



NOTICE OF DECISION

MAP/TAX LOT: 3S1060000104
CASE NO: LU 2020-005 SUB
DATE OF NOTICE: November 5, 2020

APPLICANT:

Riverside Homes, Niki Munson
17933 NW Evergreen Place, Suite 300
Beaverton, OR 97006

OWNER:

Linda and Richard Scott
17433 SW Brookman Rd.
Sherwood, OR 97140

NOTICE

You are receiving this Notice of Decision because you are the applicant or because you provided testimony on the subject application. Notice is hereby given that on November 5, 2020 the City of Sherwood Hearings Officer **APPROVED with CONDITIONS LU 2020-005 SUB**. The applicant is proposing a 28-lot single-family detached residential subdivision on a 10.47-acre site. For information on the decision go to <https://www.sherwoodoregon.gov/planning/project/riverside-cedar-creek-subdivision> or contact Eric Rutledge, Associate Planner, at 503-625-4242 or rutledge@sherwoodoregon.gov

APPEAL

Pursuant to Sherwood Zoning and Community Development Code Section 16.72.010.B.3.c, an appeal of the Hearings Officer decision may be made to the Planning Commission. Pursuant to Section 16.76, any person who appeared before the local government, orally or in writing, on this matter may file a notice of intent to appeal to the City of Sherwood Planning Director not later than 14 days from the date of this notice. **An appeal of this decision must be filed no later than 5:00 PM on November 19, 2020.**

I, Eric Rutledge, for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision LU 2020-005 SUB Riverside at Cedar Creek was placed in a U.S. Postal receptacle, or transmitted via electronic mail, on November 15, 2020.

A handwritten signature in black ink, appearing to read "Eric Rutledge".

Eric Rutledge, Associate Planner
City of Sherwood Planning Department

**BEFORE THE LAND USE HEARINGS OFFICER
OF CITY OF SHERWOOD, OREGON**

Regarding an application by Riverside Homes) **FINAL ORDER**
for approval of a preliminary plat to divide 10.47-) **LU 2020-005 SUB**
acres into 28 lots in the MDRL zone at 17433 SW) **(Riverside at**
Brookman Road in the City of Sherwood, Oregon) **Cedar Creek Subdivision)**

A. SUMMARY

1. The applicant requests approval to divide the 10.47-acre site into 28 lots. The proposed development is located at 17433 SW Brookman Road; also known as Washington County Assessor tax lot 3S1060000104 (the “site”). The site and surrounding properties to the east, west, and north are located in the Brookman Road Concept Plan area and zoned MDRL (Medium Density Residential Low). Properties to the south, across SW Brookman Road, are located in unincorporated Washington County.

a. Proposed lot sizes range from 4,722 SF to 8,135 square feet, with an average lot size of 5,914 square feet. The applicant proposed to construct a new single-family detached dwelling on each of the proposed lots.

b. The site is bounded by SW Brookman Road, a County arterial street, on the south and proposed SW Trillium Lane, a local street, on the north. SW Wapato Lake Drive, a local street, is proposed to extend to the west boundary of the site. The applicant proposed to dedicate right-of-way and construct SW Wapato Lake Drive between the western boundary of the site and SW Trillium Lane near the northeast corner of the site. The applicant will dedicate right-of-way and construct 1/4 street improvements to the section of SW Trillium Lane abutting the site. The applicant will dedicate right-of-way and pay a fee in-lieu of constructing half-width improvements on the site’s SW Brookman Road frontage. The applicant will also construct a pedestrian/bicycle path between SW Wapato Lake Drive and SW Trillium Lane.

c. The applicant proposed to preserve approximately 203,158 SF (4.66 acres) of open space on the site, including the Cedar Creek vegetated corridor, wetlands, and floodplain. The applicant will construct a new community trail along the north side of the creek and provide a pedestrian connection to SW Brookman Road.

d. Additional basic facts about the site and surrounding land and applicable approval standards are provided in the Revised Staff Report to the Hearings Officer dated October 21, 2020¹ (the “Staff Report”) as amended by the staff Memorandum dated October 21, 2020, outlining changes to the findings and conditions in the original staff report dated July 23, 2020 (the “October 21, 2020 Memorandum”) and the staff Memorandum dated October 27, 2020, providing additional findings and a condition of approval regarding the off-street trail (the “October 27, 2020 Memorandum”).

¹ The City issued the original Staff Report on July 23, 2020.

2. City of Sherwood Hearings Officer Joe Turner (the “hearings officer”) conducted an online public hearing to receive testimony and evidence about the application. City staff recommended that the hearings officer approve the preliminary plat subject to conditions in the Staff Report, as amended by the Memoranda. The applicant accepted those findings and conditions, as amended, without exceptions. No one else testified orally or in writing about the application.

3. Based on the findings provided or incorporated herein, the hearings officer approves the preliminary plat subject to the conditions at the end of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The hearings officer received testimony at the duly noticed online public hearing about this application on October 28, 2020.² At the hearing, the hearings officer received into the record and physically inspected the file maintained by the City regarding the application. All exhibits and records of testimony are filed at the City of Sherwood. The hearings officer made the declarations required by ORS 197.763. The following is a summary by the hearings officer of selected testimony and evidence offered at the public hearing.

2. City Associate Planner Eric Rutledge summarized the Staff Report and the proposed development.

a. He noted that the applicant proposed to divide the 10.47-acre size into 28 lots and tracts for open space, stormwater facilities, and access. The applicant proposed a ten-percent reduction in the size of certain lots and provide additional fish and wildlife habitat as compensation. The applicant requested total of 850 square feet in lot area reduction and 11,500 square feet of additional fish and wildlife habitat beyond what is required by the Code.

b. Proposed Lots 25 and 28 are irregular shaped lots, due to the alignment of Cedar Creek and SW Wapato Lake Drive. The applicant proposed access tracts, Tracts C and D, for these lots to change the lot alignment and ensure compliance with the lot depth requirements. However, proposed Lot 25 can comply with lot depth requirements with frontage on SW Wapato Lake Drive; an access tract is not required for this lot. The applicant is required to revise the final plat to eliminate Tract D.

c. The site contains floodplains, wetlands, and Class I habitat areas and vegetated corridors associated with Cedar Creek. The applicant proposed to preserve these areas and dedicate them to the City. The applicant is required to provide five-percent of the site area as open space. The applicant proposed to preserve 15.3-percent of the site as open space.

² The application was previously scheduled for hearing on July 30, 2020. The hearings officer continued the hearing to August 29, 2020. The hearings officer continued the August 29, 2020 hearing to September 23, 2020. The September 23, 2020 hearing was continued to October 28, 2020. No testimony was offered at any of the hearings prior to October 28, 2020.

d. The applicant will dedicate right-of-way and construct road improvements to extend SW Wapato Lake Drive from its proposed terminus at the western boundary of the site to intersect proposed SW Trillium Lane near the northeast corner of the site. The applicant will dedicate right-of-way and construct partial width improvements on the site's SW Trillium Lane frontage. In addition, the applicant will dedicate right-of-way and pay a fee in lieu of improvement for the future widening of the section of SW Brookman Road abutting the site. The applicant will also contribute proportionate share funds towards other offsite road intersection improvements listed in the Staff Report.

e. The applicant will collect and treat stormwater runoff from all impervious areas on the site in a stormwater facility in proposed Tract E. The applicant will discharge treated stormwater to Cedar Creek.

f. He requested the examiner modify the finding on page 84 of the Staff Report and condition H.5.B to reference condition E.5(1).

g. He corrected typographical errors on page 89 of the Staff Report. The second sentence of the first paragraph on that page should read:

The block to the north of the subject site is formed by two north-south running streets – SW Oberst Ct. to the east west and SW Wapato Lake Drive to the ~~west~~ east. SW Oberst court is located just east west of the subject site and creates a “T” intersection with SW Trillium Lane.

h. He requested the examiner add the additional condition set out in the October 27, 2020 Memorandum as Condition G.18.

i. He noted that the City received one phone call regarding this application from Leslie Kolb. Ms. Kolb noted that the intersection of SW Wapato Lake Drive was modified due to a large tree being in the sight distance of the proposed intersection and SW Oberst Place will need to be moved to the west at some point in the future to align with SW White Oak Terrace.

3. Planner Wayne Hayson appeared on behalf of the applicant, Riverside Homes and summarized his PowerPoint presentation.

a. He noted that this development is dependent on recently approved developments on the abutting properties to the east, west, and north of the site. Continuance of the hearings for this application were necessary to address changes in the final design of the adjacent developments and to ensure that the conditions of approval for this development are accurate and consistent with the Code.

b. Development on this site is also constrained by the alignment of Cedar Creek and its associated wetlands, floodplain, and vegetative corridor in the southern portion of the site, SW Trillium Lane abutting the north boundary of the site, SW

Brookman Road abutting the south boundary, and the planned Wapato Community Trail. Roughly four-acres of the 10.47-acre site are capable of being developed.

c. The proposed development will create a variety of lot sizes, which will allow for construction of a variety of housing types and styles.

d. He noted that the SW Oberst Place/SW Wapato Lake Drive intersection noted by Ms. Kolb is located in the Middlebrook development west of the site. The alignment of this intersection will not impact this development.

4. No one else testified at the online hearing. At the conclusion of the hearing, the hearings officer held the record open for one week to allow the public an opportunity to submit written testimony about the application. The hearings officer held the record open for an additional week for the applicant to respond to whatever was submitted during the first week. No new evidence was submitted. Therefore, the applicant waived their right to submit a final argument and the hearings officer closed the record at the end of the first week, at 5:00 p.m. on November 4, 2020.

C. DISCUSSION

1. City staff recommended approval of the preliminary subdivision plat, based on the affirmative findings and subject to conditions of approval in the Staff Report as amended by the Memoranda and at the hearing. The applicant accepted those findings and conditions, as amended, without objections.

2. The hearings officer concludes that the affirmative findings in the Staff Report, as amended, show that the proposed preliminary plat does or can comply with the applicable standards of the SZCDC, provided that the applicant complies with recommended conditions of approval as modified herein. The hearings officer adopts the affirmative findings in the Staff Report as amended as his own.

D. CONCLUSION

Based on the above findings and discussion, the hearings officer concludes that LU 2020-005 SUB (Riverside at Cedar Creek Subdivision Subdivision) should be approved, because it does or can comply with the applicable standards of the Sherwood Zoning and Community Development Code, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

E. DECISION

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the hearings officer hereby approves LU 2020-005 SUB (Riverside at Cedar Creek Subdivision Subdivision), subject to the following 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 plans submitted by Pioneer Design Group, dated June 2020, 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. This approval is valid for a period of two (2) years from the date of the decision notice. Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
4. The preliminary plat approval is valid for two years from the date of the Notice of Decision. The final plat shall be approved by the City within two years of Notice of Decision, unless an extension is granted by the City prior to the two-year deadline. 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.
5. 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.
6. All fences within the subdivision shall meet the requirements in Sherwood Zoning and Community Development Code Chapter 16.58.020.
7. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise determined by the City of Sherwood.
8. Restrict and maintain on-site landscaping, utilities, and any other obstructions in the sight distance triangles to provide adequate sight distance at access locations.
9. Prior to Building Permit application submittal, obtain address(es) for the site or parcels.
10. Tree protection during development is required in accordance with the Tree Protection Standards described in the Arborist Report (Exhibit A8 – pages 5-7)The developer shall comply with conditions described in the CWS Memorandum dated July 17, 2020 and all applicable CWS Design and Construction Standards (R&O 19-5).
11. WACO Transportation Development Tax (TDT) credit eligible offsets will be based on requirements and limitations established by WACO Ordinance Mo. 691A, as modified by Ordinances 729, 741, 746-A, 751 and 793-A, and as described in WACO's *Countywide Transportation Development Tax Procedures Manual*, dated July 2019. City Transportation SDC credit

eligible off-sets will be based on requirements and limitations established by City of Sherwood Municipal Code Chapter 15.16 – System Development Charges and Chapter 15.20 – Park and Recreation System Development Charges on New Development.

12. Per SZCDC § 16.118, all new utilities shall be placed underground unless covered by exceptions noted under Section 16.118.040, and as approved by the City Engineer.

B. PRIOR TO FINAL SUBDIVISION PLAT APPROVAL

1. Prior to final plat approval, remove Tract D from the plat and adjust the lot shape and dimensions accordingly.
2. Prior to Final Approval of Plat, show clear vision easements on all corner lots fronting public streets. The clear vision easement shall be to the City of Sherwood and conform with SZCDC § 16.58.010.
3. Prior to final plat approval, revise the Preliminary Street Tree & Open Space Planting Plan (Exhibit A15 – Sheet L1) to provide landscaping in accordance with the clear vision requirements of SZCDC § 16.58.010(C).
4. Prior to final plat approval, provide a Covenants, Conditions, & Restrictions (CC&R) document that describes the reservations, restrictions, and maintenance responsibilities for Tract C. The final CC&Rs shall be recorded with the final plat.
5. Prior to final plat approval, provide a draft statutory warranty deed to the City that dedicates Tract B Open Space to the City of Sherwood. The final tract shall not include the pocket park at the northeast corner of the site. The final deed shall be recorded with the final plat.
6. Prior to Final Plat Approval, submit revised plans that provide the location and quantity of landscaped open space areas in accordance with SZCDC §16.92.020. This condition does not apply to landscaping required by CWS standards.
7. Prior to final plat approval, submit a draft deed to the City dedicating Tract A Open Space to the future HOA. The deed shall be recorded with the final plat.
8. Prior to final plat approval, submit draft CC&Rs to the City that describe how Tract A will be maintained by the future HOA. The final CC&Rs shall be recorded with the final plat.
9. Prior to final plat approval, provide a separate tract for the pocket park at the northeast corner of Tract B. Submit a draft deed that dedicates the new tract to the HOA. The deed shall be recorded with the final plat.
10. Prior to final plat approval, submit draft CC&Rs to the City that describe how the pocket park (to be located in a new tract) will be maintained by the future HOA. The final CC&Rs shall be recorded with the final plat.

11. Prior to final plat approval, submit draft CC&Rs to the City that describe how the community trail will be maintained by the future HOA. The final CC&Rs shall be recorded with the final plat.
12. Prior to final plat approval, provide draft deeds to the City that dedicate Tracts F and G to the future HOA. The final deed shall be recorded with the final plat.
13. Prior to final plat approval, provide draft CC&Rs that specify the HOA is responsible for the perpetual maintenance of Tracts F and G. The final CC&Rs shall be recorded with the final plat.
14. Prior to final plat approval, a detailed street tree plan that complies with the size and spacing standards of SZCDC § 16.142.060 shall be submitted to the City.
15. Prior to Final Approval of Plat, applicant shall show a 33-foot wide right-of-way dedication to WACO along the SW Brookman Road frontage, meeting WACO's standards for half of a 5-lane arterial right-of-way section width of 53-feet as measured from the existing right-of-way centerline.
16. Prior to final plat approval, the following shall be shown on the plat and recorded with Washington County Survey Division:
 - Dedication of additional 33 feet right-of-way to provide 53 feet from the centerline of SW Brookman Road, including an 8 foot PUE.
17. Prior to Final Plat Approval, the stormwater treatment facilities (Tract E) shall be shown as being located in individual tracts of land dedicated to the City of Sherwood.
18. Prior to Final Plat Approval, an easement over the vegetated corridors tracts of land granting access to CWS shall be recorded with the plat.
19. Prior to final plat approval, comply will all requirements of the CWS Memorandum dated July 17, 2020, including obtaining a Storm Water Connection Authorization Permit.
20. Prior to final plat approval, the parcel shall annex into the Metro Service District.
21. Prior to final plat approval, the parcel shall annex into the Clean Water Services district boundary.
22. Prior to Final Approval of Plat, applicant shall show a minimum 8-foot wide public utility easement (PUE) on private property along all public street frontages.
23. Prior to Final Approval of Plat, all proposed private streets shall comply with all the standards stated in SZCDC § 16.118.050 (Private Streets).

**C. PRIOR TO ISSUANCE OF A CITY OF SHERWOOD
ENGINEERING COMPLIANCE AGREEMENT**

1. Prior to Issuance of an Engineering Compliance Agreement, final engineering plan approval by the Engineering Department is required, performance and payment bonds and insurance riders must be submitted to the City.

D. PRIOR TO ISSUANCE OF A SITE GRADING PERMIT

1. Prior to issuance of site grading from the City of Sherwood, the applicant shall obtain a Washington County facility permit for construction of the following public improvements on SW Brookman Rd:

- A. Submit the following to Washington County Public Assurance Staff (503- 846-3843):

1. Completed "Design Option" form (original signed copy).
2. \$10,000.00 Administration Deposit.

NOTE: The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the project, the Administration Deposit account falls below County approved level, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant. Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.

3. Copy of the City's Notice of Decision (NOD) and the County's letter dated July 16, 2020.
4. Engineering plans and Geotech/Pavement report via ProjectDox for construction of the following public improvements to County standards:
 - a. Closure of all existing access from the subject tax lot to SW Brookman Road.
 - b. Pavement widening taper to match Middlebrook Subdivision to the west and the Reserve @ Cedar Creek to the east per the County Engineer.
 - c. All work within the ROW of SW Brookman Road, including the Community Trail to County Standards.

2. Prior to site grading, comply will all requirements of the CWS Memorandum dated July 17, 2020, including obtaining a Storm Water Connection Authorization Permit.

E. PRIOR TO APPROVAL OF THE ENGINEERING PUBLIC IMPROVEMENT PLANS

1. Prior to Final Approval of Engineering Plans, a Flood Plain Certificate for the site flood plain elevation shall be submitted to the City for its records.
2. Prior to Final Approval of Engineering Plans, a finalized NPDES 1200-C Permit issued by CWS shall be submitted to the City for its records.
3. Prior to Engineering Approval of the Public Improvement Plans, the applicant shall submit a final Tree Preservation and Removal Plan that reflect any changes required in the Notice of Decision.
4. Prior to Final Engineering Plan Approval, obtain and submit to Engineer a concurrence letter from DSL for the wetlands on the site or submit documentation from DSL that concurrence is not required.
5. Prior to Issuance of the Engineering Compliance Agreement, the following payments shall be made to the City, and distributed into the appropriate fund accounts (either WACO TDT or City transportation SDC) as determined by the applicant.
 1. Brookman Road frontage right-of-way land dedication.
 - a. WACO is requiring a 33-foot wide right-of-way dedication along the frontage of SW Brookman Road.
 - b. WACO Tax Assessors Market Land Valuation of \$434,520.00 per acre shall be used to evaluate right-of-way dedication land value. This returns a valuation for the right-of-way dedication of \$23,520.38.
 - c. Right-of-Way land valuation shall be credit eligible against either WACO TDT fees (100-percent), or the City transportation SDC fees (100-percent), or a combination of the two fees that does not exceed \$23,520.38.
 2. SW Sunset Boulevard/SW Woodhaven Drive TIA mitigation item.#1
 - a. A proportionate share cost of \$7,897.92 for a signalized intersection improvements.
 - b. Mitigation item #1 is credit eligible at 100-percent for WACO TDT fees, or 100-percent City transportation SDC fees, or a combination of the two fees not to exceed \$7,897.92.
 3. SW Sunset Boulevard/SW Timbrel Lane TIA mitigation item #2
 - a. A proportionate share cost of \$5,887.85 for a mini-roundabout intersection improvement

- b. Mitigation item #1 is credit eligible at 100-percent for WACO TDT fees, or 100-percent City transportation SDC fees, or a combination of the two fees not to exceed \$5,887.65
- 4. SW Ladd Hill Road/SW Main Street/SW Sunset Boulevard mitigation item #3
 - a. A proportionate share cost of \$7,812.50 for a signalized intersection improvement
 - b. Mitigation item #3 is credit eligible at 100-percent for WACO TDT fees, or 100-percent City transportation SDC fees, or a combination of the two fees not to exceed \$7,812.50
- 5. SW Baker Road/SW Murdock Road/SW Sunset Boulevard mitigation item #4
 - a. A proportionate share cost of \$26,627.22 for addition of turn lane intersection improvements
 - b. Mitigation item #4 is credit eligible at 100-percent for WACO TDT fees, or 100-percent City transportation SDC fees, or a combination of the two fees not to exceed \$26,627.22
- 6. SW Brookman Road/Hwy 99W mitigation item #5
 - a. ODOT requires a proportionate share fee in-lieu-of construction payment of \$21,131.32 for a signalized intersection improvement.
 - b. Mitigation item #5 is not credit eligible for either WACO TDT or City transportation SDC as mitigation item #5 is an ODOT safety improvement requirement for an ODOT owned facility.
- 7. SW Brookman Road Frontage Improvements Fee In-Lieu-Of Construction Payment
 - a. A fee in-lieu-of construction payment of \$242,384.14 shall be made for frontage improvements along SW Brookman Road.
 - b. The fee in-lieu-of construction payment shall be credit eligible at 100-percent for WACO TDT fees, 100-percent City transportation SDC fees, or a combination of the two fees not to exceed \$242,384.14.
- 6. Prior to Final Approval of Engineering Plans, the street lighting design shall include a photometric analysis report for review and approval by City Engineering. City lighting standards require Westbrooke fixtures on all internal streets to the subdivision. Street lighting for SW Brookman Road frontage shall conform to WACO standards.
- 7. Prior to Final Approval of Engineering Plans, applicant shall submit a separate design modification request for each non-conforming public infrastructure design element, to the City Engineer for review and approval.
- 8. Prior to Approval of the Engineering Public Improvement Plans, an Engineering Compliance Agreement shall be obtained from the City of Sherwood Engineering Department.

9. Prior to Final Approval of Engineering Plans applicant shall provide a letter from CWS indicating that the alignment of the future easement for the Brookman Sanitary Sewer Trunk Extension is in conformance with approved CWS design.
10. Prior to Final Approval of Engineering Plans, the Engineering Department shall provide review and approval of related public water improvement plans and reports. Public water system plans shall meet City standards. All public water pipe shall have joint restraints.
11. Prior to Final Approval of Engineering Plans, the applicant shall obtain any necessary Right-of-Way Permits and/or Utility Facilities Permits from WACO for constructing public improvements within the SW Brookman Road right-of-way.
12. Prior to Final Approval of Engineering Plans, applicant shall obtain and provide letter from Sherwood Public Works Department, that existing public water system has the capacity and pressure to provide appropriate public water and fire service to the proposed development.
13. Prior to Final Engineering Plan Approval, submitted site development plans shall provide for compliance with all 24 requirements and conditions stated in the CWS issued Service Provider Letter (File No. 20-000663).
14. Prior to Final Engineering Plan Approval, submitted site development stormwater improvement plans shall provide for City access to stormwater outfall/outlet structures for maintenance purposes.
15. Prior to Final Engineering Plan Approval, a Final Stormwater Drainage Report shall be provided to City Engineering for review and approval.
16. Prior to Final Engineering Plan Approval, a Stormwater Connection Permit shall be obtained from CWS.
17. Prior to Final Engineering Plan Approval, applicant shall obtain an NPDES 1200C permit from CWS and submit it to the City Engineering Department for their records.

F. PRIOR TO ISSUANE OF BUILDING PERMITS

1. Prior to issuance of building permits for Lot 25, a plot plan shall be submitted that identifies the lot line abutting the public street as the front lot line. The plot plan shall show the front, rear, and side setbacks meet the requirements of the MDRL zone, unless a variance is approved that allows otherwise.
2. Prior to issuance of building permits for Lot 28, submit elevation plans that demonstrate the public street facing façade meets or exceeds the level of architectural detail provided in the “Enhanced Elevation” drawing shown in Exhibit C1. The actual architectural features provided may differ from the elevation shown in the exhibit but shall be provided at the quantity shown in the plans.

3. Prior to issuance of building permits, submit plot plans and building plans showing the structures meet the development standards requirements of the MDRL zone.
4. Prior to issuance of building permits for Lot 8, a 20 ft. wide rear yard setback shall be shown on the plot plan.
5. Prior to issuance of building permits for Lot 12, a rear yard setback shall be shown on the plot plan in conformance with the requirements for “irregular and triangular lots” as described in SZCDC § 16.10.020.
6. Prior to issuance of building permits, provide documentation of a fire flow test that meets flow requirements for the development type.
7. Prior to issuance of building permits, submit documentation from TVF&R that indicates the requirements of the Fire Marshall’s letter dated April 24, 2020 and other applicable requirements of the fire code have been satisfied.
8. Prior to Issuance of Building Permits, the applicant shall submit for and obtain a credit voucher for mitigation items payments and fee in-lieu-of construction payment required in Condition items 1 through 7 above.

G. PRIOR TO ACCEPTANCE OF CONSTRUCTED PUBLIC IMPROVEMENTS

1. Prior to Acceptance of the Public Improvements, landscaping for the open space areas shall be installed to nurse standards and in accordance with the approved landscaping plans.
2. Prior to Acceptance of the Public Improvements, all common landscaped areas must have an irrigation system in accordance with SZCDC § 16.92.040(C).
3. Prior to Final Acceptance of Constructed Public Improvements, all conditions of the CWS Service Provider Letter (CWS File No. 20-000663) shall have been constructed and received final inspection approval by the City, in conformance with the conditions and requirements of the SPL.
4. Prior to Final Acceptance of Constructed Public Improvements, connection of the development area to the public transportation improvements being constructed by the adjacent Middlebrook Subdivision, will not be permitted until such time as the public transportation improvements being constructed by the Middlebrook Subdivision have been constructed, have received final inspection approval, and have been accepted as public infrastructure by the City. Until that time, a minimum 10-foot physical separation between the Riverside at Cedar Creek site development public transportation infrastructure improvements and the adjacent Middlebrook Subdivision public transportation infrastructure improvements shall be maintained.
5. Prior to Final Acceptance of Constructed Public Improvements, all

conditions and requirements listing in a letter submitted by WACO, dated July 16, 2020 shall be complied with.

6. Prior to acceptance of the public improvements, the applicant shall provide a maintenance bond at 10-percent of the full value of the improvements, for the purpose of correcting any defective work or maintenance that becomes apparent or arises within two (2) years after final acceptance of the public improvements.
7. Prior to Final Acceptance of Constructed Public Improvements, connection to that portion of the adjacent Middlebrook Subdivision system, will not be permitted until such time as that sanitary sewer main line has been constructed, received final inspection approval, and accepted as public infrastructure by the City. Until that time, a minimum 10-foot physical separation between the Riverside at Cedar Creek site development public sanitary infrastructure improvements and the adjacent Middlebrook Subdivision public sanitary infrastructure improvements shall be maintained.
8. Prior to Final Acceptance of Constructed Public Improvements, all private sanitary laterals shall be installed in compliance with the current Oregon Plumbing Specialty Code.
9. Prior to Final Acceptance of Constructed Public Improvements, any public sanitary sewer to be located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvement meeting Sherwood Engineering standards
10. Prior to Final Acceptance of Constructed Public Improvements, a 20-foot wide public sanitary sewer easement across the entirety of the applicants property in alignment with the proposed Brookman Sanitary Sewer Trunk Line Extension project as specified by CWS, shall be dedicated to the City.
11. Prior to Final Acceptance of Constructed Public Improvements, connection to that portion of the public water system being constructed by the adjacent Middlebrook Subdivision, will not be permitted until such time as that portion of the public water system is constructed, has received final inspection approval, and is accepted as public infrastructure by the City. Until that time, a minimum 10-foot physical separation between the proposed site development public water system and the Middlebrook Subdivision public water systems, shall be maintained.
12. Prior to Final Acceptance of Constructed Public Improvements, the installation of the 12-inch waterline running down SW Brookman Road, shall extend the entire length of the property frontage right-of-way line. The oversizing cost of construction (greater than 8") shall be eligible for water system SDC credits.
13. Prior to Final Acceptance of Constructed Public Improvements, the

proposed development shall provide stormwater improvements as needed to serve new street and lot improvements meeting CWS and City of Sherwood standards.

14. Prior to Final Acceptance of Constructed Public Improvements, any public stormwater system that is located on private property shall have a recorded public stormwater easement encompassing the related public stormwater sewer improvement meeting Sherwood Engineering standards.
15. Prior to Final Acceptance of Constructed Public Improvements, all private stormwater laterals shall be installed in compliance with the current Oregon Plumbing Specialty Code.
16. Prior to Final Acceptance of Public Improvements, all vegetated corridors shall be dedicated to the City in recorded tracts of land.
17. Prior to Final Acceptance of Constructed Public Improvements, all private street shall comply with all the standards stated in SZCDC § 16.118.050 (Private Streets).
18. Prior to Acceptance of Constructed Public Improvements applicant shall pay a fee in-lieu- of construction in the amount of \$59,520.00 for the pedestrian trail alignment through the subject property. The fee in-lieu-of construction amount shall be 100-percent creditable towards City sanitary sewer SDC fees and shall be set aside in the City Sanitary Sewer SDC fund to pay for the construction of the trail as part of the Brookman Sanitary Sewer Trunk Line project.

H. PRIOR TO OCCUPANCY OF STRUCTURES

1. Prior to occupancy of structures, one off-street parking space per dwelling unit shall be provided.
2. Prior to the issuance of building permits, the final design of each driveway shall be reviewed and approved by the City of Sherwood.
3. Prior to Grant of Occupancy, for each residential structure constructed within the subdivision and abutting the Flood Plain corridor, a completed FEMA Elevation Certificate Form shall be submitted to the City for its records.
4. Prior to Final Grant of Occupancy, all TDT and SDC credit requests on credit eligible public improvements must be submitted in accordance with WACO Ordinance Mo. 691A, as modified by Ordinances 729, 741, 746-A, 751 and 793- A, and City of Sherwood Municipal Code Chapter 15.16 – System Development Charges and Chapter 15.20 – Park and Recreation System Development Charges on New Development, and conform and comply with the standards and requirements stated therein.
5. Prior to occupancy permits, the following requirements shall be met:
 - A. The road improvements required in condition D.1.A.4. above shall be completed and approved by Washington County.

- B. Pay a fee in-lieu of constructing five lanes (half width) on SW Brookman Road to the City in compliance with condition E.5.1.
6. Prior to Issuance of Occupancy of any residential lot structures, all service laterals shall be installed in compliance with the current Oregon Plumbing Specialty Code.
 7. Prior to Grant of Occupancy for any building, the proposed development shall provide storm sewer improvements as needed to serve new street improvements and service all parcels within the subject.
 8. Prior to Grant of Occupancy for the building, Sherwood Broadband utilities (vaults and conduit) shall be installed along the subject properties frontage per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

DATED this 5th day of November 2020.

A handwritten signature in black ink that reads "Joe Turner". The signature is written in a cursive, flowing style.

Joe Turner, AICP
City of Sherwood Land Use Hearings Officer