New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on Figure 8-1 of the Transportation System Plan shall be required to establish a landscaped visual corridor according to the following standards:

| | Category | Width |
|----|----------|---------|
| 2. | Arterial | 15 feet |

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

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.142.060, shall be planted in the corridor by the developer. The improvements shall be included in the compliance agreement.

C. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c).

The applicant has provided a 15-foot visual corridor along Main Street as required. Landscape plans have not been submitted with this application. The applicant has indicated that a detailed landscape plan will be submitted with construction plans.

FINDING: This standard can be met as conditioned below.

CONDITION: Prior to issuance of a building permit, submit a landscape plan for the 15-foot landscaped visual corridor along Main Street meeting the standards of Section 16.142.030 prior to approval of the final plat.

CONDITION: The developer shall install the landscaping according to the landscape plan prior to the issuance of the occupancy permits or pay a security bond for 125% of the cost of the landscaping payable to the City. If the landscaping is not completed within six months, the security may be used by the City to complete the installation.

CONDITION: Prior to approval of the Final Plat, submit verification of perpetual maintenance of the landscaped visual corridor.

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.
- 4. Required Street Trees and Spacing:**
 - a.** The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.
 - b.** All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.
 - c.** A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:
 - (1)** Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or
 - (2)** There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and
 - (3)** The street trees are spaced as close as possible given the site limitations in (1) and (2) above.
 - (4)** The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or

Washington County and are subject to the relevant state or county standards.

- (5) For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.**

The applicant submitted a tree and woodland inventory report prepared by Morgan Holen, a certified arborist, for the proposed subdivision. The inventory identifies all existing street trees, trees within the ROW and trees on private lots. A total of 36 trees measuring at least six inches in diameter were inventoried and included 15 different species. The inventory captured nine (9) street trees, 23 trees located within the project site boundaries, and four (4) trees located on the adjacent property to the south. Seven (7) street trees were recommended for removal due to anticipated conflicts with the proposed driveways. The applicant proposes to install five (5) replacement street trees. As discussed in Division VI (Public Infrastructure) above, the proposed driveways will be consolidated and reconfigured on the final plat. It is likely the reconfiguration will affect the proposed street tree plan. Consequently, the street tree plan will need to be revised in accordance with the final plat and resubmitted at that time for review and approval.

FINDING: As discussed above, this standard is not met but can be met as conditioned below.

CONDITION: Prior to issuance of building permits, submit a revised street tree plan to the City Planning Department for review and approval.

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.

B. Applicability

All applications including a Type II - IV land use review, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other codes, policies, and standards of the City Comprehensive Plan.

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.
2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and report shall also include, but is not limited to, the specific information outlined in the appropriate land use application materials packet.
 3. Definitions for the inventory purposes of this Section
 - a. A tree is a living woody plant having a trunk diameter as specified below at Diameter at Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under six (6) inches at DBH. All trees six (6) inches or greater shall be inventoried.
 - b. A woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a six (6) inches or greater at DBH. Woodlands planted for commercial agricultural purposes and/or subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under this Section.
 - c. A large stature tree is over 20 feet tall and wide with a minimum trunk diameter of 30 inches at DBH.
- 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.

The applicant is proposing to remove 20 trees that have been inventoried on site, by Morgan Holen, a licensed arborist, in order to accommodate the development. The applicant has submitted a preliminary tree planting plan that would achieve a 40 percent tree canopy as required by this section. However, this calculation includes street tree canopy that may or may not be impacted by the redesigned driveways discussed previously in this report. Consequently, the tree planting plan will need to be revised and resubmitted for review and approval with the final plat.

FINDING: As discussed above, this standard is not met but can be met as conditioned below.

CONDITION: Prior to issuance of building permits, submit a revised tree plan demonstrating that the net development site achieves a minimum total tree canopy of 40 percent to the City Planning Department for review and approval.

16.156.020 Energy Conservation

- A. Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.**
- B. Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.**

FINDING: The existing development and street patterns determine the orientation of the buildings on the proposed lots. The proposed lots, and the majority of the existing residential lots surrounding the property are oriented in an east/west direction. This standard is met.

DECISION

Based upon review of the applicant's submittal information, review of the code, and public and agency comments, staff finds that the proposed subdivision does not fully comply with the standards but can be conditioned, as follows, to comply. Therefore, staff **approves the Main Street Subdivision application subject to 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 July 3, 2014 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 two (2) years from the date of the notice of decision.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code (SZCDC).
5. 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.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.
7. 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.
8. The applicant is responsible for all costs associated with relocating the 12-inch sanitary mainline. This relocation action is not eligible for CWS or City sanitary SDC reimbursement.
9. All public sanitary sewer mainline systems shall be constructed to City standards and shall terminate with manholes. Cleanouts are not acceptable.
10. Any easement vacation(s) requested by the applicant shall be submitted to the City Council for review and approval. City staff shall present appropriate legislation to City Council for vacation request action.
11. Installation of water service laterals shall be coordinated through the Water Bureau of the City's Public Works Department.
12. The applicant shall comply with CWS R&O 07-20, Section 5.06.1 for pipe sizing. Specifically, the minimum pipe size for public storm drainage mainlines shall be 12-inch diameter.
13. The applicant is responsible for all costs associated with relocating the 36-inch storm water mainline. This relocation action is not eligible for CWS or City storm water SDC reimbursement.

14. All public storm drainage systems shall be constructed to City standards and shall terminate with manholes. Cleanouts are not acceptable.
15. The applicant shall pay the current fee in-lieu-of construction (\$15,000) for connection to the regional storm water treatment facility.

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. Obtain a 1200C Erosion Control Permit through the Building Department for all the disturbed ground, both on and off site that is in excess of one (1) acre in addition to meeting all CWS Design and Construction Standards. The applicant shall follow the latest requirements from DEQ and CWS for NPDES 1200-C Permit submittals. A copy of the approved and signed permit shall be provided to the City prior to holding a pre-construction meeting or commencing any construction activity.
3. A demolition permit shall be obtained from the Sherwood Building Department prior to demolishing or moving any structures.
4. Submit a tree protection plan showing how the trees to be retained will be protected throughout the construction of the site.
5. Submit a geotechnical report to the Building Department if required by the Building Official.
6. 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 and other applicable requirements and standards.
2. Prior to public improvement plan approval, submit plans showing driveways improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14% for each lot.
3. All public easements, not being provided on the 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 prior to release of the public improvement plans.

4. Submit to the Engineering Department for review and approval a final storm water report meeting design standards of both the City of Sherwood and Clean Water Services.
5. Submit public improvement plans that demonstrate the placement of all existing and proposed utilities underground.
6. 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.
7. 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. 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. The final plat shall show the following:
 - a. The Community Development Director as the City's approving authority within the signature block of the final plat.
 - b. Show the required 14 feet of public right-of-way dedication along the property fronting SW Main Street in conformance with the requirements of the Transportation System Plan.
 - c. Provide an 8-foot public utility easement (PUE) dedication adjacent and parallel to the dedicated right-of-way, noted above, for the length of the street right-of-way fronting the subject property.
 - d. Provide a 20-foot wide easement for sanitary sewer and storm water sewer along the back, or eastern, boundary of each lot and between lots 6 and 7.
 - e. Driveway access onto Main Street shall be limited to the maximum extent possible, with two (2) lots sharing a single driveway access for a total of four (4) driveway accesses onto Main Street.
3. Prior to approval of the Final Plat, submit verification of perpetual maintenance of the landscaped visual corridor.
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.
 - 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. If site area and any offsite improves required for this development exceed once-acre of disturbance, project will require a 1200-CN Erosion Control Permit.

- 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. Access shall be provided for maintenance of facility per R&O 07-20, Section 4.02.4.
 - e. If use of existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and any additional improvements and/or upgrades that may be needed to utilize the facility.
 - f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA system, 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 and update or amendment to the current Service Provider Letter for this project.
5. Prior to final plat approval, the applicant shall provide the City a set of engineered construction plans that demonstrate compliance with the TVFR district standards for fire protection.
 6. Prior to final plat approval, provide documentation, to be recorded with the plat, dedicating Tract A to either a Homeowner's Association, or the City of Sherwood, as open space unless another acceptable alternative for open space is provided.
 7. The public improvement plans must be approved and bonded for prior to the City's approval of the final plat.

E. Prior to Issuance of a Building Permit:

1. Prior to issuance of any building permits, 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. Prior to issuance of building permits, submit plot plans showing that the structures meet Medium Density Residential Low minimum front, rear and side setback requirements.
3. Prior to issuance of building permits submit plot plans showing that the clear vision areas are unobstructed.

4. Prior to issuance of a building permit, submit building plans for each building over 24 feet in height showing that the building does not exceed the floor area ratio of 60%.
5. Prior to issuance of a building permit, submit building plans for each building over 24 feet in height showing that building meets the minimum interior yard setback requirements.
6. Prior to issuance of a building permit, submit building plans for each building showing that the garage complies with the garage orientation and design standards of section 16.68.030.C.
7. A deed restriction shall be recorded on lots 1-5 requiring 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 that such plans shall meet the standards of Section 16.68.040 for floor area ratio, side setbacks and garage orientation and design.
8. A deed restriction shall be recorded on lots 1-5 requiring a landscape plan be submitted to the Planning Department for review and approval prior to issuance of a building permit on such lot and that such plans shall provide plant materials and irrigation that are equal to or better than those existing residential landscapes in the vicinity.
9. Prior to issuance of a building permit, 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.
10. Prior to issuance of a building permit, submit a landscape plan for the 15-foot landscaped visual corridor along Main Street meeting the standards of Section 16.142.030.
11. Prior to issuance of a building permit, submit a revised street tree plan to the City Planning Department for review and approval.
12. Prior to issuance of a building permit, submit a revised tree plan demonstrating that the net development site achieves a minimum total tree canopy of 40 percent to the City Planning Department for review and approval.
13. Prior to issuance of a building permit, submit plot plans showing the provision of two (2) off-street parking spaces per dwelling unit.
14. All existing and proposed lots shall obtain approval from the Engineering Department and connect to storm, sanitary sewer and water.
15. Sherwood Broadband utilities shall be installed as per requirements set forth in City Ordinances 2005-017 and 2005-074.
16. Prior to issuance of building permits, all public and private utilities shall be underground unless the utility provider has determined that the lines are too large to place underground.

F. Prior to Final Occupancy:

1. All public improvements shall be completed, inspected and approved, as applicable, by the City, CWS, TVFR, TVWD and other applicable agencies.

2. Install the landscaping according to the landscape plan prior to the issuance of the occupancy permits or pay a security bond for 125% of the cost of the landscaping payable to the City. If the landscaping is not completed within six (6) months, the security may be used by the City to complete the installation.
3. Plant the approved street trees with a minimum trunk diameter of two (2) caliper inches which is measured six (6) inches above the soil line and a minimum of six (6) feet tall.
4. Install a root barrier around all Red Sunset Maple or similar recommended trees that are planted as street trees.
5. No on-street parking will be permitted along Main Street. No parking signage must be installed as part of site development.

G. On-going Conditions

1. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.
2. Comply with the Clean Water Services Service Provider Letter throughout the development of the site.
3. 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 submittal with narrative and supporting documents
- B. E-mail from Joyce Osborne dated August 14, 2014
- C. Letter from CWS dated August 25, 2014
- D. Letter from TVF&R dated August 26, 2014
- E. E-mail from PGE dated August 12, 2014
- F. E-mail from Pride Disposal dated August 7, 2014

The preliminary plat approval is valid for a period of two (2) years from the date of the decision, per Section 16.120.050.

