



Home of the Tualatin River National Wildlife Refuge

# TYPE V - NOTICE OF DECISION

**TAX LOT:** 2S1 33CB00100; 200; and a portion of 100  
**CASE NO:** LU 2020-013 SUB, PUD  
**DATE OF NOTICE:** January 25, 2021

**Applicant**

Emerio Design LLC  
6445 SW Fallbrook  
Pl. #100  
Beaverton, OR  
97008

**Owner (TL 100)**

Dennis and Paula Yuzon  
23120 SW Murdock Rd.  
Sherwood, OR 97140

**Owner (TL 200)**

Jacob Miller  
23008 SW Murdock Rd.  
Sherwood, OR 97140

**Owner (TL 300)**

JT Roth Construction Inc.  
12600 SW 72<sup>nd</sup> Ave #200  
Tigard, OR 97223

## NOTICE

Notice is hereby given to anyone who testified verbally or in writing at the Planning Commission or City Council hearing that on January 19, 2021, Council adopted Ordinance 2020-012 approving a 41-lot Planned Unit Development Subdivision to be known as Denali Summit Planned Unit Development. The findings made to reach the decision are attached to the Ordinance and are available for review at City Hall and on the City's web site at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov). The decision of the City Council is the final local decision.

### INFORMATION:

To obtain copies of file materials, go to <https://www.sherwoodoregon.gov/planning/project/denali-summit-pud> or contact Eric Rutledge, Associate Planner, at 503-625-4242 or by e-mail at [rutledgee@sherwoodoregon.gov](mailto:rutledgee@sherwoodoregon.gov).

## APPEAL

Pursuant to SZCDC Section 16.76.040, this is the City's final decision on this matter. An appeal of the City Council decision may be made to the Land Use Board of Appeals. Pursuant to ORS 197.830, 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 Land Use Board of Appeals (LUBA) no later than 21 days after the date of this report.

I, Eric Rutledge, for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision on Case File No. LU 2020-013 Denali Summit PUD was placed in a U.S. Postal receptacle, or transmitted via electronic mail, on January 25, 2021.

Eric Rutledge, Associate Planner  
City of Sherwood Planning Department



## ORDINANCE 2020-012

### APPROVING A 41-LOT PLANNED UNIT DEVELOPMENT (PUD) TO BE KNOWN AS THE DENALI SUMMIT PLANNED UNIT DEVELOPMENT

**WHEREAS**, the applicant, Emerio Design LLC, requested a planned unit development on 15.07 acres zoned Very Low Density Residential in the Southeast Sherwood Master Plan area, located north of SW Ironwood Lane; and

**WHEREAS**, the request is to create a forty-one (41) lot subdivision for single family homes on lots ranging from 10,004 square feet to 20,886 square feet with the creation of a north/south public street connecting to SW Ironwood Lane to the south; and

**WHEREAS**, the project would provide for thirty-nine (39) new single-family detached homes and retain two (2) existing single family homes; and

**WHEREAS**, the Planned Unit Development (PUD) approval would allow the applicant some flexibility in standards, particularly reduced building setbacks and the use of private streets to serve more than two single-family lots; and

**WHEREAS**, the proposed project was subject to full and proper notice and review by the Planning Commission including a public hearing on November 10, 2020 to take testimony and consider the proposed project; and

**WHEREAS**, the Planning Commission recommended approval of the application with conditions, and added Condition of Approval B17; and

**WHEREAS**, the City Council held two public hearings on December 15, 2020 and January 19, 2021 to take public testimony and deliberate; and

**WHEREAS**, the analysis and findings to support the Planning Commission recommendation are identified in Attachments 6 to the City Council Staff Report; and

**WHEREAS**, the Sherwood City Council has received the application materials, the Planning Commission recommendation including all exhibits entered into the record (LU 2020-013), and supplemental information provided by staff and the applicant (Attachments 1 – 5 to the City Council Staff Report) and, after considering the applicable criteria, the Planning Commission recommendation, applicant testimony, public testimony, and all documents in the land use record, the City Council determined that the PUD as conditioned meets the applicable criteria.

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1. Review and Public Hearings.** The application was subject to full and proper review required by SZCDC § 16.72 and public hearings were held before the Planning Commission on November 10, 2020 and the City Council on December 15, 2020 and January 19, 2021.


**Section 2. Findings.** After full and due consideration of the project, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearings, the City Council finds that the proposed PUD, as conditioned, meets the applicable criteria in the Sherwood Zoning and Community Development Code. The findings of fact relied upon by the City are attached to the City Council Staff Report as Attachment 6, as modified by the City Council during the January 19, 2021 hearing.

**Section 3. Approval.**

- A. The above-described PUD is **APPROVED** as conditioned in the Planning Commission recommendation, attached to the City Council staff report as Attachment 6 and as modified by the City Council during the January 19, 2021 hearing.
  
- B. The Plan and Zone Map shall be updated to reflect the approved PUD overlay applied to the parcels identified as Tax Map 2S133CB, Tax Lots 200 and 300 in addition to a portion of Tax Lot 100.

**Section 4. Effective Date.** This ordinance shall become effective the 30<sup>th</sup> day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 19<sup>th</sup> of January 2021.**

  
\_\_\_\_\_  
Keith Mays, Mayor

1/19/2021  
\_\_\_\_\_  
Date

Attest:

  
\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	<input checked="" type="checkbox"/>	_____
Griffin	<input checked="" type="checkbox"/>	_____
Brouse	<input checked="" type="checkbox"/>	_____
Young	<input checked="" type="checkbox"/>	_____
Garland	<input checked="" type="checkbox"/>	_____
Rosener	<input checked="" type="checkbox"/>	_____
Mays	<input checked="" type="checkbox"/>	_____

**CITY OF SHERWOOD**  
**January 19, 2021**  
**City Council Decision – Findings**



**DENALI SUMMIT**  
**41-LOT PLANNED UNIT DEVELOPMENT & SUBDIVISION**  
**LU 2020-013 PUD**

Pre-App Meeting: January 23, 2020  
App. Submitted: July 13, 2020  
App. Complete: September 28, 2020  
Hearing Date (PC): November 10, 2020  
Hearing Date (City Council): December 15, 2020; January 19, 2021  
120-Day Deadline: January 26, 2021

**PROPOSAL:** The applicant is proposing a 41-lot single-family residential subdivision and Planned Unit Development in the Very Low Density Residential (VLDR) zone. The site is currently comprised of three parcels totaling 15.07-acres. Two of the parcels have an existing single-family home that will remain and be incorporated into the subdivision design. The proposed lot sizes range from 10,004 SF to 20,886 SF with an average lot size of 11,094 SF. The applicant is proposing approximately 1.84 acres of open space including new landscaping and pedestrian trails. Access to the proposed lots will be from two new public streets off SW Ironwood Lane, including one being constructed as part of the Denali Meadows PUD.

**I. BACKGROUND**

A. **Applicant:** Emerio Design, LLC  
6445 SW Fallbrook Pl. #100  
Beaverton, OR 97008

**Owner:** Dennis and Paula Yuzon  
TL 100 23120 SW Murdock Rd.  
Sherwood, OR 97140

**Owner:** Jacob Miller  
TL 200 23008 SW Murdock Rd.  
Sherwood, OR 97140

**Owner:** JT Roth Construction Inc.

TL 300            12600 SW 72<sup>nd</sup> Ave #200  
                         Tigard, OR 97223

- B. **Location:** East of SW Murdock Rd. and north of SW Ironwood Lane
- C. **Zoning:** Very Low Density Residential (VLDR)
- D. **Review Type:** Type V Planned Unit Development (PUD) and Type III Subdivision. PUDs are processed as a Type V application per SZCDC § 16.72.010(A)(5)(c). The Type V Hearing Authority is the City Council and the Appeal Authority is the Land Use Board of Appeals (LUBA). The subdivision request will be reviewed and approved concurrently with the PUD.
- E. **Review Criteria:** SZCDC Chapter 16.12 - Residential Land Use Districts; Chapter 16.40 - Planned Unit Development (PUD); Chapter 16.58 - Clear Vision and Fence Standards; Chapter 16.60 - Yard Requirements; Chapter 16.72 - Procedures for Processing Development Permits; Chapter 16.92 – Landscaping; Chapter 16.94 - Off-Street Parking and Loading; Chapter 16.96 - On-Site Circulation; Chapter 16.104 - General Provisions; Chapter 16.106 - Transportation Facilities; Chapter 16.108 - Improvement Plan Review; Chapter 16.110 - Sanitary Sewers; Chapter 16.112 - Water Supply; Chapter 16.114 - Storm Water; Chapter 16.116 - Fire Protection; Chapter 16.118 - Public and Private Utilities; Chapter 16.120 – Subdivisions; Chapter 16.128 - Land Division Design Standards; Chapter 16.142 - Parks, Trees and Open Spaces; Chapter 16.144 - Wetland, Habitat and Natural Areas; Chapter 16.156 - Energy Conservation
- F. **Public Notice:** Notice of the application was provided in accordance with SZCDC § 16.72.020 for a Type V application as follows: notice was distributed in five locations throughout the City and posted on the site on or before October 15, 2020. Notice was also mailed to property owners within 1,000 feet on or before October 23, 2020. Finally, notice was published in a local newspaper (Tigard Times) on October 22 & 29, 2020.
- G. **History and Background:** The development site contains three (3) properties and is located in the SE Sherwood Master Plan study area. Two of the properties contain existing single-family homes and both will be retained and incorporated into the design of the subdivision. The remaining property will be used for new residential lots, public infrastructure, and shared open space.

The development site was historically part of the “Ken Foster Farm”, originally about 40 acres in size. It is known that portions of the larger Ken Foster Farm site had been used for discarding animal hides and carcasses that were remnants from the local tannery operation in the city. According to Oregon Department of Environmental Quality (DEQ) documents, tannery wastes from the Frontier Leather Company were applied by Mr. Foster to several areas of pastureland. Liquid sludge from tannery’s primary wastewater settling tanks was also distributed on the site.

Per the applicant’s narrative, the applicant is responsible for completing cleanup of all known contamination on the site. The application states “developer(s)/owner is actively working with DEQ at the time of this application submittal to finalize the clean-up of the contamination. The applicant will be required to submit a “No Further Action” confirmation to the City prior to acceptance of the public improvements.

The SE Sherwood Master Plan was not formally adopted by City Council or incorporated into the City’s Comprehensive Plan; however, portions of the plan have been adopted into the City’s Development Code. In 2013, City Council passed Ordinance 2013-003 which amended SZCDC § 16.12 Residential Land Use Districts and increased the allowed density for properties zoned Very Low Density Residential (VLDR) within the SE Sherwood Master Plan area. The update increased the allowed density to 4 units per acre, if the development is approved through as a PUD and conforms to the SE Sherwood Master Plan. Within the site’s general vicinity, the City has previously approved two (2) subdivisions under these criteria - PUD 17-01 Denali Lane & PUD 19-02 Denali Meadows. The subject application is being reviewed and approved under the same PUD development standards and approval criteria.

- H. **Existing Site Characteristics:** The development site contains three (3) parcels containing approximately 15.07 acres. Two of the properties contain a single-family home, private driveway, and outbuildings. The development site has an undulating topography that is vegetated with a mix of trees, shrubs, and grassy fields. Based on the latest data from Metromap, the site does not contain wetlands or a 100-year floodplain. The Rock Creek floodplain is located east of the development site and the topography begins to slope steeply toward the creek to the east of the development site.

- I. **Surrounding Land Uses:** The development site is surrounded by private property to the north, east, and west. The southern boundary of the development site is bound by SW Ironwood Lane.

North - The property to the north is a 12.40-acre site that is occupied by a single-family home. This property is located in the SE Sherwood Master Plan area. The new public street system created by the subject development will be stubbed for future extension through this property.

West - The property to the west is being developed as the Denali Meadows PUD and will include partial street improvements intended to serve new lots created by the subject development.

East- the property to the east is a large, privately held parcel featuring natural resources such as the Rock Creek floodplain. The property is outside City limits and the Urban Growth Boundary (UGB).

South – SW Ironwood Lane, a local City street, forms the southern boundary of the development site. A new street and intersection off SW Ironwood Lane are proposed as part of the development.

## II. AFFECTED AGENCY AND PUBLIC COMMENTS

- A. Notice of the application was sent to affected agencies via email on September 30, 2020. The following responses were received:
  1. City of Sherwood Engineering Department provided comments dated October 13, 2020 (Exhibit B1). The comments address traffic and transportation, public utilities, and other engineering requirements. The comments and Conditions of Approval are incorporated throughout the report under each applicable code section.
  2. City of Sherwood Public Works Department provided comments via handwritten note on September 18, 2020 (Exhibit B2). The comments state due to the size and location of the development, a water model is required to determine sizing-looping. The water pressure will be higher than 80 PSI and private pressure reducing valves are required. The wall at the end of the public street also requires additional safety measures.
  3. Tualatin Valley Fire and Rescue provided comments during the completeness review process which are dated July 28, 2020 (Exhibit B3). The comments are in regard to fire hydrants, water supply, and fire apparatus access. Final compliance with the fire marshal's letter and all fire code regulations is required as a condition of approval.

4. Clean Water Services provided a memorandum dated October 21, 2020 (Exhibit B4). The memorandum provides Conditions of Approvals related to CWS regulations for stormwater, erosion control, and sensitive habitat areas.
5. Pride Disposal Company – Pride Disposal provided comments dated October 20, 2020 (Exhibit B5). Pride has reviewed the site plan and can service the development as proposed. Each resident will be responsible for placing their totes curbside on the nearest public road on collection day. Tracts D, E, and F must be marked for no parking on one side of the street. If one side of the street is not marked for no parking, each resident will be responsible for placing their totes on the nearest public road.
6. Portland General Electric (PGE) acknowledged the application routing on October 22, 2020 but did not provide comment.
7. The following agencies acknowledged the application without expressing any issues or concerns: Sherwood Police Department and Bonneville Power Administration.

B. Public Comments

1. Two written public comments were received on the application which are included as Exhibits E1 and E2.

### III. APPLICABLE CODE PROVISIONS

*\*\*\* indicates text has been omitted because it is not applicable criteria for approval*

#### DIVISION III ADMINISTRATIVE PROCEDURES

##### Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

##### 16.72.010 – Generally

###### A. Classifications

**Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:**

###### 3. Type III

**The following quasi-judicial actions shall be subject to a Type III review process:**

###### c. Subdivisions between 11 – 50 lots

###### 5. Type V

**The following legislative actions shall be subject to a Type V review process:**



**c. Planned Unit Development – Preliminary Development Plan and Overlay District**

**ANALYSIS:** The applicant is proposing a 41-lot PUD and is subject to a Type V review process. The Type III subdivision application is being reviewed concurrently with the Type V PUD.

**FINDING:** This criterion is met.

**DIVISION II LAND USE & DEVELOPMENT**

**Chapter 16.12 RESIDENTIAL LAND USE DISTRICTS**

**16.12.010 - Purpose and Density Requirements**

**A. Very Low Density Residential (VLDR)**

**1. Standard Density**

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas that warrant preservation but are otherwise deemed suitable for limited development. Standard density in the VLDR zone is 0.7 to 1 dwelling unit per acre.

**2. VLDR Planned Unit Development Density Standards**

Property in the VLDR zone that is developed through the Planned Unit Development (PUD) process under Chapter 16.40, if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, may develop to a density of 1.4 to 2.0 dwelling units per net buildable acre under the following conditions:

a. The minimum lot size is not less than 10,000 square feet;

b. The following areas are dedicated to the public or preserved as common open space: floodplains under Section 16.134.020 (Special Resource Zones); natural resources areas as shown on the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan; and wetlands defined and regulated under current Federal regulation and Division VIII of this Code; and

c. The higher density development will better preserve natural resources as compared to one (1) unit per acre.

**ANALYSIS:** The site zoning is Very Low Density Residential (VLDR) and is within the SE Sherwood Master Plan area. The application is subject to the density requirements in subsection (3) below.

**FINDING:** These criteria do not apply.

3. **Southeast Sherwood Master Planned Unit Development**
  - a. **Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre.**

**ANALYSIS:** The site zoning is Very Low Density Residential (VLDR) and is within the SE Sherwood Master Plan area. The property can be developed to a maximum density of four (4.0) dwelling units per net buildable acre, subject to the approval criteria below.

Net buildable acre is defined as “... an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses.” Open space that is required as part of the subdivision / PUD is not removed prior to calculating residential density per SZCDC § 16.142.030(D).

Density calculations	
Gross site area	656,580 SF
Public streets	-74,705 SF
Private streets	-18,960 SF
<u>Water quality tract</u>	<u>-27,899 SF</u>
Net development area	535,015 SF (or 12.28 acres)

$$41 \text{ lots} / 12.28 \text{ acres} = 3.34 \text{ units per acre}$$

**FINDING:** The applicant is proposing a density of 3.34 units per acre, which is between the allowed density of 0.7 to 4.0 units per acre. This criterion is met.

- b. **Development under Section 16.12.010.A.3 must generally follow the development pattern shown as Alternative B/C in the SE Sherwood Master Plan (2006) and address the following factors:**
  - (1) **Varied lot sizes are allowed with a minimum lot area of 10,000 square feet if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, roadways or open space.**

**ANALYSIS:** All of the proposed lots are greater than 10,000 SF and meet the minimum lot size requirement. The applicant is requesting a reduction to the required minimum building setbacks for certain lots; however, adequate buffering is anticipated to be provided by the low density nature of the development and through the use of landscaping, open space, and roadways.

**FINDING:** This criterion is met.

- (2) **The open space areas as required by Chapter 16.40 (Planned Unit Development), where feasible, should include parks and pathways that are located within the general vicinity of Alternative B/C in the SE Sherwood Master Plan.**

**ANALYSIS:** Chapter 16.40 requires a minimum of 15% open space for new PUDs. The standard above requires this 15% open space to be located in the general vicinity of open space shown in Alternative B/C of the SE Sherwood Master Plan (Exhibit C1). Key open spaces shown in the alternative include a hilltop park near the center of the planning area and a preserved mixed-woodland area at the north end of the planning area. The plan indicates open space will be connected via north-south and east-west running pedestrian greenways.

The applicant is proposing to provide open space within three (3) private tracts (Tracts A, C, & G) that are located in the general vicinity of those identified in Alternative B/C. Tract A is located just south of the hilltop park identified on present day Tax Lot 200. The open space is not located at the high point of the area because the existing home on the property will be retained through the subdivision as Lot 34. Tract A is also shifted to the south in order to connect with the open space provided as part of the Denali Meadows PUD. The applicant is proposing Tract C Open Space at the eastern end of the development site. This open space will include a pedestrian trail along the bluff and provide views of Rock Creek and Mt. Hood to the east. The design will provide open space and pedestrian connections on the development site as envisioned by Alternative B/C.

The “shadow plat” (Exhibit A1 – Sheet 15) provided by the applicant does not assume the entire wooded area identified in Alternative B/C will be retained on the property to the north. When the property to the north redevelops, the alignment of the street and new lots will impact the wooded area identified in the master plan. However, the applicant’s narrative indicates the trees on the adjacent property have been removed. The developer of the property to the north will be responsible for providing additional information on the quality of the area given the alterations since the SE Sherwood Master Plan was created.

**FINDING:** The applicant has provided parks and pathways on the development site in the general vicinity of the areas shown in Alternative B/C of the SE Sherwood Master Plan. This criterion is met.

**(3) There is a pedestrian-friendly transportation system that links the site with nearby residential developments, schools, parks, commercial areas and other destinations.**

**ANALYSIS:** The proposal includes a well-connected pedestrian transportation system that links the new subdivision with surrounding residential areas and open space.

In addition to new public sidewalks, the applicant is proposing two pedestrian connections between the development and the adjacent Denali Meadows subdivision. The first connection is via Tract A Open Space, which aligns with an open space area provided in Denali Meadows. The second is a pedestrian easement between Tracts E & F of the subject development. The easement will provide an additional connection at the north end of the site and reduce the block length for pedestrians. The result will be a connected system of sidewalks and off-street pedestrian trails for the developed portions of the SE Sherwood Master Plan area. There are no schools, commercial areas, or other destination locations nearby that warrant connection.

**FINDING:** This criterion is met.

**(4) The unique environmental opportunities and constraints identified in the SE Sherwood Master Plan.**

**ANALYSIS:** A summary of the unique environmental opportunities and constraints on the site as identified in the SE Sherwood Master Plan is provided below.

Environmental Opportunity / Constraint	Proposal
Hilltops and an undulating topography are present throughout development site which provide vantage points to the surrounding region. The topography is also seen as a constraint when providing new transportation network including streets and sidewalks	The applicant is proposing to utilize the hilltops and topography for attractive open spaces and residential lots. Tract A Open Space is located in the general vicinity of the high point of the development site and Tract C Open Space will provide view points to the east. The design of the subdivision will minimize cuts required for installation of the streets and utilities.
Mature trees are present at the center and south end of the development site and are a defining feature of the landscape	Existing mature trees are shown on Sheet 03 of Exhibit A1. The applicant is proposing to remove all of the mature trees described in the area to accommodate construction of the new development including houses and driveways. Condition of Approval B12 requires preservation of existing trees within areas designated for open space.
The primary mixed-woodland area including fire, madrone, and filbert trees which are located north of the development site	The mixed-woodland area north of the development site has been removed

The hilltops in the area will be utilized to create attractive open space and residential lots. The trees in the area are proposed to be removed to accommodate the development. The proposal conforms to the opportunities and constraints to the extent practicable.

**FINDING:** This criterion is met.

**(5) The view corridors identified in the SE Sherwood Master Plan.**

**ANALYSIS:** The SE Sherwood Master Plan shows a view corridor from the high point of the existing home on Tax Lot 100, looking to the east towards Mt. Hood and the Cascade Range. The Preliminary Grading Plan (Exhibit A1 – Sheet 5) shows that new development will slope from the center down towards the east and west. The proposal provides an opportunity to provide view corridors to the Cascade Range for the new lots at the center and east side of the development. The Planning Commission will review

and approve the Final Development Plan, however, building permits for individual lots including their final height are issued after land use approval. It is anticipated the developer will design each home to take advantage of the existing view corridors. No specific Conditions of Approval are recommended at this time.

In addition to the views created on private lots, the development will provide a common open space area (Tract C) with viewpoints to the east.

**FINDING:** This criterion is met.

**(6) The housing design types that are compatible with both surrounding and existing development.**

**ANALYSIS:** The applicant has submitted two Architectural Pattern Books (Exhibit A2) that provide details on the proposed housing design. The housing types are compatible in design and material to surrounding residential developments (Denali Meadows and Denali Lane).

**FINDING:** This criterion is met.

**c. A density transfer under Chapter 16.40.050.C.2. is not permitted for development under this Section 16.12.010.A.3.**

**ANALYSIS:** A density transfer under SZCDC § 16.40.050(C)(2) is not proposed.

**FINDING:** This criterion does not apply.

**d. The Planning Commission will consider the specific housing design types identified and the preservation of the identified view corridors at the time of final development review to ensure compatibility with the existing and surrounding development.**

**ANALYSIS:** The SE Sherwood Master Plan shows a view corridor from the high point of the existing home on Tax Lot 100, looking to the east towards Mt. Hood and the Cascade Range. The Preliminary Grading Plan (Exhibit A1 – Sheet 5) shows that new development will slope from the center down towards the east. The proposal provides an opportunity to provide view corridors to the Cascade Range for the new lots at the center and east side of the development. The Planning Commission will review and approve the Final Development Plan, however, building permits for individual lots including their final height are issued after land use approval. It is anticipated the

developer will design each home to take advantage of the existing view corridors. No specific Conditions of Approval are recommended at this time.

In addition to the views created on private lots, the development will provide a common open space area (Tract C) with viewpoints to the east.

**FINDING:** This criterion will be met.

**16.12.020 - Allowed Residential Land Uses**

**A. Residential Land Uses**

The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and defined in Chapter 16.10.

<b>Uses (Residential)</b>	<b>VLDR</b>
<b>Single-Family Attached or Detached Dwellings</b>	<b>P</b>
<b>Planned Unit Developments – subject to Chapter 16.40</b>	<b>P</b>

Whereas P = Permitted

**ANALYSIS:** The applicant is proposing single-family detached dwellings which is a permitted use in the zone. The proposal also meets the criteria for PUDs under SZCDC § 16.40 as discussed later in the report.

**FINDING:** This criterion is met.

**16.12.030 - Residential Land Use Development Standards**

**A. Generally**

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

**B. Development Standards**

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

**C. Development Standards per Residential Zone**

Development Standards by Residential District	VLDR - PUD	Proposed Exception through PUD
Min Lot area (in square feet) Single-Family Detached	10,000	-
Min Lot width at front property line	25 ft.	13.25 ft. for lot 34
Min Lot width at building line; Single-Family	None	-
Lot Depth	None	-
Max Height (in feet)	30 ft. or 2 stories	-
Front yard	20 ft.	15 ft. for all lots
Face of garage	20 ft.	-
Interior side yard; Single-Family Detached	5 ft.	-
Corner lot street side	20 ft.	15 ft. for all corner lots
Rear yard:	20 ft.	see SZCDC § 16.40.020 for details on a rear yard exception for decks on Lots 11 and 12

**ANALYSIS:** The development standards for the VLDR PUD zone are shown in the table above. As part of the PUD approval, the applicant is requesting exceptions to the minimum lot width at the front property line, front yard setback, corner lot street side setback, and rear yard setback pertaining to uncovered decks for certain lots.

The applicant’s narrative states *“Due to the topography, geography, and the fact that future right-of-way will be dedicated creating future corner lots, the applicant would like to have the flexibility to place the houses as close to the front and street as possible to avoid grading and site disturbance in those areas that have constraints. The setback modification request provides flexibility to place the houses and driveways on the lots in the flattest areas possible, some of which are right at the street.”*

The applicant’s narrative also states that Lot 34 will be designed as a flag lot and is therefore requesting the reduced width at the front property line.

**FINDING:** These standards are met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL F1:** Prior to issuance of building permits, submit plot plans and building plans showing the residential structures meet the



development standards of the VLDR-PUD zone, including any modifications to the development standards permitted in the land use Notice of Decision.

**16.12.040 - Community Design**

**For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII, IX.**

**FINDING:** The application meets or is conditioned to meet all applicable community design standards as described in this report. This criterion is met.

**16.12.050 - Flood Plain**

**Except as otherwise provided, Section 16.134.020 shall apply.**

**FINDING:** The development site does not contain a floodplain. This criterion does not apply.

**Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)\***

**16.40.010 - Purpose**

- A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.**
- B. The PUD district is intended to achieve the following objectives:**
  - 1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.**
  - 2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.**
  - 3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.**
  - 4. Achieve maximum energy efficiency in land uses.**
  - 5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment.**

**ANALYSIS:** The applicant is requesting approval of a 41-lot PUD. The PUD process allows creativity and flexibility in site design which could not be achieved through a strict adherence to the existing zoning and subdivision standards.

**FINDING:** Findings on the applicable review criteria for PUDs is provided below.

#### 16.40.020 - Preliminary Development Plan

##### A. Generally

A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with [Chapter 16.72](#). PUDs shall be considered: a.) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development; b.) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or c.) in other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

**ANALYSIS:** The applicant's narrative states, *"In this case, the site is unusually limited in development potential because of the cost of cleanup of contaminated soils due to dumping of tannery waste on the site of the former Ken Foster Farms. Development as proposed facilitates the complete remediation of contaminated soils on this portion of the former KFF site, which is of great public benefit as lead and other harmful toxins have been detected in soils within the boundaries of the former KFF property. There is further public benefit with the development in this site as it implements the street system envisioned in the Sherwood Transportation System Plan and the SE Sherwood Master Plan for this region of the city. The number of lots proposed makes it feasible to develop the property considering the cleanup and infrastructure costs, thereby ensuring that the potential public health hazard is eliminated, and that vehicular and pedestrian connectivity and circulation is provided."*

Staff concurs that the development site is unusually constrained due to the historical land use and environmental contamination.

**FINDING:** The site is unusually constrained due to environmental contamination and warrants the use of a PUD. This criterion is met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL G1:** Prior to Acceptance of Public Improvements, applicant perform clean up of contamination in accordance with DEQ

standards and shall submit a copy of the DEQ “No Further Action” confirmation letter to the Sherwood Engineering Department.

\*\*\*

**C. Commission Review**

**The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:**

- 1. The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020.A.**

**ANALYSIS:** The applicant is requesting approval of a 41-lot PUD. The property is being developed in accordance with the City’s Comprehensive Plan & Zoning Map, which designates the property as VLDR. The SE Sherwood Master Plan was not adopted into the City’s Comprehensive Plan, however, certain elements were plan were incorporated into the development code. The proposal complies conforms to Alternative B/C of the SE Sherwood Master Plan and is eligible for a PUD as described in findings and conditions for SZCDC § 16.12.010(A)(3)(b).

**FINDING:** This criterion is met.

- 2. The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.**

**ANALYSIS:** The applicant is proposing three open space tracts totaling 80,167 SF (1.84 acres). The proposal meets the criteria as described and conditioned below:

Gross site area	656,580 SF
Public streets	-74,705 SF
Private streets	-18,960 SF
<u>Water quality tract</u>	<u>-27,899 SF</u>
Net buildable site	535,016 SF

535,016 x 0.15 = 80,252 SF of open space required to meet the 15% minimum

The applicant is proposing 80,167 SF, or 14.98% open space. Less than 15% open space is allowed per the approval criteria above, if the development is located within close proximity to existing public spaces that when combined with the proposed development meet or exceed community needs. The applicant of the subject development also developed the adjacent Denali Meadows (PUD 19-02) and Denali Lane (PUD 17-01) subdivisions. Based on the land use reports for those approvals, the developments provided a combined 12,134 SF of excess open space. All of the nearby open space areas will be connected via a new system of sidewalks and off-street trails. When taken as a whole, the proposed development and existing public spaces exceed the 15% requirement.

While the 15% open space requirement can be met, the applicant has not provided an open space plan with details on the proposed amenities for Tracts A, C, and G. Condition of Approval B17 requires an open space amenities plan to be provided with the final development plan approval.

The applicant's supplemental memo dated January 5, 2021 (Exhibit D2) states *"With the recent approval of the Denali Meadows and the fact that all of these PUD's are essentially one large PUD, the Applicant would like to continue the open space theme in Denali Summit PUD by providing 5-foot pedestrian walkways through the open space areas similar to what was approved in Denali Meadows. However, to respond to the Council's concerns regarding the ingress/egress access ways to Tracts A and C, the Applicant has widened the pedestrian access connections 15-feet in width with 5-foot landscape strips on each side of a 5-foot hard surface walkway. These will be neighborhood walking paths that will be owned and maintained by the HOA but will have public access easement overlaid on them to allow the public to use them consistent with the recommended conditions of approval.*

*Both opens space tracts will be developed with a useable lawn areas, extensive walking paths with bench resting points, small tree groves, and tract C will ultimately be an extension of Tonquin wildlife corridor. Additionally, the PUD combines Tract C from the Denali Meadows PUD with Tract A from Denali Summit to make a useable connecting walking path and lawn area with benches. Tract C in Denali Summit will be a beautiful walking experience that will provide opportunities for wildlife viewing, as well as views of Mt. Hood on clear day".*

The proposed 15 ft. wide pedestrian walkways will primarily serve residents and visitors of the Denali neighborhood and are not part of a larger trail system. Therefore, the proposed 15 ft. wide corridors are appropriate for the development. Condition of Approval B18 requires the applicant to provide a 15 ft. wide pedestrian walkway for the access points to open space Tracts A, C, and G as described above.

**FINDING:** This criterion is met as conditioned below,

**RECOMMENDED CONDITION OF APPROVAL B17:** Prior to Final Development Plan Approval, the applicant shall provide a detailed open space amenities plan for Tracts A, C, and G.

**CONDITION OF APPROVAL B18:** Prior to Final Development Plan approval, revise the plans to provide a 15 ft. wide pedestrian pathway for the access points within Tracts A and C. The design shall match the “Pedestrian Walkway” cross section shown on the “Denali Summit Open Space Concept Plan” (Exhibit D4). Trees shall be provided within the landscaped areas unless restricted by a public or private utility easement.

**3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.**

**ANALYSIS:** The applicant is requesting the following exceptions to standards of the underlying zoning district:

- Modification to the minimum lot width at front property line (Lot 34)
- Modification to the minimum front yard setback (all lots)
- Modification to the minimum corner lot street side yard setback (all corner lots)
- Modification to the minimum rear yard setback pertaining to uncovered for decks (Lots 11 & 12)
- Modification to allow double frontage lots (Lots 30 & 31)
- Modification to exceed the number of lots that can be served by a private street.
- Modification to exceed the maximum street and block length allowed for public streets
- Modification to reduce the intersection spacing required between Tract C of Denali Meadows & Tract F of the subject application
- Modification to reduce the intersection spacing required between Tracts D & E
- Modification to exceed maximum slope allowed for a street / driveway (Tract F)
- Modification to reduce curve radii required on a public street

As described in the report above, the PUD is being pursued due to the soil remediation that is required prior to developing the site for residential use. The applicant’s narrative states the PUD and higher density allowed under the VLDR-PUD overlay will help offset the costs associated with cleaning up the contaminated soil.

The applicant’s narrative states *“Due to the topography, geography, and the fact that future right-of-way will be dedicated creating future corner lots, the applicant would like to have the flexibility to place the houses as close to the front and street as possible to avoid grading and site disturbance in those areas that have constraints. The setback*

*modification request provides flexibility to place the houses and driveways on the lots in the flattest areas possible, some of which are right at the street.”*

This argument is supported by the applicant’s Geotechnical Engineering Report (Exhibit A8) that describes subsurface development challenges including undocumented soft fill and hard basalt bedrock throughout the site.

However, the following exceptions are not warranted given the unique design and amenities provided by the development. In order for the requested modifications to be warranted, changes to the plans are required. A discussion of the required conditions are provided below.

Block length and number of single-family residential lots served by a private street:

The proposed design does not meet this criterion because the underlying standard would require a full public street connection with two 6 ft. wide public sidewalks. The applicant is proposing one 5 ft. wide sidewalk on one side of Tracts E and F with 15 ft. wide pedestrian easement connecting the two. Because this connection will serve as a primary pedestrian connection at the north end of the site, the sidewalk connecting the two public streets shall include lighting to ensure pedestrian safety during the evening and night. The sidewalk and pedestrian easement between the tracts shall contain a public access easement to ensure it remains open for public use. In addition, the 15 ft. wide easement connecting Tracts E and F does not provide landscaping along the sidewalk, as would be provided with a full public street.

In order to meet the criterion above, the applicant is required to pedestrian scale lighting along and between Tracts E and F to ensure the walkway provides adequate public safety at night. The pedestrian sidewalk and corridor shall also be contained within a public access easement to ensure the pathways remain open to the public. In order to provide adequate space and landscaping in the area between Tracts E and F, the cross section between the tracts shall meet the applicant’s “Pedestrian Walkway” cross section shown Exhibit D4.

When the landscaped walkway is combined with the 5 ft. sidewalks along Tracts E and F, the result will be a design that overcomes the development challenges (access to existing homes, hard bedrock, soil contamination) while providing a high quality pedestrian connection in the area where a full street connection would otherwise be provided.

Condition of Approval B20 requires the design elements referenced above.

Rear setbacks for decks on Lots 11 and 12

The applicant’s supplemental memo dated January 5, 2021 (Exhibit D2) states *“During the hearing on January 5<sup>th</sup>, 2020, the Council expressed concerns with the Applicant’s*

*request to reduce the rear yard setback for Lots 11 and 12 from 20-feet to 15-feet since these lots backed up to property outside of the proposed PUD.*

*To address this concern, the developer is agreeable to withdrawing the requested rear yard setback reduction for the future homes on Lots 11 and 12. However, in its place, the developer requests that uncovered decks on the future homes of Lots 11 and 12 be able to encroach into the rear yard setback by 5-feet. Currently, Section 16.50.060, Decks, of the City's code allows uncovered decks which are no more than 30 inches above grade to project into the required rear yard but may not be closer than five feet from the property line. In this case, though, due to the slopping topography of Lots 11 and 12, the developer is requesting uncovered decks greater than 30 inches above grade be allowed to encroach 5 feet into the rear yard setback, which will leave 15-feet of unobstructed rear yard. In addition, the existing cedar trees located along the rear of these lots will be retained to help buffer the properties to the south."*

Conditions of Approval A17 and A18 below grant the reduction and require the trees along the rear of the lots to be retained.

All requested exceptions:

The PUD and the exceptions to the underlying standards will allow the development to retain the existing homes, provide flexibility in home placement, and achieve a higher density than could otherwise be obtained. The development will also provide approximately 15% open space and result in the cleanup of contaminated soil. These design elements could not likely be achieved under a strict adherence to the underlying standards and the proposal therefore provides a "unique design" required under SZCDC § 16.40.020(C)(3).

However, the application does not propose "unique amenities" that are required to meet the approval criteria of SZCDC § 16.40.020(C)(3). While the applicant has provided an Open Space Concept Plan (Exhibit D4) that shows benches, walkways, and landscaped areas within the open space, the amenities are standard improvements for this type of open space. In addition, the application has not demonstrated that other amenities included the development plan warrant the exception to the underlying standards.

The proposed open spaces are a key component of the overall development plan and are an appropriate location to provide "unique amenities" that enhance overall the development and therefore warrant exceptions to the underlying zoning standards. In order to meet the approval criteria, the applicant shall provide two of the following amenities within the open space:

- Nature theme play equipment (manufactured play equipment mimicking natural features like tree logs, rock formations, etc. - example below)
- Traditional play equipment
- Interpretive signage related to the geologic history of the site (Tonquin Scabland Geologic Area)
- Interpretive signage related to the human history of the site (Ken Foster Farm)

- A native plant garden with educational signage
- Elevation markers at key locations within the open space tracts
- Distance markers at key locations within the open space tracts
- Any other amenities suggested by the developer that would meet the criterion above

These unique amenities will add value to the development and to the future residents and provide a public benefit that would not be achieved otherwise. Condition of Approval B19 requires two of the amenities to be provided on the plans prior to final development plan approval.

**FINDING:** This criterion is met as conditioned below and by Condition of Approval B20.

**CONDITION OF APPROVAL A17:** The rear setbacks for the primary residence on Lots 11 and 12 shall comply with the requirements of the underlying zone. Notwithstanding SZCDC § 16.50.060, the final rear setback for uncovered decks including those greater than 30 inches above grade shall be 15 ft.

**CONDITION OF APPROVAL A18:** All evergreen trees greater than 6” DBH on Lots 11 and 12 shall be preserved unless impacted by the building footprint of the primary residence.

**CONDITION OF APPROVAL B19:** Prior to Final Development Plan approval, revise the plans to provide two of the following amenities within the open space tracts:

- a. Nature theme play equipment (manufactured play equipment mimicking natural features like tree logs, rock formations, etc. - example below)
- b. Traditional play equipment
- c. Interpretive signage related to the geologic history of the site (Tonquin Scabland Geologic Area)
- d. Interpretive signage related to the human history of the site (Ken Foster Farm)
- e. A native plant garden with educational signage
- f. Elevation markers at key locations within the open space tracts
- g. Distance markers at key locations within the open space tracts
- h. Any other amenities recommended by the applicant and approved by the Planning Commission during Final Development Plan approval

**4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).**

**ANALYSIS:** The applicant’s narrative states *“The proposed project (residential detached dwellings) is in harmony with the surrounding area as the proposed lots are comparable in size and use to the existing development (also residential detached*



*dwellings) to the south and west and to future development as outlined in the SE Sherwood Master Plan. Conceptual architectural treatments are included with this application... showing prairie, craftsman and modern styles similar with the surrounding area. Proposed houses will meet the minimum side and rear setback and maximum height requirements (and, therefore be of a similar scale) of the adjacent developments that have been constructed in the VLDR zone.”*

Staff concurs with this analysis with the clarification that the proposed houses will meet the setback standards as modified through this PUD approval. The proposed Architectural Pattern Books are included in Exhibit A2.

**FINDING:** This criterion is met.

**5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.**

**ANALYSIS:** The PUD will create three new open space tracts (A, C & G). The open space tracts will be constructed by the developer and maintained by the future HOAs of the development. A complete list of the proposed tracts within the development area and the construction and maintenance responsibilities is provided below.

<b>Tract</b>	<b>Use</b>	<b>Construction</b>	<b>Ownership / Maintenance</b>
<b>A</b>	Open Space and trail	Applicant / developer	Future HOA
<b>B</b>	Stormwater facility	Applicant / developer	City of Sherwood
<b>C</b>	Open space and trail	Applicant / developer	Future HOA
<b>D</b>	Private street	Applicant / developer	Future HOA
<b>E</b>	Private street	Applicant / developer	Future HOA
<b>F</b>	Private street	Applicant / developer	Future HOA
<b>G</b>	Open space	Applicant / developer	Future HOA

**FINDING:** This proposed method of open space ownership and maintenance is acceptable. This criterion is met.

**6. That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.**

**ANALYSIS:** The applicant’s narrative states the development of the site at the standard VLDR density of 0.7 to 1.0 units per acre is not feasible due to the cost of cleaning up the contaminated soils. Staff adds that the PUD approval requires the development to provide 15% open space instead of 5% required for standard subdivisions and that exceptions to the underlying standards provide greater flexibility in design in order to better preserve the natural topography and avoid hard subsurface basalt. Without the

PUD, the development may not be feasible due to constraints described above. The PUD approval therefore allows the development and has a beneficial effect on the area which could not be achieved in the underlying zoning district.

**FINDING:** This criterion is met.

7. **That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.**

**ANALYSIS:** The applicant's narrative states that the development will be constructed in a single phase and within one (1) year from the date of approval. This criterion is related to the public improvements and common tracts but not individual home construction.

**FINDING:** This criterion is met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL A12:** The required public improvements and common areas shall be substantially completed within one (1) year from the date of the Notice of Decision for the final plat and Final Development Plan.

8. **That adequate public facilities and services are available or are made available by the construction of the project.**

**ANALYSIS:** The development can be adequately served by public facilities and services as described and conditioned in this report, and as described in the agency comments. The developer will be constructing new public facilities including streets, sidewalks, lighting, water, sanitary sewer, etc. In addition, existing City services such as the police have adequate capacity to serve the new development.

**FINDING:** This criterion is met.

9. **That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met.**

**ANALYSIS:** The proposal meets or is conditioned to meet the objectives of the PUD concept and specific objectives of the residential category, as described in this report.

**FINDING:** This criterion is met.

10. **The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained**

by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in Section 16.40.050(C)(3).

**ANALYSIS:** The gross site area is 15.07 acres.

**FINDING:** This criterion is met.

**D. Council Action**

Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to Chapter 16.72. The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council decision to approve the Preliminary Development Plan shall be by ordinance establishing a PUD overlay zoning district. The ordinance shall contain findings of fact as per this Section, state all conditions of approval, and set an effective date subject to approval of the Final Development Plan as per Section 16.40.030.

**E. Effect of Decision**

Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals.

**ANALYSIS:** Upon findings and recommendations from the Planning Commission, the Sherwood City Council will conduct a public hearing on the Preliminary Development Plan pursuant to SZCDC § 16.72. As described the section below, Final Development Plan approval is required prior to final acceptance of the PUD.

**FINDING:** These criteria will be met.

**16.40.030 - Final Development Plan**

**A. Generally**

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

the provisions of Chapter 16.90. The site plan shall be processed concurrently with the Final Development Plan.

**B. Final Subdivision Plat**

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

**ANALYSIS:** Final Plat and Final Development Plan approval are required.

**FINDINGS:** These criteria are met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL A13:** The applicant shall submit for and obtain final plat and final development plan approval meeting all conditions of the preliminary plat and preliminary development plan approval.

**16.40.040 - General Provisions**

**A. Phasing**

1. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.
2. Any PUD which requires more than twenty four (24) months to complete must be constructed in phases that are substantially complete in themselves and conform to a phasing plan approved as part of the Final Development Plan.

**B. Failure to Complete**

1. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission will determine whether or not the PUD's continuation, in whole or in part, is in the public interest.
2. If continuation is found not to be in the public interest, the Commission will recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

**C. Changes in Approved Plans**

1. **Major Changes**  
Proposed major changes in a Final Development Plan are considered the same as a new application, and are made in accordance with the procedures specified in this Chapter.
2. **Minor Changes**  
Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities,

**change boundaries or uses, or change the location or amount of land devoted to specific uses.**

**ANALYSIS:** The applicant's narrative states that the development will be constructed in a single phase and within one (1) year from the date of approval. No phases are proposed at this time.

**FINDING:** This criterion is met.

**D. Multiple Zone Density Calculation**

**When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, provided that the project demonstrates compatibility with the adjacent and nearby neighborhood(s) in terms of location of uses, building height, design and access.**

**ANALYSIS:** The applicant's narrative states that the development will be constructed in a single phase and within one (1) year from the date of approval. No phases are proposed at this time.

**FINDING:** This criterion is met.

**16.40.050 - Residential PUD**

**A. Permitted Uses**

**The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:**

- 1. Varied housing types, including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.**
- 2. Related NC uses which are designed and located so as to serve the PUD district and neighborhood.**
- 3. All other uses permitted within the underlying zoning district in which the PUD is located.**

**ANALYSIS:** The 41-lot subdivision is a residential PUD and will feature single-family detached homes. The applicant has provided an Architectural Pattern Book (Exhibit A2) that provides example building materials and styles.

**FINDING:** This criterion is met.

**B. Conditional Uses**

A conditional use permitted in the underlying zone in which the PUD is located may be allowed as a part of the PUD upon payment of the required application fee and approval by the Commission as per Chapter 16.82.

**ANALYSIS:** A Conditional Use permit is not required for the proposal.

**FINDING:** This criterion does not apply.

**C. Development Standards**

**1. Density**

The number of dwelling units permitted in a Residential PUD is the same as that allowed in the underlying zoning district, except as provided in Sections 16.40.040.D and 16.40.050.C.2.

**2. Density Transfer**

Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed.

**3. Minimum Lot Size**

The minimum lot size required for single-family, detached dwellings is 5,000 square feet, unless the subject property is either:

- a. Located within the High Density Residential zone (HDR). In that case, there is no minimum lot size provided the applicant demonstrates that the proposal meets the purpose and intent of the Zoning and Development Code and the Sherwood Comprehensive Plan until February 4, 2015.
- b. Or qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size.

**ANALYSIS:** The proposal is for a 41-lot residential subdivision with a density of 3.34 units per acre. The proposed density meets the requirements of the VLDR-PUD zoning within the SE Sherwood Master Plan area. No density transfers or reductions to the minimum lot sizes are proposed.

**FINDING:** These criteria are met.

**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 (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.

The 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.

**ANALYSIS:** The plans submitted by the applicant do not show clear vision areas as required by this section. Clear vision areas are required on the corners of each intersection in the subdivision, including where public and private streets intersect.

**FINDING:** These standards are met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL B1:** Prior to Final Plat Approval, show a clear vision area on the corners of each street intersection in accordance with SZCDC § 166.58.010 Clear Vision Areas.

**RECOMMENDED CONDITION OF APPROVAL B2:** Prior to Final Development Plan approval, provide a detailed landscaping plan that does not conflict with the planting requirements for Clear Vision Areas in SZCDC § 166.58.010(C).

## **Chapter 16.60 - YARD REQUIREMENTS**

### **16.60.010 - Through Lots**

**On a through lot the front yard requirements of the zone in which such a lot is located shall apply to the street frontage where the lot receives vehicle access; except where access is from an alley, the front yard requirements shall apply to the street opposite the alley.**

**ANALYSIS:** The applicant is proposing two through lots (Lots 30 and 31). Both lots will take access from Tract D and the front yard requirements will be apply to this frontage as shown on the Preliminary Plat.

**FINDING:** This standard is met.

### **16.60.020 - Corner Lots**

**On a corner lot, or a reversed corner lot of a block oblong in shape, the short street side may be used as the front of the lot provided:**

- A. The front yard setback shall not be less than twenty-five (25) feet; except where otherwise allowed by the applicable zoning district and subject to vision clearance requirements.**
- B. The side yard requirements on the long street side shall conform to the front yard requirement of the zone in which the building is located.**

**ANALYSIS:** As part of the PUD overlay, the applicant is proposing a 15 ft. front setback and 15 ft. street side yard setback. This would provide the applicant the ability to utilize the short or long street side as the front with a 15 ft. setback. All garages will meet the minimum required setback of 20 ft.

**FINDING:** This standard is met.

### **16.60.030 - Yards**

- A. Except for landscaping, every part of a required yard (also referred to as minimum setback) shall be open and unobstructed from its lowest point to the sky, except that architectural features such as awnings, fire escapes, open stairways, chimneys, or accessory structures permitted in accordance with Chapter 16.50 (Accessory Structures) may be permitted when so placed as not to obstruct light and ventilation.**
- B. Where a side or rear yard is not required, and a primary structure is not erected directly on the property line, a primary structure must be set back at least three (3) feet.**



**ANALYSIS:** The Preliminary Plat shows approximate yard setbacks. Final compliance with the development standards including yard requirements will be reviewed and approved as part of the building permits for each lot.

**FINDING:** This standard will be met.

#### **16.60.040 - Lot Sizes and Dimensions**

- A. If a lot or parcel, or the aggregate of contiguous lots or parcels, recorded or platted prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot or aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located.**
- B. Exceptions**
  - 1. Residential uses are limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, a dwelling cannot be built on a lot with less area than thirty-two hundred (3,200) square feet, except as provided in Chapter 16.68.**
  - 2. Yard requirements of the underlying zone may be modified for infill developments as provided in Chapter 16.68 (Infill Development).**

**ANALYSIS:** The proposal is for a new residential subdivision that represents full build out of the site to current zoning standards. Exceptions to the lot sizes are not requested under this section.

**FINDING:** These standards do not apply.

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#### **16.50.060 Decks**

- A. Uncovered decks which are no more than 30 inches above grade may project into the required rear yard, but shall not be closer than five feet from the property line. If the ground slopes away from the edge of the deck, the deck height shall be measured at a point five feet away from the edge of the deck. Decks shall not be allowed in the required front or side yard setbacks.**
- B. Uncovered decks 30 inches above grade that require a building permit placed on properties adjacent to wetland or open space tracts that are publicly dedicated or in public ownership, may project into the required rear yard, but shall not be closer than ten (10) feet from the rear property line. All other decks will comply with the required setbacks for the underlying zoning district.**

**ANALYSIS:** As part the PUD approval, the applicant is proposing a 5 ft. reduction to the required rear setback for uncovered decks that 30 inches or more above grade on Lots 11 and 12. The exception has been granted and is addressed under Conditions of Approval A17 and A18. All other decks within the development shall comply with the applicable underlying accessory structure and deck setback requirements.

**FINDINGS:** Condition of Approval A17 and A18 grant a 5 ft. reduction to the rear setback requirement for uncovered decks that are 30 inches or move above grade for Lots 11 and 12.

## **DIVISION VII LAND DIVISION, SUBDIVISIONS, PARTITIONS...**

### **Chapter 16.120 - SUBDIVISIONS**

#### **16.120.010 - Purpose**

**Subdivision regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.**

#### **16.120.020 - General Subdivision Provisions**

- A. Approval of a subdivision occurs through a two-step process: the preliminary plat and the final plat.**
  - 1. The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and**
  - 2. The final plat shall reflect all conditions of approval of the preliminary plat.**

**ANALYSIS:** A Preliminary Plat (Exhibit A1 – Sheet 4) for has been submitted for approval. The final plat will be reviewed and approved by the Planning Commission with the PUD Final Development Plan. The applicant is required to comply with all of the conditions of approval of the preliminary plat.

**FINDING:** This criterion will be met.

- B. All subdivision proposals shall conform to all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.**

**ANALYSIS:** State regulations set forth in ORS Chapter 92 are implemented through the City's Municipal Code. The application meets or is conditioned to meet all applicable sections of the code as described in this report.

**FINDING:** This criterion is met.

**C. Future re-division**

**When subdividing tracts into large lots, the Approval Authority shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this Division.**

**ANALYSIS:** The proposal is for a 41-lot residential subdivision with an average lot size of approximately 11,094 SF. The development represents full build out of the parent parcels and future re-division is not feasible under the existing zoning.

**FINDING:** This criterion is met.

**D. Future Partitioning**

**When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.**

**ANALYSIS:** As described above, the proposal represents full land division of the three (3) parent parcels. No large lots will remain and future re-division is not feasible under the existing zoning.

**FINDING:** This criterion is met.

**E. Lot averaging**

**Lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district subject to the following regulations:**

- 1. The average lot area for all lots is not less than allowed by the underlying zoning district.**
- 2. No lot created under this provision shall be less than 90 % of the minimum lot size allowed in the underlying zoning district.**
- 3. The maximum lot size cannot be greater than 10 % of the minimum lot size.**

**ANALYSIS:** The minimum lot size for the VLDR-PUD zone is 10,000 SF and all 41 lots meet the minimum area requirement outright. Lot size averaging is not required.

**FINDING:** This standard does not apply.

**F. Required Setbacks**

**All required building setback lines as established by this Code, shall be shown in the preliminary subdivision plat.**

**ANALYSIS:** The Preliminary Plat shows the tentative building setback lines for each lot. The applicant has requested exceptions to the setback requirements for certain lots, as shown in the table below.

<b>Development Standard by Residential Zone-</b>	<b>VLDR-PUD</b>	<b>Proposed</b>
Minimum Lot Area	10,000 SF	10,000
Minimum Lot width at front property line	25 ft.	13 ft. 3 in. for lot 41 only (existing house)
Minimum Lot width at building line	None	-
Lot Depth	None	-
Maximum Height	30 ft. or 2 stories	30 ft. or 2 stories
Front yard setback	20 ft.	15 ft.
Face of garage setback	20 ft.	20 ft.
Interior side yard setback	5 ft.	5 ft.
Corner lot street side setback	20 ft.	15 ft. for all corner lots
Rear yard setback	20 ft.	20 ft., except 15 ft. for uncovered decks on lots 11 & 12

The applicant’s narrative states the exceptions are requested as part of the PUD approval *“due to the topography, geography, and the fact that future right-of-way will be dedicated creating future corner lots, the applicant would like to have the flexibility to place the houses as close to the front and street as possible to avoid grading and site disturbance... The setback modification request provides flexibility to place the houses and driveways on the lots in the flattest areas possible, some of which are right at the street.”*

**FINDING:** This criterion is met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL B3:** Prior to final plat approval, show the final building setbacks and lot orientation in accordance with the Sherwood Zoning & Community Development Code as amended by the PUD overlay.

**G. Property Sales**

**No property shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to this Code.**

**ANALYSIS:** The applicant's narrative acknowledges that individual lots may not be disposed of, transferred, or sold until the final plat application is approved and the final subdivision plat is recorded.

**FINDING:** This criterion is met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL A14:** No property created by the subdivision approval shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to Sherwood Zoning & Community Development Code.

**16.120.030 - Approval Procedure-Preliminary Plat**

**A. Approval Authority**

- 1. The approving authority for preliminary and final plats of subdivisions shall be in accordance with Section 16.72.010 of this Code.**
  - b. A subdivision application for 11-50 lots will follow a Type III review process.**

**ANALYSIS:** The 41-lot subdivision is being processed concurrently with the Type V PUD approval request with the City Council as the Hearing Authority.

**FINDING:** This criterion is met.

- 2. Approval of subdivisions is required in accordance with this Code before a plat for any such subdivision may be filed or recorded with County. Appeals to a decision may be filed pursuant to Chapter 16.76.**

**ANALYSIS:** The applicant's narrative acknowledges approval from the City is required prior to recording the plat.

**FINDING:** This criterion is met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL A15:** Prior to submitting the plat to Washington County for review, the applicant shall obtain Final plat and Final Development Plan approval from the City of Sherwood.

**B. Phased Development**

- 1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat.**
- 2. The criteria for approving a phased subdivision review proposal are:**
  - a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;**
  - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:**
    - (1) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and**
    - (2) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.**
- 3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.**

**ANALYSIS:** The applicant's narrative states the subdivision is proposed to be developed in one phase.

**FINDING:** This criterion does not apply.

**16.120.040 - Approval Criteria: Preliminary Plat**

**No preliminary plat shall be approved unless:**

- 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.**

**ANALYSIS:** The Preliminary Plat shows the proposed street network. The new lots will be served by an extension of an existing public street, the creation of a new public

street, and three new private street tracts (Tract D, E, and F). The plans include profiles for each new public and private street showing widths, alignments, and grades. All new public and private streets have been placed to conform to the plats approved for adjoining properties while meeting sight distance and intersection spacing standards.

A portion of the new public street through the subdivision and a portion of Lots 19 and 20 are identified as Tract E of the Denali Meadows subdivision. This tract of land will be created with the recording of the plat for Denali Meadows. The Denali Meadows plat will need to be recorded prior to the plat recording for the subject application (Denali Summit).

**FINDING:** This criterion is met.

**RECOMMENDED CONDITION OF APPROVAL B4:** Prior to Subdivision Plat Approval, either the subdivision plat for the Denali Meadows development shall be recorded with Washington County Surveyor's Office or the portion of property currently belonging to the development to the west (Denali Meadows) that is included with this subject development shall be partitioned off from the property to the west (Denali Meadows) or a property line adjustment be performed between the properties conveying that portion of the western property to one of the eastern properties.

- 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.**

**ANALYSIS:** The applicant is proposing three new private streets (Tracts D, E, and F) as shown on the Preliminary Plat. The subdivision is being developed by two developers with two separate Homeowners Associations (HOA). The applicant has submitted draft Covenants, Conditions, and Restrictions that address ownership and maintenance responsibilities for the private streets.

**FINDING:** This criterion is met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL B5:** Each developer shall record final CC&Rs describing the reservations, restrictions, and maintenance responsibilities for the private street tracts.

- 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).**

**ANALYSIS:** As described in this report, the proposal complies or is conditioned to comply with all applicable standards and provisions of the Sherwood Zoning and Community Development Code.

**FINDING:** This criterion is met.

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

**ANALYSIS:** As described in the City of Sherwood Engineering comments (Exhibit B1) and in the findings for Division VI Public Infrastructure below, there is adequate water, sanitary sewer, and other public facilities to support the use of land proposed in the plat.

**FINDING:** This criterion is met.

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

**ANALYSIS:** There are no contiguous parcels to the development under the same ownership.

**FINDING:** This criterion does not apply.

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

**ANALYSIS:** The adjoining land to the north is a 12.4-acre parcel with an existing single-family home. The parcel is within the SE Sherwood Master Plan and the applicant has submitted a Neighborhood Circulation Map (Exhibit A1 – Sheet 15) that demonstrates how adjoining property can be developed under the VLDR-PUD zoning standards.

Both public streets will be stubbed to the adjoining property to the north. In order to serve all of the lots with a gravity sanitary sewer and storm sewer system, the development will require fill near the north and northeast ends of the site. As a result, the new public street stub requires approximately 15 ft. of fill at the north end of the development site. The applicant has provided a Future Street Plan and Profile (Exhibit A1 – Sheet 13) that shows how the street can be extended through the property to the north.

**FINDING:** This criterion is met.



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

**ANALYSIS:** The applicant has submitted a Tree Preservation and Removal Plan (Exhibit A1 – Sheet 3) which shows the location, size, and species of trees on the site. Tree protection requirements are described in detail in SZCDC § 16.142.070.

**FINDING:** This criterion is met.

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

**ANALYSIS:** The Preliminary Plat (Exhibit A1 – Sheet 4) clearly shows the proposed lot numbers, setbacks, dedications, and easements.

**FINDING:** This criterion is met.

- I. A minimum of five percent (5%) open space has been provided per Section 16.44.010.B.8 (Townhome-Standards) or Section 16.142.030 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.**

**ANALYSIS:** The minimum 5% open space requirement for single-family residential subdivisions is superseded by the 15% open space requirement for the PUD. This criterion is met as addressed in the PUD findings.

**FINDING:** This standard is met as described in 16.40.020(C)(2).

#### **16.120.050 - Final Subdivision Plat**

**A. Procedure**

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

**B. Extensions**

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

**C. Approval Criteria: Final Plat**

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**ANALYSIS:** The subject application is for preliminary plat approval. The final plat will be reviewed as part of the Final Development Plan application. Final subdivision approval means meeting all conditions from the land use approval, review and approval by the County, and City signature of the mylars.

**FINDINGS:** These criteria are met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL A4:** 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.

**16.120.060 - Improvement Agreement**

**A. Subdivision Agreement**

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

**B. Performance Security**

The subdivider is required to provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the improvements.

**16.120.070 - Bond**

- A. **Performance guarantee required. As required by Section 16.120.060, the subdivider shall file with the agreement an assurance of performance supported by one of the following:**
1. **A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated or cash.**
  2. **Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.**
  3. **Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.**
  4. **When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit for reimbursement.**
  5. **Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.**

**ANALYSIS:** The application is for a subdivision and a subdivision agreement and performance guarantee are required. Public improvement assurances are established through the Engineering Compliance Agreement.

**FINDINGS:** These criteria are met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL D1:** Prior to Site Disturbance, the applicant shall obtain an Engineering Compliance Agreement from the City of Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL C1:** Prior to Issuance of an Engineering Compliance Agreement, final engineering plan approval by the Sherwood Engineering Department is required.

**RECOMMENDED CONDITION OF APPROVAL G2:** Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements and water quality/hydro-modification facilities meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL F4:** Prior to Issuance of Any Home Building Permits, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.

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## **Chapter 16.128 - LAND DIVISION DESIGN STANDARDS**

### **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.**

**ANALYSIS:** The Neighborhood Circulation Map (Exhibit A1 – Sheet 16) shows how the proposed block can be extended through the property to the north and ultimately connect to Upper Roy St. as a four-way intersection. The map shows how the adjoining property to the north can be developed under the density of the VLDR-PUD zoning and as envisioned by the SE Sherwood Master Plan.

**FINDING:** This standard is met.

##### **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.**

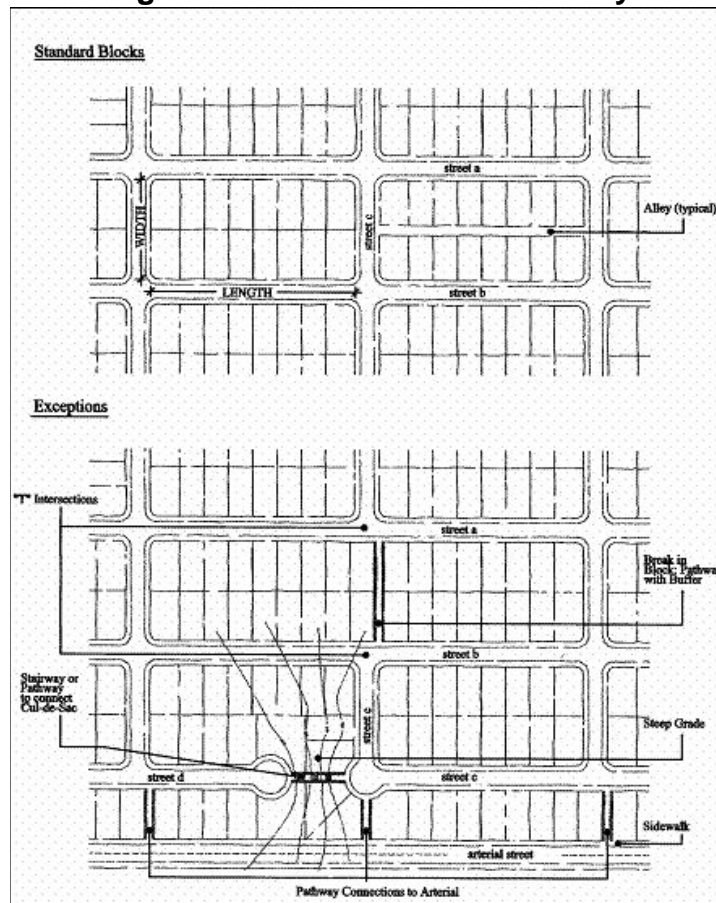
**ANALYSIS:** A new public street is proposed along the east side of the development site between Ironwood Lane to the south and the private property line to the north. The Neighborhood Circulation Map shows how the public street can be extended through the property to the north, ultimately curving and connecting with SW Upper R40oy St. to the west. The proposed public street length for vehicles through the subject site is approximately 1,200 linear feet. The applicant has requested a Transportation Facility Modification for an exception to the block length standard due to the retention of existing homes and the site's undulating topography and rocky terrain.

The applicant is proposing to break up the block length for pedestrians by providing two east-west pedestrian connections between the new block being formed by the public streets. The first connection will allow pedestrians to travel from SW Murdock Road in the west to Tract C at the eastern edge of the subject development site through a system of open space tracts (Tracts A and C of the Denali Summit subdivision and Tracts A and D of the Denali Meadows subdivision). The second connection between the two new public streets of Denali Meadows and Denali Summit will be through Tracts E and F (private streets) of the subject development. The tracts will be connected with an 15 ft. wide pedestrian access easement. Findings for the Transportation Facility Modification are described in SZCDC § 16.106.020(E).

**FINDING:** This standard is met as approved under the findings for the Transportation Facility Modifications SZCDC § 16.106.020(E).

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.**

**Figure 7.401 — Block Connectivity**



**ANALYSIS:** The applicant’s narrative states *“Sidewalks are being provided on both sides of the proposed public street, as well as along the north side of SW Ironwood Lane. A soft trail (i.e. wood chip) will be provided in Tract A, and a paved pedestrian connection will be made between Tracts E and F. Bollards will be placed in Tracts E and F to prevent motor vehicles from using the pedestrian connections.”* Staff concurs with this analysis. A connected pedestrian system has been provided in accordance with the figure above.

**FINDING:** This standard is met.

- 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.**

**ANALYSIS:** The development proposal will require an extension of public main line utilities throughout the site including sanitary sewer, storm sewer, water, and franchise utilities. The applicant has provided a Preliminary Utility Plan (Exhibit A1 – Sheet 14) that shows public utilities will be located within the new public streets and private tracts and lots as required to serve the development. An 8 ft. wide Public Utility Easement is also provided along the frontage of each lot.

**FINDING:** This standard is met.

- 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.**

**ANALYSIS:** The applicant has provided a Preliminary Grading & Erosion Control Plan (Exhibit A1 – Sheet 5) that shows the development generally conforms to the existing natural topography. Grading and fill is required in order to provide public infrastructure such as streets and underground utilities, in addition to leveling building pads for individual homes. Stormwater will be collected and conveyed in underground pipes within streets and public utility easements to a stormwater facility (Tract B) at the southern corner of the site.

**FINDING:** This standard is met.

### **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.**

**ANALYSIS:** As described above, the applicant is proposing two mid-block pedestrian pathways that will break up the large block created by the subdivision to provide adequate pedestrian circulation. The design of the pedestrian system builds on the amenities provided in the adjacent Denali Meadows subdivision, and provides an integrated and well-connected pedestrian system.

**FINDING:** This standard is met.

### **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:**

**ANALYSIS:** The Preliminary Plat shows the proposed lot size, width, shape, and orientation. Grading of the site will provide new public infrastructure and prepare each lot for a new single-family residence. The proposed lot sizes and shapes are appropriate for the topography of the area.

**FINDING:** This criterion is met.

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

**ANALYSIS:** Each lot will be served by public sewer and water.

**FINDING:** This standard does not apply.

#### **B. Access**

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

**ANALYSIS:** The applicant's narrative states *"As part of this PUD proposal, the Applicant is proposing three (3) short private streets (i.e. Tracts D, E, and F). Through the PUD process, the Applicant is requesting a design modification to allow for up to six (6) lots to be served by a private street. These short private streets are necessary due to the sloping and rocky topography of the site.*

*The proposed private streets will be owned and maintained by the Homeowners Association (HOA) and recorded as Tracts on the final plat. In addition, the proposed private streets will be distinguished from the public street by being narrower in width, signed differently, and include the works "Private Street", as required by the above criterion. Lastly, "No Parking" signs will be included on one side of each proposed private street in order to maintain a travel land for emergency vehicles."*

Staff concurs with the applicant's analysis. Findings for the Transportation Facility Modification are described in SZCDC § 16.106.020(E).

**FINDING:** This standard is met as approved under the findings for the Transportation Facility Modifications SZCDC § 16.106.020(E).

**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.**

**ANALYSIS:** Double frontage lots are those that have frontage on two streets that run parallel or roughly parallel. The applicant is requesting the use of double frontage lots as part of the PUD approval. Both lots will take access from and face Tract D with their rear yard facing Tract E.

**FINDING:** This standard is met.

**D. Side Lot Lines 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.**

**ANALYSIS:** As shown in the Preliminary Plat (Exhibit A1 – Sheet 4) side lot lines run at right angles to the public or private street upon which the lot faces, as far as practicable. Where curves exist in the street, the side lot lines are radial to the curve of the street as far as practicable.

**FINDING:** The 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.**

**ANALYSIS:** The Preliminary Grading and Erosion Control Plan (Exhibit A1 - Sheet 5) shows the proposed grade of building sites on each individual lot. Each lot has a building pad that complies with the grades above.

**FINDING:** This standard is met.

## **DIVISION V COMMUNITY DESIGN**

### **Chapter 16.92 – LANDSCAPING**

#### **16.92.010-Landscaping Plan Required**

**All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.**

**ANALYSIS:** The proposal is for a residential PUD and subdivision, which does not require Site Plan review pursuant to SZCDC § 16.90.020. The sections of this chapter that pertain to Site Plan review are omitted. The sections applicable to subdivisions (e.g. open space landscaping) are addressed below.

**FINDING:** This criterion is met.

#### **16.92.020 Landscaping Materials**

##### **A. Type of Landscaping**

**Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.**

##### **1. Ground Cover Plants**

- a. **All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for**

- ground cover, but is allowed in addition to the ground cover plants.
    - b. Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.
  - 2. Shrubs
    - a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.
    - b. Shrubs must be at least the one-gallon container size at the time of planting.
  - 3. Trees
    - a. Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.
    - b. Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.
- B. Plant Material Selection and Preparation
  - 1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.
  - 2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

**ANALYSIS:** The applicant has submitted an Open Space Landscaping Plan and Street Tree Plan (Exhibit A1 – Sheets 16 & 17). New landscaping is proposed within Tracts A and C and street trees are proposed along all public streets. The plans are preliminary in nature and compliance with the detailed landscaping requirements above will be required with the Final Development Plan application.

**FINDING:** These standards are met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL B6:** Prior to Final Development Plan approval, submit revised plans that provide the location and quantity of landscaped open space areas in accordance with SZCDC § 16.92.020.

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### **16.92.030 Site Area Landscaping and Perimeter Screening Standards**

#### **D. Visual Corridors**

**Except as allowed by subsection 6. above, new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Chapter 16.142 ( Parks, Trees, and Open Space). Properties within the Old Town Overlay are exempt from this standard.**

**ANALYSIS:** The development site has approximately 40 ft of frontage along SW Murdock Road (arterial) which is currently provides driveway access to Tax Lot 200. SW A visual corridor is not required along this 40 ft. of frontage because it will be dedicated to the City as right-of-way for the future extension of SW Upper Roy St. All other streets created or extended as part of the development will be local residential streets and do not require a visual corridor.

**FINDING:** This criterion is met.

### **16.92.040 Installation and Maintenance Standards**

#### **A. Installation**

**All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.**

#### **B. Maintenance and Mitigation of Landscaped Areas**

- 1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.**
- 2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.**
- 3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, (Parks, Trees and Open Space).**

**ANALYSIS:** The applicant has submitted an Open Space Landscaping Plan and Street Tree Plan (Exhibit A1 – Sheets 16 & 17). The plans are preliminary in nature and

compliance with the installation and maintenance requirements above will be required with the Final Development Plan application.

**FINDING:** These standards are met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL B7:** Prior to Development Plan approval, submit revised plans that provide installation and maintenance details in accordance with SZCDC § 16.92.040.

**C. Irrigation**

**The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas must provide an irrigation system, as stated in Option 1, 2, or 3.**

- 1. Option 1: A permanent built-in irrigation system with an automatic controller installed.**
- 2. Option 2: An irrigation system designed and certified by a licensed landscape architect or other qualified professional as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The system does not have to be permanent if the plants chosen can survive independently once established.**
- 3. Option 3: Irrigation by hand. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.**

**ANALYSIS:** The plans indicate that a permanent automatic underground irrigation system will be installed by the contractor.

**FINDING:** This standard is met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL G3:** Prior to Acceptance of the Public Improvements, all common landscaped areas must have an irrigation system in accordance with SZCDC § 16.92.040(C).

**Chapter 16.94 OFF-STREET PARKING AND LOADING**

**16.94.010 General Requirements**

**A. Off-Street Parking Required**

**No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or**

**that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.**

**ANALYSIS:** The proposal is for a 41-lot single family detached residential subdivision. SZCDC § 16.94.020 requires one (1) off street parking space per dwelling unit for single family and two-family residences on a lot. The applicant is proposing a minimum of one off-street parking space located on the private driveway of each property. The driveway and parking space will be permitted and constructed as part of the building permit process for each house. The proposal meets the applicable sections of this chapter, as described and conditioned below.

**FINDING:** This criterion is met.

**B. Deferral of Improvements**

**Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred twenty five (125) percent of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within one (1) year, the security may be used by the City to complete the installation.**

**ANALYSIS:** The application is for land use approval and does not include issuance of building permits. Off-street parking will be provided at time of home construction on individual lots.

**FINDING:** This standard is met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL H1:** Prior to occupancy of each residence, one off-street parking space per dwelling unit shall be provided. Each driveway shall be 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.

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**E. Location**

- 1. Residential off-street parking spaces:**
  - a. Shall be located on the same lot or development as the residential use.**
  - b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).**
- 2. For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.**
- 3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.**
  - a. All new development with forty (40) employees or more shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.**
  - b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.**

**ANALYSIS:** Residential off-street parking spaces are required to be on the same lot as the residential use and cannot include garages or structures unless part of a multi-family development. The applicant is proposing a minimum of one off-street parking space to be located in the driveway of each lot.

**FINDING:** These standards are met.

**F. Marking**

**All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.**

**ANALYSIS:** The off-street parking spaces will be located on the private driveway of each lot and marking is not required.

**FINDING:** This standard does not apply.

**G. Surface and Drainage**

- 1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.**
- 2. Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official.**

**ANALYSIS:** Private driveways will be installed during construction of each residential lot. Each lot will have a lateral for storm water discharge to the new public main that will be installed in the street. Grading, erosion control, and storm discharge details will be reviewed and approved after land use approval.

**FINDING:** This standard is met.

**H. Repairs**

**Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired. Broken or splintered wheel stops shall be replaced. Painted parking space boundaries and directional symbols shall be maintained in a readable condition.**

**ANALYSIS:** Once constructed, driveways and parking space maintenance will be the responsibility of individual property owners.

**FINDING:** This standard is met.

**I. Parking and Loading Plan**

An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals, except for single and two-family dwellings, and manufactured homes on residential lots. The plan shall show but not be limited to:

1. Delineation of individual parking and loading spaces and dimensions.
2. Circulation areas necessary to serve parking and loading spaces.
3. Location of accesses to streets, alleys and properties to be served, and any curb cuts.
4. Landscaping as required by Chapter 16.92.
5. Grading and drainage facilities.
6. Signing and bumper guard specifications.
7. Bicycle parking facilities as specified in Section 16.94.020.C.
8. Parking lots more than one (1) acre in size shall provide street-like features including curbs, sidewalks, and street trees or planting strips.

**ANALYSIS:** The proposal is for a single-family residential subdivision and a parking plan is not required.

**FINDING:** This section is not applicable.

**J. Parking Districts**

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision. Structured parking and on-street parking are exempt from the parking space maximums in Section 16.94.020.A.

**ANALYSIS:** The proposal is for a single-family residential subdivision. The surrounding property in all directions is zoned for residential or agricultural uses and a parking district is not proposed or required at this time. If parking becomes an issue in the future, the City may implement a parking district plan at that time.

**FINDING:** This section is not applicable.

**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.

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

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

<sup>3</sup> If the street on which the house has direct access does not permit on-street parking or 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.

**ANALYSIS:** The proposal is for a 41-lot single-family residential subdivision. One (1) off-street parking space is required per lot. The applicant is proposing one off-street parking space per lot which will be located in the private driveway serving each residence. Condition of Approval H1 above requires parking spaces to be installed prior to occupancy of each residence.

The new streets are proposed as a 28' standard residential street with on-street parking allowed on at least one side. Figure 16D of the City's Transportation System Plan (TSP) indicates parking can be allowed on both sides of the street "if it can be demonstrated that curb cuts make up at least 40% of the street frontage". For this development parking is anticipated on one side of the street only. Street signage details will be reviewed and approved as part of the Engineering Plan Review.

**FINDING:** This standard is met.

**B. Dimensional and General Configuration Standards**

1. **Dimensions** For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.

**ANALYSIS:** This criterion is met by Condition of Approval H1.

**FINDING:** This standard is met by condition of approval H1.

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## **Chapter 16.96 - ONSITE CIRCULATION**

### **16.92.010 – On-Site Pedestrian and Bicycle Circulation**

#### **A. Purpose**

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

**ANALYSIS:** The proposal is for a PUD and subdivision and this section applies. As shown on the Preliminary Plat (Exhibit A1 – Sheet 4), the subdivision will provide continuous pathway system that provides safe and convenient access to neighborhood activity centers, namely the proposed park system. The pedestrian circulation system has also been designed to connect to the pathway system on adjacent developments including Denali Meadows to the west and Denali Lane to the east.

**FINDING:** This criterion is met.

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#### **F. Access to Major Roadways**

**Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, 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 and arterial roadways. 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.**
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 or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.**

**G. Service Drives**

**Service drives shall be provided pursuant to Section 16.94.030.**

**ANALYSIS:** The site does not have frontage on Hwy 99 or another arterial. Service drives are also not proposed.

**FINDING:** These standards are met.

**16.96.020 Minimum - Residential standards**

**Minimum standards for private, on-site circulation improvements in residential developments:**

**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.**

**ANALYSIS:** The applicant's narrative indicates each lot will have a driveway. This criterion is met by Condition of Approval H1.

**FINDING:** This criterion is met by Condition of Approval H1.

\*\*\*

**16.96.040 - On-Site Vehicle Circulation**

**A. Maintenance**

**No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.**

**ANALYSIS:** Vehicle circulation requirements are being reviewed as part of this application and will be reviewed in more detail through a public improvement plan review by the City's engineering department.

**FINDING:** This criterion is met.

**B. Joint Access [See also Chapter 16.108]**

**Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfy the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use. In some cases, the City may require a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.**

**ANALYSIS:** Access to individual lots will be provided via two public streets and three private street tracts. Details on each street are provided in the plan set. Public streets will be maintained by the City while private street tracts will be maintained by the HOA. Use and maintenance responsibilities for the tracts are described in the draft CC&Rs for each development (Exhibit A3).

**FINDING:** This standard is met.

**C. Connection to Streets**

- 1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.**
- 2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.**

**ANALYSIS:** As part of the PUD approval, the applicant is proposing to provide vehicle access via a combination of public and private streets. Private sidewalks will be provided in the open space tracts as shown in the plans.

**FINDING:** These standards are met.

## **DIVISION VIII ENVIRONMENTAL RESOURCES**

### **Chapter 16.142 Parks, Trees and Open Space**

#### **16.142.010 - Purpose**

**This Chapter is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of Chapter 5 of the Community Development Plan Part 2. The standards of this section do not supersede the open space requirements of a Planned Unit Development, found in Chapter 16.40 - Planned Unit Development (PUD).**

#### **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.**

**ANALYSIS:** The application includes PUD approval and the development is required to meet the 15% open space requirement of SZCDC § 16.40.020(C)(2). The applicant is providing approximately 14.98% open space as described above.

The plans show new walking paths will be provided in the open space areas. Additional details on open space and recreational amenities has not been provided. The applicant is encouraged to provide enhanced amenities in the open space including benches, covered picnic areas, and other recreation and leisure opportunities.

**FINDING:** This criterion is met.

- 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.**

**ANALYSIS:** Enhanced streetscapes are not proposed.

**FINDING:** This standard does not apply.

- 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.**

**ANALYSIS:** The applicant's narrative state *"The open space Tracts A, C, and G will be conveyed by conveying title to a homeowners' association that will be established as part of this project, with the City retaining the development rights to the open space. The terms of the title conveyance will include provisions for maintenance and property tax payment suitable to the City. Tract B will be conveyed to the City."*

Alternative B/C of the SE Sherwood Master Plan references a one-acre park near the center of the subject development. The 1.84-acres of open space provided in Tracts A, C, and G shall be open to the general public for use similar to a public park.

**FINDING:** This standard is met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL B8:** Prior to final plat approval, submit draft deeds for City review dedicating Open Space Tracts A, C, and G to the future HOAs. The deeds shall be recorded with the final plat.

**RECOMMENDED CONDITION OF APPROVAL B9:** Prior to final plat approval, submit draft CC&Rs to the City that describe how Open Space Tracts A, C, and G will be maintained by the future HOA. The final CC&Rs shall be recorded with the final plat.

**RECOMMENDED CONDITION OF APPROVAL B10:** All proposed open space tracts shall be available for use by the general public. Prior to final plat approval, submit draft CC&Rs to the City that describe Open Space Tracts A, C, and G as open to the general public.

**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.**

**ANALYSIS:** As described in the analysis and findings for SZCDC § 16.12.010 above, the density was calculated prior to removing or open space from the net buildable site.

**FINDING:** This criterion is met.

**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.**

**ANALYSIS:** The Future Acquisitions Map of the 2006 SE Sherwood Master Plan identifies the northeast portion of the development site as a potential expansion area for the Tualatin Valley National Wildlife Refuge. This area is described in the applicant's narrative on Page 42. In lieu of a park space matching the boundary shown in the Future Acquisitions Map, the applicant is proposing Tract C along the east boundary of the development site. Tract C is proposed at 1.4-acres and will provide active recreation and habitat for the area. Condition of Approval B10 above requires the open space to be open to the general public.

**FINDING:** This criterion is met.

**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.**

**ANALYSIS:** The development will provide approximately 1.84-acres of open space, including in areas identified for park acquisition in the Parks Master Plan.

**FINDING:** This criterion is met.

- 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.**

**ANALYSIS:** A residential partition is not proposed.

**FINDING:** This standard does not apply.

- 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*.**

**ANALYSIS:** The value of open space provided is eligible for Park SDC credits based on the methodology in the most current Parks and Recreation System Development Charges Methodology Report and as determined by the City Engineer.

**FINDING:** This criterion is met.

#### **16.142.040 - 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:**

	<u>Category</u>	<u>Width</u>
1.	Highway 99W	25 feet
2.	Arterial	15 feet
3.	Collector	10 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.**

**ANALYSIS:** The development site has approximately 40 ft of frontage along SW Murdock Road, identified as an arterial in the City's Transportation System Plan (TSP). However, the area will be used for the future extension of SW Upper Roy St. and the applicant will dedicate the area to the public for right-of-way purposes. All other streets created or extended as part of the development will be local residential streets and do not require a visual corridor.

**FINDING:** This criterion is met.

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#### **16.142.050 - Park Reservation**

**Areas designated on the Natural Resources and Recreation Plan Map, in Chapter 5 of the Community Development Plan, which have not been dedicated pursuant to Section 16.142.030 or 16.134.020, may be required to be reserved upon the recommendation of the City Parks Board, for purchase by the City within a period of time not to exceed three (3) years.**

**ANALYSIS:** The subject site is shown on the Natural Resources and Recreation Plan Map (Exhibit C2) as the Tonquin Scabland Geologic Area, including water areas and critical natural features. Park and open space requirements are being met through the PUD process, including providing approximately 1.84-acres of new open space. The open space will be available to the public as required by Condition of Approval B10 and will be maintained by the HOA.

**FINDING:** This criterion is met.

#### **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.

**ANALYSIS:** The applicant is proposing Red Sunset Maple and Village Green Zelkova for the street trees (Exhibit A1 – Sheet 17). The trees will be located within the sidewalk planter street of the new public streets. Both trees have a canopy spread of approximately 40 ft. and the applicant’s narrative states the trees will be installed at the required size and spacing. The final location of street trees will be determined with the final plat and final engineering plan review.

**FINDING:** These standards are met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL B11:** Prior to Final Development Plan 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.

#### **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.**

**FINDING:** The application is for a Type V PUD and Type III subdivision and this chapter applies.

**FINDING:** This criterion is met.

**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.**

**FINDING:** The applicant has submitted a Tree Preservation and Removal Plan (Exhibit A1 – Sheet 3) that shows existing trees on the site and the proposal for preservation or removal. Page 24 of the applicant’s narrative states that some trees in Open Space Tract A and all trees within Tract C will be preserved, however, few trees are mapped on the tree preservation plan in these areas. Based on recent satellite imagery (Exhibit C3), the eastern portion of the property contains vegetation and possibly trees that are not shown on the Tree Preservation and Removal Plan. A Condition of Approval is recommended below, which would require mapping and preservation of all trees within the proposed Open Space tracts.

Regarding trees within development areas, Page. 42 of the narrative states “*all existing trees and vegetation will remain to the extent possible, noting that areas disturbed for infrastructure development and construction of houses and driveways will need to be cleared of existing vegetation*”.

**FINDING:** These criteria are met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL B12:** Prior to Final Development Plan approval, revise the Tree Preservation and Removal Plan to show all existing trees within the proposed open space tracts.

**RECOMMENDED CONDITION OF APPROVAL B13:** Prior to Final Development Plan approval, an arborist report shall be provided for all trees within Open Space Tracts A, C, & G. Trees shall be protected and preserved through development unless the arborist report recommends removal. The Tree Protection Plan shall comply with the requirements of SZCDC § 16.142.070(G).

**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.**

**FINDING:** As required by Conditions of Approval B12 and B13 above, the applicant is required to map and preserve all trees within the open space areas unless removal is supported by an arborist report. All other trees on the site are located within road, utility, or buildable lot area and the applicant is proposing removal. The development is required to comply with section D.2. below and will be providing a 40% tree canopy over the site.

**FINDING:** This standard is met.

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  $\pi r^2$  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.

<b>Residential (single family &amp; two family developments)</b>	
<b>Canopy Requirement</b>	<b>40%</b>
<b>Counted Toward the Canopy Requirement</b>	
<b>Street trees included in canopy requirement</b>	<b>Yes</b>

<b>Residential (single family &amp; two family developments)</b>	
<b>Landscaping requirements included in canopy requirement</b>	<b>N/A</b>
<b>Existing trees onsite</b>	<b>Yes x2</b>
<b>Planting new trees onsite</b>	<b>Yes</b>

**ANALYSIS:** The proposal is for a single-family subdivision and the development is required to provide a 40% mature tree canopy over the net development site. The required canopy coverage can be met through preserving existing trees, new trees in common areas, and street trees.

SZCDC § 16.10 defines net developable site as *“Remaining area of a parent parcel after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses but not including preserved areas for tree stands which are not associated with wetlands, streams or vegetated corridors.”*

Gross site area	656,580 SF
Public right-of-way	-74,705 SF
Private streets	-18,960 SF
Open Space	-80,167 SF
<u>Water quality tract</u>	<u>-27,899 SF</u>
Net development area	454,849

(net development area)(0.40) = required tree canopy  
 (454,849)(0.40) = 181,940 SF

The development is required to provide 181,940 SF of mature tree canopy.

**FINDING:** This standard is met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL B14:** Prior to Final Development Plan approval, provide a landscape plan and tree canopy calculations that show how the tree canopy requirements of SZCDC § 16.142.070(D)(2) are met. A certified arborist or other qualified professional shall provide the estimated tree canopy.

4. **The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other**

policies and standards of the City Comprehensive Plan, and are:

- a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or
- b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or
- c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or
- d. Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or
- e. Otherwise merit retention because of unusual size, size of the tree stand, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.

**ANALYSIS:** The applicant is proposing to remove trees in areas that will be disturbed for infrastructure development and construction of houses and driveways. Existing trees within the planned open space areas will be retained. Conditions of Approval C12 and C13 above requires mapping and preservation of the open space trees.

**FINDING:** These criteria are met by Conditions of Approval C12 and C13.

5. **Tree retention requirements for properties located within the Old Town Overlay or projects subject to the infill standards of Chapter 16.68 are only subject to retention requirements identified in D.4. above.**

**ANALYSIS:** The subject site is not located in the Old Town Overlay or subject to the final standards.

**FINDING:** This section is not applicable.



6. **The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per subsection D of this Section, which may be removed or shall be retained as per subsection D of this Section and any limitations or conditions attached thereto.**

**ANALYSIS:** The final tree preservation plan will be reviewed and approved as part of the Final Development Plan. The Notice of Decision will include details as required above.

**FINDING:** This criterion will be met.

7. **All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.**

**ANALYSIS:** Tracts B will be dedicated to the City as a storm water facility. Storm water facilities require specific plantings for proper functioning and the existing trees in the area will be removed. No other areas containing trees will be dedicated to the City.

**FINDING:** This criterion is met.

- E. **Tree Preservation Incentive**  
**Retention of existing native trees on site which are in good health can be used to achieve the required mature canopy requirement of the development. The expected mature canopy can be calculated twice for existing trees. For example, if one existing tree with an expected mature canopy of 10 feet (78.5 square feet) is retained it will count as twice the existing canopy (157 square feet).**

**ANALYSIS:** Existing trees preserved on the site can be calculated twice in determining the canopy provided. Condition of Approval B14 above requires the applicant to provide a detailed landscaping plan showing compliance with the 40% canopy requirement.

**FINDING:** This criterion does not apply at this time.

**F. Additional Preservation Incentives**

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**G. Tree Protection During Development**

The applicant shall prepare and submit a final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or protected as per the Notice of Decision. Such plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist or other qualified professional. Any work within the dripline of the tree shall be supervised by the project arborist or other qualified professional onsite during construction.

**ANALYSIS:** Tree protection during development is required, as described above. A tree protection plan has not been provided as part of the application. This criterion is met by Condition of Approval B13.

**FINDING:** This criterion is met by Condition of Approval B13.

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**Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS\***

**16.144.010 - Generally**

Unless otherwise permitted, residential, commercial, industrial, and institutional uses in the City shall comply with the following wetland, habitat and natural area standards if applicable to the site as identified on the City's Wetland Inventory, the Comprehensive Plan Natural Resource Inventory, the Regionally Significant Fish and Wildlife Habitat Area map adopted by Metro, and by reference into this Code and the Comprehensive Plan. Where the applicability of a standard overlaps, the more stringent regulation shall apply.

**ANALYSIS:** A summary of the wetland, habitat, and natural areas found on the site is provided below. The proposal complies or is conditioned to comply with the applicable development code standards, as described in this report and as provided in the individual jurisdictional agency comments and conditions.

City's Wetland Inventory – the City's wetland inventory does not show wetlands on the development site. If wetlands are discovered on the site during development, the developer is responsible for obtaining all applicable wetland-related permits.

Comprehensive Plan Natural Resource Inventory – the subject site is shown on the Natural Resources and Recreation Plan Map (Exhibit C2) as the Tonquin Scabland Geologic Area, including water areas and critical natural features. Upon completion, the development will provide 1.84-acres of open space that allows public enjoyment of the area through recreation and scenic views. The remaining areas will be developed for new residential lots and public infrastructure.

Regionally Significant Fish and Wildlife Habitat Area – the subject site contains Class A Upland Habitat along the north and east property lines (Exhibit C4). Upland habitat was originally identified based on the existence of contiguous patches of forest canopy with limited openings.

**FINDING:** This chapter applies and compliance with specific requirements is addressed below.

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- C. When the Regionally Significant Fish and Wildlife Habitat map indicates there are resources on the site or within 50 feet of the site, the applicant shall provide plans that show the location of resources on the property. If resources are determined to be located on the property, the plans shall show the value of environmentally sensitive areas using the methodologies described in Sections 1 and 2 below. The Metro Regionally Significant Fish and Wildlife Habitat map shall be the basis for determining the location and value of environmentally sensitive habitat areas. In order to specify the exact locations on site, the following methodology shall be used to determine the appropriate boundaries and habitat values:**
- 2. Verifying boundaries of inventoried upland habitat. Upland habitat was identified based on the existence of contiguous patches of forest canopy, with limited canopy openings. The "forest canopy" designation is made based on analysis of aerial photographs, as part of determining the vegetative cover status of land within the region. Upland habitat shall be as identified on the HCA map. The perimeter of an area delineated as "forest canopy" on the Metro Vegetative Cover map may be adjusted to more precisely indicate the drip line of the trees within the canopied area.**

**ANALYSIS:** The subject site contains Class A Upland Habitat along the north and east property lines (Exhibit C4). Upland habitat was originally identified based on the existence of contiguous patches of forest canopy with limited openings.

The applicant's narrative states the significant vegetation in this area has been removed, however, aerial photographs indicate a patch of vegetation is present along the east property line (Exhibit C3). The applicant is proposing Tract C Open Space in this area. Conditions of Approval B12 and B13 requires mapping and preservation of the existing trees in the Open Space tracts.

Sensitive habitat areas are also regulated by Clean Water Services (CWS). The applicant has provided Service Provider Letter(s) for the development and the applicant is required to comply with all CWS regulations.

**FINDING:** This criterion is met by Conditions of Approval B12 and B13 and as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL A16:** The proposed development shall comply with the Conditions of Approval of the CWS Service Provider Letter.

## **DIVISION VI PUBLIC INFRASTRUCTURE**

### **Chapter 16.104 - GENERAL PROVISIONS (PUBLIC INFRASTRUCTURE)**

#### **16.104.020 - Future Improvements**

The location of future public improvements including water, sanitary sewer, storm water, streets, bicycle and pedestrian paths, and other public facilities and rights-of-way, as depicted in the Transportation System Plan (TSP) Chapters 4, 5, 6 and 7 of the Community Development Plan are intended as general locations only. The precise alignment and location of a public improvement shall be established during the land use process and shall be depicted on public improvement plans submitted and approved pursuant to § 16.108 and other applicable sections of this Code.

#### **16.104.030 - Improvement Procedures**

Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the Engineering Design Manual and installed in accordance with Chapter 16.108. The Council may establish additional specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan, a public improvements shall not be undertaken until land use approval has been granted, a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued.

**ANALYSIS:** The proposed public infrastructure is in the general location of the City’s TSP and Comprehensive Plan. The applicant has provided a Preliminary Utility Plan that provides additional detail on the location of the utilities. The plan set also includes public and private street locations and profiles. The final design and location of public infrastructure will be reviewed and approved by the Engineering Department after land use approval.

**FINDING:** This criterion is met.

**Chapter 16.106 - TRANSPORTATION FACILITIES**

**16.106.010 - Generally**

**A. Creation**

**Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional street classification, as shown on the Transportation System Plan (TSP) Map (Figure 17) and other applicable City standards. The following table depicts the guidelines for the street characteristics.**

<b>Type of Street</b>	<b>ROW Width</b>	<b>Number of Lanes</b>	<b>Minimum Land Width</b>	<b>On Street Parking Width</b>	<b>Bike Lane Width</b>	<b>Sidewalk Width</b>	<b>Landscape Strip (exclusive of curb)</b>	<b>Median Width</b>
<b>Local</b>	<b>52'</b>	<b>2</b>	<b>14'</b>	<b>8' on one side only</b>	<b>None</b>	<b>6'</b>	<b>5' with 1' buffer</b>	<b>None</b>

**ANALYSIS:** The City of Sherwood Engineering comments state the subject property has street frontage along SW Ironwood Lane (standard residential street) and will need to widen out any remaining street frontage improvements that are not up to the standard residential street standards and dedicate any right-of-way necessary to meet the standard residential standard. The subject property also has street frontage along a future street to be constructed within the Denali Meadows subdivision. The subject property will need to construct any remaining street frontage improvements that are not up to the standard residential street standards and dedicate any right-of-way necessary to meet the standard residential standard along this future street.

The subject property also has approximately 40 feet of frontage along SW Murdock Road at the intersection of SW Upper Roy Street. This frontage is due to a flag portion of the subject property. Since no access is being directly obtained from SW Murdock

Road from this flag for the proposed subdivision and since the subject property only contains a portion of the property necessary to construct the street (remaining right of way located on the property to the north) , a payment-in-lieu of constructing street improvements for the extension of SW Upper Roy Street to a standard residential section will be required of the developer. Right-of-way dedication within the subject property for the future SW Upper Roy Street will be required. Also it is anticipated that due to the grades in this area that a future wall will be required for the construction of the future street improvements. A wall easement within the subject property will be required to be dedicated along the street frontage of the extension of SW Upper Roy Street.

Since the subject property only has 40 feet of frontage along SW Murdock Road, undergrounding of overhead utilities would not be practical. Therefore a payment in lieu of undergrounding these utilities will be required.

The cost of the payment-in-lieu for the future SW Upper Roy Street extension street improvements shall consist of a payment to the city in the amount of 125% for future street improvements within the subject property for the following items:

1. Excavation.
2. Geotextile fabric.
3. Base rock.
4. Curb and gutter.
5. Sidewalk.
6. Street trees.
7. Retaining wall.
8. Undergrounding overhead utilities (40').
9. Street light (1/2 of 1 street light).

The new street to be constructed within the eastern portion of the subject property will stub to the property to the north for future extension of the street. This street will end in a fill of approximately 15 feet in height resulting in a wall at the end of the street. It may be necessary to stop this street short of the north property line to minimize future fill impacts within the property to the north while still being able to provide storm sewer service for the public street. A payment-in-lieu shall be made to the city in the amount of 125% for future street improvements to extend the street to the northern property line for the following items:

1. Fill.
2. Geotextile fabric.
3. Base rock.
4. Curb and gutter.
5. Sidewalk.
6. Street trees.

The above payment-in-lieu funds will be set aside in a dedicated account for the future development of the property to the north.

**FINDING:** These criteria are met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL E1:** Prior to Approval of Engineering Public Improvement Plans, the developer shall design for street widening improvements along the subject property frontage of SW Ironwood Lane to meet a standard residential street section meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL E2:** Prior to Approval of Engineering Public Improvement Plans, the developer shall design for right-of-way dedication required to encompass the street widening improvements along the subject property frontage of SW Ironwood Lane meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL E3:** Prior to Approval of Engineering Public Improvement Plans, the developer shall design public streets interior to the development including street lighting to meet a city standard residential street section meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL E4:** Prior to Approval of Engineering Public Improvement Plans, the developer shall design for right-of-way dedication required to encompass the public interior street improvements meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL G4:** Prior to Acceptance of Public Improvements, the developer shall dedicate required street right-of-way and public easements via a recorded subdivision plat and shall have all platted monuments installed. This includes right-of-way, PUE and public wall easement for the future extension of SW Upper Roy Street.

**RECOMMENDED CONDITION OF APPROVAL E5:** Prior to Approval of Engineering Public Improvement Plans, the developer shall make a payment-in-lieu for the future extension of SW Upper Roy Street in the amount of 125% an engineer's estimate meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL E6 :** Prior to Approval of Engineering Public Improvement Plans, the developer shall make a payment-in-lieu for the future extension of the new interior street for the proposed subdivision for the amount of street left short of the northern property line in the amount of 125% an engineer's estimate meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL G5:** Payment-in-lieu funds for future street improvements shall be set aside in a dedicated city account to be paid toward the future development of the property to the north.

**B. Street Naming**

1. All streets created by subdivision or partition will be named prior to submission of the final plat.
2. Any street created by a public dedication shall be named prior to or upon acceptance of the deed of dedication.
3. An action to name an unnamed street in the City may be initiated by the Council or by a person filing a petition as described in this Section.
4. All streets named shall conform to the general requirements as outlined in this Section.
5. At the request of the owner(s), the City may approve a private street name and address. Private streets are subject to the same street name standards as are public streets. All private street signs will be provided at the owner(s) expense.

**C. Street Name Standards**

1. All streets named or renamed shall comply with the following criteria:
  - a. Major streets and highways shall maintain a common name or number for the entire alignment.
  - b. Whenever practicable, names as specified in this Section shall be utilized or retained.
  - c. Hyphenated or exceptionally long names shall be avoided.
  - d. Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.
  - e. Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.
2. The following classifications (suffixes) shall be utilized in the assignment of all street names:
  - a. Boulevards: North/south arterials providing through traffic movement across the community.
  - b. Roads: East/west arterials providing through traffic movement across the community.
  - c. Avenues: Continuous, north/south collectors or extensions thereof.
  - d. Streets: Continuous, east-west collectors or extensions thereof.



- e. **Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.**
  - f. **Lanes: Short east/west local streets under 1,000 feet in length.**
  - g. **Terraces: short north/south local streets under 1,000 feet in length.**
  - h. **Court: All east/west cul-de-sacs.**
  - i. **Place: All north/south cul-de-sacs.**
  - j. **Ways: All looped local streets (exceeding 180 degrees).**
  - k. **Parkway: A broad landscaped collector or arterial.**
- 3. **Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.**
  - 4. **All proposed street names shall be approved, prior to use, by the City.**

**D. Preferred Street Names**

**Whenever practicable, historical names will be considered in the naming or renaming of public roads. Historical factors to be considered shall include, but not be limited to the following:**

- 1. **Original holders of Donation Land Claims in Sherwood.**
- 2. **Early homesteaders or settlers of Sherwood.**
- 3. **Heirs of original settlers or long-time (50 or more years) residents of Sherwood.**
- 4. **Explorers of or having to do with Sherwood.**
- 5. **Indian tribes of Washington County.**
- 6. **Early leaders and pioneers of eminence.**
- 7. **Names related to Sherwood's flora and fauna.**
- 8. **Names associated with the Robin Hood legend.**

**STAFF ANALYSIS:** The proposal will extend a public street being constructed as part of the Denali meadows subdivision. The land use approval for Denali Meadows requires naming of the street in conformance with the standards above.

The new public street along the east side of the development site will continue to the north before curving west and creating a new intersection with SW Upper Roy St. Naming of this street is required prior to approval of the final plat.

**FINDING:** These criteria are met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL B15:** Prior to final plat approval, the new public street created by the subdivision between SW Ironwood Lane and the north property line of Tax Lot 100 shall be named in accordance with SZCDC § 16.106.010(B) – (D).

**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. Right-of-way requirements are based on functional classification of the street network as established in the Transportation System Plan, Figure 17.

**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.

**C. Proposed Streets**

1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.
2. **Half Streets:** When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer

**D. Extent of Improvements**

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.
2. If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:
  - a. A partial improvement is not feasible due to the inability to achieve proper design standards;

- b. A partial improvement may create a potential safety hazard to motorists or pedestrians.
- c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
- d. The improvement would be in conflict with an adopted capital improvement plan;
- e. The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or
- f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.

**ANALYSIS:** As described in the findings above, the applicant is required to dedicate public right-of-way and construct street improvements to serve the new residential lots. The applicant has provided a street plan and profile for each new proposed public and private street.

**FINDING:** These criteria are met.

**E. Transportation Facilities Modifications**

- 1. A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.
- 2. A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8 in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:
  - a. Reduced sight distances.
  - b. Vertical alignment.
  - c. Horizontal alignment.
  - d. Geometric design (length, width, bulb radius, etc.).
  - e. Design speed.

- f. **Crossroads.**
  - g. **Access policy.**
  - h. **A proposed alternative design which provides a plan superior to these standards.**
  - i. **Low impact development.**
  - j. **Access Management Plans**
- 3. Modification Procedure**
- a. **A modification shall be proposed with the application for land use approval.**
  - b. **A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.**
  - c. **When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.**

**ANALYSIS:** As part of the PUD approval, the applicant has requested various Transportation Facility Modifications in order to achieve the proposed street and lot layout. The modifications will allow development of the site under the densities envisioned by SE Sherwood Master Plan and VLDR-PUD zoning. The applicant's narrative states the PUD is warranted because development of the site requires soil remediation due to historic pollution. In addition, the site's undulating topography and basalt bedrock create challenges for site grading.

The applicant is requesting the following transportation facility design modifications:

- Modification to exceed the number of lots that can be served by a private street. The current limit in the code is two (2)
- Modification to exceed the maximum street and block length allowed for public streets
- Modification to reduce the intersection spacing required between Tract C of Denali Meadows & Tract F of the subject application
- Modification to reduce the intersection spacing required between Tracts D & E
- Modification to exceed maximum slope allowed for a street / driveway (Tract F)
- Modification to reduce curve radii required on a public street

Analysis and findings for these requests are provided in Exhibit A5 and in the sections below. The conditions for the recued curve radii have been modified from Exhibit A5 as described below.

**FINDING:** The applicant is seeking Transportation Facility Modifications for various aspects of the transportation system. Findings each requested modifications are provided in Exhibit A5 and in the section below.

4. **Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:**
  - a. **Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.**

**ANALYSIS:** The proposed modifications will enable development of the site at the density envisioned in the SE Sherwood Master Plan. The development will provide new public and private streets that implement Figure 18 Local Street Connectivity Map of the City's Transportation System Plan, as conditioned below. A new north-south street is shown in the general vicinity of the new public street proposed off SW Ironwood Ln. The Local Street Connectivity Map also shows an eastern extension of SW Upper Roy St. through the property to the north of the subject development. The applicant has provided a future street circulation plan (Exhibit A1 – Sheet 13) that shows how the two new street extensions can be connected when the property to the north is developed. Exhibit A1 – Sheet 15 shows how the future street system can be constructed given the grade and alignment requirements.

However, three of the proposed transportation-related modifications do not meet the approval criteria in this section and require a revised design and/or conditions of approval to meet the criteria. These modifications are:

- Reduced block length
- Number of single-family residential lots served by a private street
- Reduced speed and curve radii for public streets

Reduced block length and number of lots served by a private street

The applicant proposal of two 20 ft. wide private street tracts with a 5 ft. sidewalk on one side would result in design that does not accomplish the public safety and appearance requirements in the criterion above. Specifically, a full public street connection would provide two 6 ft. wide public sidewalks, two 5 ft. wide landscape strips, and street lighting. As proposed, the 5 ft. wide sidewalk does not show lighting and the pedestrian easement between Tracts E and F in lieu of the public street does not provide adequate

lighting or landscaping. Under the current design, the public safety and appearance requirements have not been met.

In order to meet the criterion above, the applicant is required to install pedestrian scale lighting along and between Tracts E and F to ensure the walkway provides adequate public safety at night. The pedestrian sidewalk and corridor shall also be contained within a public access easement to ensure the pathways remain open to the public. In order to provide adequate space and landscaping in the area between Tracts E and F, the cross section between the tracts shall meet the applicant's "Pedestrian Walkway" cross section shown Exhibit D4.

When the landscaped walkway is combined with the 5 ft. sidewalks along Tracts E and F, the result will be a design that overcomes the development challenges (access to existing homes, hard bedrock, soil contamination) while meeting the intent of the City's Development Code, Comprehensive Plan, and Transportation System Plan. The design will also provide a safe, functional, and aesthetically pleasing environment for pedestrians.

Condition of Approval B20 requires the design elements referenced above.

#### Reduced Curve Radii

The applicant is proposing a new public street which contains two 90 degree turns with a centerline radius of approximately 100 ft. When combined with the slope of the street ( $e = -2.5\%$ ), the maximum centerline radius for 25 mph speed limit roadway is 185 ft (Table IIa in Section 210.3(B) Engineering Design Manual). The applicant has therefore requested a Design Modification to reduce the speed limit to 20 mph which would allow a centerline turn radius of 100 ft.

The design of the proposed subdivision is constrained by several factors including topography, hard basalt bedrock, retention of the existing homes, and intersection / driveway spacing along SW Ironwood Lane. The constraints warrant the use of a tighter turn at two locations in order to allow full and efficient development of the site.

However, the proposed design is uncommon in the City and is a sharper curve than drivers are accustomed to. Although the curve will be signed for 20 mph, a safety concern still exists if drivers take the turn too fast. Because most residential streets in the City are designed at 25 mph, additional sight distance will allow additional time for drivers to react to the tight curves. Therefore, in order to provide improve the safety of the public street and mitigate chances of speeding and collisions, the following conditions are required:

- Streets to be constructed with typical city local street section. No bulb out.
- Curves will be signed for "No Parking" on both sides of the street in the areas of the curve
- Curves will require advanced signage with "20 MPH Curve" signs.

- Lots 17 shall have a sight vision easement for a 25 mph curve on the inside of the curve to accommodate stopping sight distance
- Lot 28 shall have a sight vision easement for a 25 mph curve on the inside of the curve to the extent feasible without impacting the existing home
- Lot 17 to have driveway near the southern property line for the lot.
- Bulb outs or “chokers” shall be provided prior to entering the curved portion of the public street in each direction. E.g. one choker between Lots 17 and 21 and one choker between Lots 10 and 28.

The design requirements above will mitigate the traffic safety risks associated with two 90 degree turns in close proximity,

**FINDING:** This criterion is met as conditioned below

**CONDITION OF APPROVAL B20:** Prior to Final Development Plan approval, revise the plans to include the 5 ft. wide sidewalk along Tracts E and F as shown on Exhibit D3. The pedestrian easement connecting the sidewalk on the north side of Tract F with the sidewalk on the south side of Tract E shall match the “Pedestrian Walkway” cross section provided in Exhibit D4. Pedestrian lighting shall be provided along the entire length of the sidewalk. The entire sidewalk and pedestrian corridor shall also be contained within a public access easement.

**CONDITION OF APPROVAL B21:** Prior to Final Development Plan approval, revise the plans to provide a bulb out or “choker” prior to entering the curved portion of the public street in each direction. E.g. one choker between Lots 17 and 21 and one choker between Lots 10 and 28. The two curves shall also provide the following design elements:

- a. Streets to be constructed with typical city local street section. No bulb out.
- b. Curves will be signed for “No Parking” on both sides of the street in the areas of the curve
- c. Curves will require advanced signage with “20 MPH Curve” signs.
- d. Lots 17 shall have a sight vision easement for a 25 mph curve on the inside of the curve to accommodate stopping sight distance
- e. Lot 28 shall have a sight vision easement for a 25 mph curve on the inside of the curve to the extent feasible without impacting the existing home
- f. Lot 17 to have driveway near the southern property line for the lot.
- g. Bulb outs or “chokers” shall be provided prior to entering the curved portion of the public street in each direction. E.g. one choker between Lots 17 and 21 and one choker between Lots 10 and 28.

**CONDITION OF APPROVAL E16:** Prior to Engineering Approval of the Public Improvement Plans, the applicant shall design to provide a bulb out or “choker” prior to entering the curved portion of the public street in each direction. E.g. one choker between Lots 17 and 21 and one choker between Lots 10 and 28. The two curves shall also provide the following design elements:

- a. Streets to be constructed with typical city local street section. No bulb out.
- b. Curves will be signed for “No Parking” on both sides of the street in the areas of the curve
- c. Curves will require advanced signage with “20 MPH Curve” signs.
- d. Lots 17 shall have a sight vision easement for a 25 mph curve on the inside of the curve to accommodate stopping sight distance
- e. Lot 28 shall have a sight vision easement for a 25 mph curve on the inside of the curve to the extent feasible without impacting the existing home
- f. Lot 17 to have driveway near the southern property line for the lot.
- g. Bulb outs or “chokers” shall be provided prior to entering the curved portion of the public street in each direction. E.g. one choker between Lots 17 and 21 and one choker between Lots 10 and 28.

**b. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.**

**ANALYSIS:** The site faces an unusual hardship that warrants a modification to the underlying standards based on the physical conditions of the site including topography, hard subsurface bedrock, and soil contamination. In addition, the two existing homes on the site will be retained, creating a unique challenge for overall site design.

Exceeding the block length standard and the use of private streets will provide greater flexibility in the location of streets and building pads for new lots. The proposed development pattern will require fill at the north end of the site but generally allow the overall neighborhood design to conform to the natural topography of the site. Use of private streets will also provide better options for providing access to the existing homes.

However, two of the proposed transportation-related modifications including the request to exceed the required block length and the request to exceed the number of single-family residential lots that can be served by a private street will not result in an equivalent alternative to accomplish the same design purpose as required by the



criterion above. Specifically, a full public street connection would provide two 6 ft. wide public sidewalks, two 5 ft. wide landscape strips, and street lighting.

In order to meet the criterion above, the applicant is required to provide a pedestrian easement and walkway between Tracts E and F that meets the applicant's "Pedestrian Walkway" cross section shown in Exhibit D4 with lighting to ensure pedestrian safety at night. When the landscaped walkway is combined with the 5 ft. sidewalks along Tracts E and F, the result will be a design that provides a similar purpose to a full street connection.

**FINDING:** This criterion is met by Condition of Approval B20.

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### **16.106.030 - Location**

#### **A. Generally**

**The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.**

**ANALYSIS:** The proposed streets have been located to provide a new public street system in the area meeting the requirements of the City's Local Street Connectivity Map while allowing development of the area in accordance with the VLDR-PUD development standards. The new north-south public street will require approximately 15 ft. of fill its northern terminus. Based on the plans, the fill is required in order to provide a gravity sanitary and storm sewer system to the lots at the north end of the site. Exhibit A1 – Sheet 15 shows how the future street system can be constructed given the grade and alignment requirements.

**FINDING:** This criterion is met.

#### **B. Street Connectivity and Future Street Systems**

- 1. Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 16).**

**ANALYSIS:** The development will provide new public and private streets that implement Figure 18 Local Street Connectivity Map of the City's Transportation System Plan. A new north-south street is shown in the general vicinity of the new public street proposed off SW Ironwood Ln. The Local Street Connectivity Map also shows an eastern extension of SW Upper Roy St. through the property to the north of the subject development. The applicant has provided a future street circulation plan (Exhibit A1 – Sheet 13) that shows how the two new street extensions can be connected when the property to the north is developed. Exhibit A1 – Sheet 15 shows how the future street system can be constructed given the grade and alignment requirements.

**FINDING:** This criterion is met.

2. **Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.**
  - a. **A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the decision-maker.**
  - b. **Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.**
  - c. **Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.**
  - d. **Driveways that are more than 24 feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.**

**ANALYSIS:** As discussed above, the applicant has provided a future street circulation plan (Exhibit A1 – Sheet 13) that shows how the two new street extensions can be connected when the property to the north is developed. The development will construct a new north-south public street off SW Ironwood Ln. that will ultimately connect with SW Murdock Road at SW Upper Roy St. While a retaining wall will be required, the applicant has provided plans that show how the street can be extended in the future. The City’s Engineering comments indicate the street may need to stop short of the north property line in order to minimize future fill impacts on the property to the north. Condition of Approval E6 requires the developer to pay a fee-in-lieu to the City for future improvements that may be required to connect the public street to the adjoining development to the north.

**FINDING:** This criterion is met by Condition of Approval E6.

3. **Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.**

**ANALYSIS:** As part of the flexibility allowed in the PUD design, the applicant is proposing a block length that exceeds the 530 ft. maximum for vehicle circulation. The exception to this standard is warranted based on the analysis and findings in SZCDC § 16.106.020(E)(4) above.

**FINDING:** This criterion is met.

4. **Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.**

**ANALYSIS:** This project does not involve a street crossing of water features identified in Title 3 of the UGMFP.

**FINDING:** This standard does not apply.

5. **Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless**

**exceptional habitat quality or length of crossing prevents a connection.**

**ANALYSIS:** The new public street off SW Ironwood Lane will be approximately 1,200 ft. in length; however, the applicant has requested an exception to the block length standard as described in SZCDC § 16.106.020(E)(4) above. The block length will be broken up with private streets and pedestrian trails within easements and open space. East-west pedestrian connections are provided between the two new public streets running north-south that are being created via the Denali Meadows and Denali Summit subdivisions. The east-west connections are via Tract A Open Space and a pedestrian easement connecting Tracts E & F (Private Streets).

**FINDING:** This standard is met by granting the exception to the block length standards in SZCDC § 16.106.020(E)(4).

- 6. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted TSP.**

**ANALYSIS:** Instead of a full east-west running public street, the applicant is proposing an exception to providing a full street connection and instead utilizing the use of private streets, pedestrian easements, and open space tracts to provide bicycle and pedestrian connectivity.

**FINDING:** This standard is met.

- 7. Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:**
  - a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.**
  - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or**
  - c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other**

**agreements existing as of May 1, 1995, which preclude a required street or accessway connection.**

**ANALYSIS:** As described in this report, the applicant is requesting an exception to block length standards. An exception has not been requested for the bike and pedestrian connections.

**FINDING:** This criterion is met.

**C. Underground Utilities**

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

**ANALYSIS:** Public and private utilities are proposed to be located underground with the construction of streets and accessways through the site.

**FINDING:** This standard is met by Condition of Approval A11.

**D. Additional Setbacks**

**Generally additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.**

	<b>Classification</b>	<b>Additional Setback</b>
<b>1.</b>	<b>Principle Arterial (99W)</b>	<b>61 feet</b>
<b>2.</b>	<b>Arterial</b>	<b>37 feet</b>
<b>3.</b>	<b>Collector</b>	<b>32 feet</b>
<b>4.</b>	<b>Neighborhood Route</b>	<b>32 feet</b>
<b>5.</b>	<b>Local</b>	<b>26 feet</b>

**ANALYSIS:** The applicant is required to dedicate street right-of-way to meet current standards. No additional setbacks are required for the development.

**FINDING:** This standard does not apply.

#### **16.106.040 - Design**

**Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood's Engineering Design Manual.**

##### **A. Reserve Strips**

**Reserve strips or street plugs controlling access or extensions to streets are not allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the appropriate jurisdiction that maintains the street.**

**ANALYSIS:** No reserve strips or street plugs are proposed.

**FINDING:** This standard does not apply.

##### **B. Alignment**

**All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet are not allowed.**

**ANALYSIS:** A new north-south public street is proposed that creates a "T" intersection with SW Ironwood Lane. Creating a T intersection is the only option for providing vehicle access to the site and is shown as such in the City's TSP. The location of the intersection has been located to provide adequate separation between the driveways to the east.

**FINDING:** This standard is met.

##### **C. Future Extension**

**Where necessary to access or permit future subdivision or development of adjoining land, streets must extend to the boundary of the proposed development and provide the required roadway width. Dead-end streets less than 100' in length must comply with the Engineering Design Manual.**

**A durable sign must be installed at the applicant's expense. The sign is required to notify the public of the intent to construct future streets. The sign must read as follows: "This road will be extended**

**with future development. For more information contact the City of Sherwood Engineering Department."**

**ANALYSIS:** The development will take all public streets to the adjoining land for future extension as far as practicable. Two new street stubs will be created where the development site abuts the private property to the north. A retaining wall will also be required for the new public street.

**FINDING:** This standard is as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL E7:** Prior to Approval of Engineering Public Improvement Plans, due to the high wall at the end of the new street, the developer shall design for barrier protections between the wall and the end of the new street meeting the approval of the Sherwood Engineering Department.

**D. Intersection Angles**

**Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In all cases, the applicant shall comply with the Engineering Design Manual.**

**ANALYSIS:** New public and private streets have been designed to intersect at as near to ninety (90) degree angles as practical, as shown in the Preliminary Plat. All new public infrastructure is required to comply with the City's Engineering Design Manual unless an exception has been explicitly approved.

**FINDING:** This standard is met.

**E. Cul-de-sacs**

- 1. All cul-de-sacs shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation. A cul-de-sac shall not be more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.**
- 2. All cul-de-sacs shall terminate with a turnaround in accordance with the specifications in the Engineering Design Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.**
- 3. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where**

**a cul-de-sac or dead-end street is planned, to connect the ends of the streets together, connect to other streets, or connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP, the Engineering Design Manual or other provisions identified in this Code for the preservation of trees.**

**ANALYSIS:** Two public streets will be stubbed to the north property line for future extension. No new cul de sacs are proposed as part of the development.

**FINDING:** This standard is met.

**F. Grades and Curves**

**Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual.**

**ANALYSIS:** All street grades within the development have been designed in accordance with the applicable City standards with the exceptions described in this report and included in the exhibits. The City's engineering department will review the grades and curves of the site during the approval of the final engineering plans.

**FINDING:** This standard will be met.

**G. Streets Adjacent to Railroads**

**Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.**

**ANALYSIS:** No streets associated with the development are adjacent to a railroad.

**FINDING:** This standard does not apply.

**H. Buffering of Major Streets**

**Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties must be provided, through and local traffic be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.040, and all applicable access provisions of Chapter 16.96, are to be met. Buffering may be achieved by: parallel access streets, lots**



**of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.**

**ANALYSIS:** The development site has approximately 40 ft. of frontage on SW Murdock Rd., an arterial street. This portion of the frontage will be dedicated for right-of-way purposes. Additional buffering is not required.

**FINDING:** This standard is met.

**I. Median Islands**

**As illustrated in the adopted Transportation System Plan, Chapter 8, median islands may be required on arterial or collector streets for the purpose of controlling access, providing pedestrian safety or for aesthetic purposes.**

**ANALYSIS:** No new arterial or collector streets will be created.

**FINDING:** This standard does not apply.

**J. Transit Facilities**

**Development along an existing or proposed transit route, as illustrated in Figure 7-2 in the TSP, is required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:**

- 1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.**
- 2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.**
- 3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).**
- 4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.**
- 5. Provide lighting at a transit stop (if not already existing to transit agency standards).**

**ANALYSIS:** The proposed development is not located along an existing or proposed transit route.

**FINDING:** This standard does not apply.

**K. Traffic Controls**

- 1. Pursuant to Section 16.106.080, or as otherwise required by the City Engineer, an application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.**
- 2. For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT, or as otherwise required by the City Engineer, the application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.**

**ANALYSIS:** The City of Sherwood Engineering Department has reviewed the proposal and determined that a Traffic Impact Analysis (TIA) is not required. At build-out the development will create 39 new residential homes. In the interim, all lots will be accessed from public and private streets stemming from SW Ironwood Lane. As part of the Denali Meadows subdivision, SW Ironwood Lane will be improved to City standards along the site frontage, including improvements to the intersection of SW Ironwood Lane and SW Murdock Road (see Exhibit C5 – Denali Meadows Signage and Striping Plan). The public improvements required as part of the development, in addition to those constructed as part of the Denali Meadows subdivision, will be constructed to City standards and provide a local street system capable of handling the traffic created by the development.

**FINDING:** This standard is met.

**L. Traffic Calming**

- 1. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:**
  - a. Curb extensions (bulb-outs).**
  - b. Traffic diverters/circles.**
  - c. Alternative paving and painting patterns.**
  - d. Raised crosswalks, speed humps, and pedestrian refuges.**
  - e. Other methods demonstrated as effective through peer reviewed Engineering studies.**
- 2. With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.**

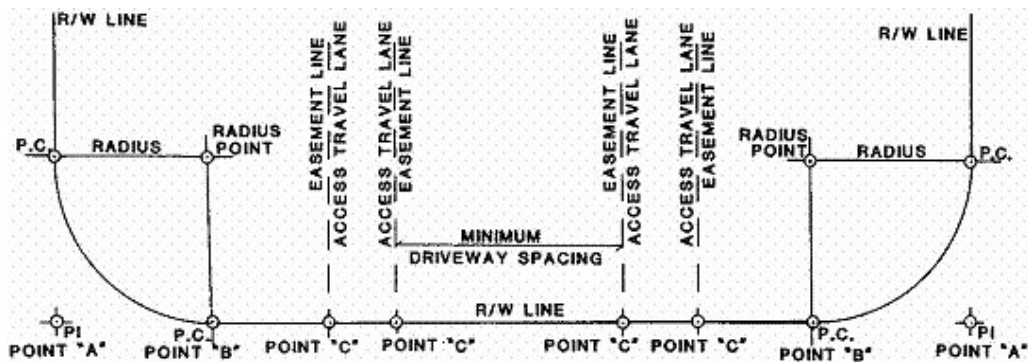
**ANALYSIS:** The City of Sherwood Engineering Department has reviewed the proposal and no specific traffic calming measures have been identified above the standard local street standard requirements.

**FINDING:** This standard is met.

**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.

1. **Measurement:** See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.
  - a. Minimum right-of-way radius at intersections shall conform to City standards.
  - b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to the Engineering Design Manual.
  - c. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
  - d. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
  - e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:



**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 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.

**a. Local Streets**

Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.

Where joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one-hundred (100) feet of any present Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.

**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 § 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.

**ANALYSIS:** The proposed street system meets the access spacing standard above, or has obtained a design modification for an exception to the standards.

**FINDING:** These criteria are met.

**N. Private Streets**

- 1. The construction of a private street serving a single-family residential development is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).**
- 2. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan.**
- 3. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.**
- 4. A private street shall also be signed differently from public streets and include the words "Private Street".**

**ANALYSIS:** Findings and conditions for private streets are addressed under SZCDC § 16.118.050 below.

**FINDING:** These criteria are met per Condition of Approval B5.

**16.106.060 - Sidewalks**

**A. Required Improvements**

- 1. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.**
- 2. For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.**
- 3. In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the City Manager or designee.**

**ANALYSIS:** As shown on the submitted plan set, sidewalks meeting city local street standards will be provided along new public streets.

**FINDING:** This standard is met.

**B. Design Standards**

**1. Arterial and Collector Streets**

**Arterial and collector streets shall have minimum six (6) or eight (8) foot wide sidewalks/multi-use paths, located as required by this Code. Residential areas shall have a minimum of a six (6) foot wide sidewalk and commercial industrial areas shall have a minimum of an eight (8) foot wide sidewalk.**

**2. Local Streets**

**Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.**

**3. Handicapped Ramps**

**Sidewalk handicapped ramps shall be provided at all intersections.**

**ANALYSIS:** The new local streets will provide a 6 ft. wide sidewalk.

**FINDING:** These criteria are met.

**C. Pedestrian and Bicycle Paths**

**Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.**

**ANALYSIS:** Instead of a full east-west running public street, the applicant is proposing an exception to providing a full street connection and instead utilizing the use of private streets, pedestrian easements, and open space tracts to provide bicycle and pedestrian connectivity.

**FINDING:** This standard is met.

**16.106.070 - Bike Lanes**

**If shown in Figure 13 of the Transportation System Plan, bicycle lanes shall be installed in public rights-of-way, in accordance with City specifications. Bike lanes shall be installed on both sides of designated roads, should be separated from the road by a twelve-inch stripe or other means approved by Engineering Staff, and should be a minimum of five (5) feet wide.**

**ANALYSIS:** The new public streets created as part of the subdivision will meet the standards for a standard residential street. No bike lanes are required.

**FINDING:** This standard is met.

**16.106.080 - Traffic Impact Analysis (TIA)**

**A. Purpose**

The purpose of this section is to implement Sections 660-012-0045(2)(b) and -0045(2)(e) of the State Transportation Planning Rule (TPR), which require the City to adopt performance standards and a process to apply conditions to land use proposals in order to minimize impacts on and protect transportation facilities. This section establishes requirements for when a traffic impact analysis (TIA) must be prepared and submitted; the analysis methods and content involved in a TIA; criteria used to review the TIA; and authority to attach conditions of approval to minimize the impacts of the proposal on transportation facilities.

This section refers to the TSP for performance standards for transportation facilities as well as for projects that may need to be constructed as mitigation measures for a proposal's projected impacts. This section also relies on the City's Engineering Design Manual to provide street design standards and construction specifications for improvements and projects that may be constructed as part of the proposal and mitigation measures approved for the proposal.

**B. Applicability**

A traffic impact analysis (TIA) shall be required to be submitted to the City with a land use application at the request of the City Engineer or if the proposal is expected to involve one (1) or more of the following:

1. An amendment to the Sherwood Comprehensive Plan or zoning map.
2. A new direct property approach road to Highway 99W is proposed.
3. The proposed development generates fifty (50) or more PM peak-hour trips on Highway 99W, or one hundred (100) PM peak-hour trips on the local transportation system.
4. An increase in use of any adjacent street or direct property approach road to Highway 99W by ten (10) vehicles or more per day that exceed the twenty thousand-pound gross vehicle weight.
5. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an

approach or access connection, thereby creating a safety hazard.

6. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

**C. Requirements**

The following are typical requirements that may be modified in coordination with Engineering Staff based on the specific application.

1. **Pre-application Conference.** The applicant shall meet with the City Engineer prior to submitting an application that requires a TIA. This meeting will be coordinated with Washington County and ODOT when an approach road to a County road or Highway 99W serves the property, so that the TIA will meet the requirements of all relevant agencies.
2. **Preparation.** The TIA shall be prepared by an Oregon Registered Professional Engineer qualified to perform traffic Engineering analysis and will be paid for by the applicant.
3. **Typical Average Daily Trips and Peak Hour Trips.** The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE), shall be used to gauge PM peak hour vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate.
4. **Intersection-level Analysis.** Intersection-level analysis shall occur at every intersection where the analysis shows that fifty (50) or more peak hour vehicle trips can be expected to result from the development.
5. **Transportation Planning Rule Compliance.** The requirements of OAR 660-012-0060 shall apply to those land use actions that significantly affect the transportation system, as defined by the Transportation Planning Rule.

**D. Study Area**

The following facilities shall be included in the study area for all TIAs:

1. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed development site. If the site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.
2. Roads and streets through and adjacent to the site.
3. All intersections needed for signal progression analysis.



4. In addition to these requirements, the City Engineer may require analysis of any additional intersections or roadway links that may be adversely affected as a result of the proposed development.

**E. Analysis Periods**

To adequately assess the impacts of a proposed land use action, the following study periods, or horizon years, should be addressed in the transportation impact analysis where applicable:

1. Existing Year.
2. Background Conditions in Project Completion Year. The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should account for all City-approved developments that are expected to be fully built out in the proposed land use action horizon year, as well as all planned transportation system improvements.
3. Full Buildout Conditions in Project Completion Year. The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.
4. Phased Years of Completion. If the project involves construction or occupancy in phases, the applicant shall assess the expected roadway and intersection conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.
5. Twenty-Year or TSP Horizon Year. For planned unit developments, comprehensive plan amendments or zoning map amendments, the applicant shall assess the expected future roadway, intersection, and land use conditions as compared to approved comprehensive planning documents.

**F. Approval Criteria**

When a TIA is required, a proposal is subject to the following criteria, in addition to all criteria otherwise applicable to the underlying land use proposal:

1. The analysis complies with the requirements of 16.106.080.C;
2. The analysis demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City Engineer and, when County or State highway facilities are affected, to Washington County and ODOT;

3. For affected non-highway facilities, the TIA demonstrates that mobility and other applicable performance standards established in the adopted City TSP have been met; and
4. Proposed public improvements are designed and will be constructed to the street standards specified in Section 16.106.010 and the Engineering Design Manual, and to the access standards in Section 16.106.040.
5. Proposed public improvements and mitigation measures will provide safe connections across adjacent right-of-way (e.g., protected crossings) when pedestrian or bicycle facilities are present or planned on the far side of the right-of-way.

**ANALYSIS:** The City of Sherwood Engineering Department has reviewed the proposal and determined that a Traffic Impact Analysis (TIA) is not required. At build-out the development will create 39 new residential homes. In the interim, all lots will be accessed from public and private streets stemming from SW Ironwood Lane. As part of the Denali Meadows subdivision, SW Ironwood Lane will be improved to City standards along the site frontage, including improvements to the intersection of SW Ironwood Lane and SW Murdock Road (see Exhibit C5 – Denali Meadows Signage and Striping Plan). The public improvements required as part of the development, in addition to those constructed as part of the Denali Meadows subdivision, will be constructed to City standards and provide a local street system capable of handling the traffic created by the development.

**FINDING:** This criterion is met.

**G. Conditions of Approval**

**The City may deny, approve, or approve a development proposal with conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to ensure consistency with the future planned transportation system. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities, pursuant to Section 16.106.090. Findings in the development approval shall indicate how the required improvements are directly related to and are roughly proportional to the impact of development.**

**ANALYSIS:** A number of Conditions of Approval related to public infrastructure are required, as described in this report. The applicant is responsible for meeting all conditions of approval described in the Notice of Decision.

**FINDING:** This criterion is met.

**16.106.090 - Rough Proportionality**

**A. Purpose**

The purpose of this section is to ensure that required transportation facility improvements are roughly proportional to the potential impacts of the proposed development. The rough proportionality requirements of this section apply to both frontage and non-frontage improvements. A proportionality analysis will be conducted by the City Engineer for any proposed development that triggers transportation facility improvements pursuant to this chapter. The City Engineer will take into consideration any benefits that are estimated to accrue to the development property as a result of any required transportation facility improvements. A proportionality determination can be appealed pursuant to Chapter 16.76. The following general provisions apply whenever a proportionality analysis is conducted.

**B. Mitigation of impacts due to increased demand for transportation facilities associated with the proposed development shall be provided in rough proportion to the transportation impacts of the proposed development. When applicable, anticipated impacts will be determined by the TIA in accordance with Section 16.106.080. When no TIA is required, anticipated impacts will be determined by the City Engineer.**

**C. The following shall be considered when determining proportional improvements:**

- 1. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half-mile radius of the proposed development. If a TIA is required, the impact area is the TIA study area.**
- 2. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.**
- 3. The effect of increased demand on transportation facilities and other approved, but not yet constructed, development projects within the impact area that is associated with the proposed development.**
- 4. Applicable TSP goals, policies, and plans.**
- 5. Whether any route affected by increased transportation demand within the impact area is listed in any City program including school trip safety; neighborhood traffic management; capital improvement; system development improvement, or others.**

6. Accident history within the impact area.
7. Potential increased safety risks to transportation facility users, including pedestrians and cyclists.
8. Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.
9. Other considerations as may be identified in the review process pursuant to Chapter 16.72.

**ANALYSIS:** All of the new or modified improvements required as part of the development will directly serve the new residential homes. The required public improvements are roughly proportional to the scope and intensity of the development, as described in this report and the agency comments.

**FINDING:** These criteria are met.

## **Chapter 16.108 – IMPROVEMENT PLAN REVIEW**

### **16.108.010 – Preparation and Submission**

An improvement plan shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of the plan shall be submitted to the City for review. An improvements plan shall be accompanied by a review fee as per this Section.

#### **A. Review Fee**

Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.

#### **B. Engineering Agreement**

A copy of an agreement or contract between the applicant and Registered Civil Engineer for:

1. Surveying sufficient to prepare construction plans.
2. Preparation of construction plans and specifications.
3. Construction staking, and adequate inspection.
4. Construction notes sufficient to develop accurate as-built plans.
5. Drawing of accurate as-built plans and submission of reproducible mylars for finals to the City.
6. Certificate stating that construction was completed in accordance with required plans and specifications.

**ANALYSIS:** The development will require new public infrastructure that requires City of Sherwood Engineering approval of the Public Improvement Plans. Condition of

Approval C1 requires final engineering plan approval prior to issuance of an engineering compliance agreement.

**FINDING:** These criteria are met by Condition of Approval C1.

**16.108.040 - Acceptance of Improvements**

**A. Final Inspection**

**At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.**

**B. Notification of Acceptance**

**The City shall give written notice of acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.**

**C. Maintenance Bond**

**Prior to City acceptance of public improvements, the applicant shall provide the City a maintenance bond computed at ten percent (10%) 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.**

**ANALYSIS:** The City will complete the final inspection of public improvements upon notification by the applicant. A maintenance bond is required at ten percent (10%) of the full value of the improvements.

**FINDING:** This standard is met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL G6:** Prior to acceptance of the public improvements, the applicant shall provide a maintenance bond at 10% 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.

**Chapter 16.110 – SANITARY SEWERS**

**16.110.010 - Required Improvements**

**Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however, that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future connection and the temporary system meets all other applicable City, Clean Water Services, Washington County and State sewage disposal standards.**

#### **16.110.020 - Design Standards**

##### **A. Capacity**

**Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map in the Sanitary Sewer Master Plan, and other applicable Clean Water Services and City standards, in order to adequately serve the proposed development and allow for future extensions.**

##### **B. Over-Sizing**

- 1. When sewer facilities will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.**
- 2. Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.**

#### **16.110.030 - Service Availability**

**Approval of construction plans for new facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing sewer systems shall include certification by the City that existing or proposed sewer facilities are adequate to serve the development.**

**ANALYSIS:** Per the City of Sherwood Engineering comments, there is currently an 8-inch diameter public sanitary sewer main exists along the south side of SW Ironwood Lane along the subject property frontage. There will also be a new 8-inch diameter public sanitary sewer within the new public street to be constructed with the Denali Meadows subdivision. Sanitary sewer for the subject development will come from both locations. Since all surrounding properties are either on public sanitary sewer or have access to a public sanitary sewer, no extension of the public sanitary sewer system is required for this development except as necessary to provide service to all proposed lots and as required to be extended through new public streets. Due to the slope of the terrain heading north, the proposed sanitary sewer within the new public streets will not need to be extended to the north property line as it will be too high in elevation to serve the undeveloped property to the north.

Currently one of the existing homes appears to be on a private septic system.

**FINDING:** This standard is met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL E8:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public sanitary sewer service to all proposed lots as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL H2:** Prior to Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

**RECOMMENDED CONDITION OF APPROVAL G7:** Prior to Acceptance of the Public Improvements, any public sanitary sewer located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL G8:** Prior to Acceptance of the Public Improvements, the public sanitary sewer within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL G9:** Prior to Acceptance of the Public Improvements, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.

**RECOMMENDED CONDITION OF APPROVAL G10:** Prior to Acceptance of the Public Improvements, any existing unused sanitary lateral that is no longer being used by the site shall be abandoned at the main meeting the approval of the Sherwood Engineering Department.

## **Chapter 16.112– WATER SUPPLY**

### **16.112.010 Required Improvements**

**Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with the Water System Master Plan.**

### **16.112.020 - Design Standards**

#### **A. Capacity**

Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water System Master Plan, the City's Design and Construction Manual, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions.

**B. Fire Protection**

All new development shall comply with the fire protection requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District.

**C. Over-Sizing**

1. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.
2. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.
3. When over-sizing is required in accordance with the Water System Master Plan, it shall be installed per the Water System Master Plan. Compensation for over-sizing may be provided through direct reimbursement, from the City, after mainlines have been accepted. Reimbursement of this nature would be utilized when the cost of over-sizing is for system wide improvements.

**16.112.030 - Service Availability**

Approval of construction plans for new water facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing water systems shall include certification by the City that existing or proposed water systems are adequate to serve the development.

**ANALYSIS:** Per the City of Sherwood Engineering comments, there is currently an 8-inch diameter public water main exists along the south side of SW Ironwood Lane along the subject property frontage. There will also be a new 8-inch diameter public water main within the new public street to be constructed with the Denali Meadows



subdivision. Public water access for the subject development will come from both locations. The subdivision will need to construct an 8-inch diameter public water interconnect between the 2 streets to establish a looped water system. The subject development will need to extend the water line to the north end of the streets (new Denali Meadows street and new street to be constructed with this development) to allow access to the public water system for the property to the north. The subject development shall provide water service to all proposed lots within the subject development.

There appears to be at least one well located within the subject property. Wells to remain within private property shall meet all required setbacks of local, state, and federal regulations. Any property to have both public water and well water shall have a reduced pressure backflow assembly on the public water service. Any well located within public right-of-way shall be abandoned.

Water meters shall not be located in hardscape.

**FINDING:** These criteria are met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL E9:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide water service to all proposed lots and as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL E10:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for an 8-inch diameter public water interconnect between the 2 streets (new Denali Meadows street and new street to be constructed with the subject development) through Tracts E and F of the subject development to establish a looped public water system meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL E11:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to extend public water lines to the end of the streets (new Denali Meadows street and new street to be constructed with the subject development) meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL H3:** Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

**RECOMMENDED CONDITION OF APPROVAL G11:** Prior to Acceptance of the Public Improvements, any public water line located on private property shall have a recorded public water line easement encompassing the related public water improvements meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL G12:** Prior to Acceptance of the Public Improvements, the public water system within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL B16:** Prior to Final Plat, the developer shall submit certification that any existing well remaining meets all setback requirements or design for the abandonment of the existing well(s) on the engineering plans. Well abandonment shall be in accordance with all applicable regulations.

**RECOMMENDED CONDITION OF APPROVAL G13:** Prior to Acceptance of the Public Improvements, any well located within city right-of-way shall be abandoned in compliance with all applicable regulations.

**RECOMMENDED CONDITION OF APPROVAL G14:** Prior to Acceptance of the Public Improvements, any lot having both public water and well water shall have a reduced pressure backflow preventer on the public water service meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL G15:** Prior to Acceptance of the Public Improvements, any existing unused water service that is no longer being used by the site shall be abandoned at the main meeting the approval of the Sherwood Engineering Department.

## **Chapter 16.114 – STORM WATER**

### **16.114.010 - Required Improvements**

**Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement.**

**(Note: Section 16.114.015, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) to be removed from the SZCDC and permanently located in the Municipal Code).**

### **16.114.020 - Design Standards**

#### **A. Capacity**

**Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9 or its replacement, and hydrologic data and improvement plans submitted by the developer.**

#### **B. On-Site Source Control**

**Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed according to Clean Water Services Design and Construction Standards.**

**C. Conveyance System**

**The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.**

**16.114.030 - Service Availability**

**Approval of construction plans for new storm water drainage facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing storm water drainage systems shall include certification by the City that existing or proposed drainage facilities are adequate to serve the development.**

**ANALYSIS:** Per the City of Sherwood Engineering Comments, there is currently a 12-inch diameter public storm sewer main exists within SW Ironwood Lane along the subject property frontage. There will also be a new 12-inch diameter public storm sewer within the new public street to be constructed with the Denali Meadows subdivision. Storm sewer for the subject development will come from both locations. Since all surrounding properties are either on public storm sewer or have access to a public storm sewer, no extension of the public storm sewer system is required for this development except as necessary to provide service to all proposed lots and as required to be extended through new public streets. Due to the slope of the terrain heading north, the proposed storm sewer within the new public street will not need to be extended to the north property line as it will be too high in elevation to serve the undeveloped property to the north.

The subject development is required to provide storm water quality treatment and hydro-modification unless otherwise approved by the City of Sherwood and Clean Water Services. On site water quality facilities shall not have retaining walls unless otherwise approved by the Sherwood Engineering Department.

City policy requires that prior to grading, a permit is obtained from the Building Department for grading on the private portion of the site. The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans. The proposed development will disturb over 5 acres, therefore a DEQ NPDES 1200-C is required.

**FINDING:** These criteria is met as conditioned below

**RECOMMENDED CONDITION OF APPROVAL E12:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public storm sewer service to all proposed lots and as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL H4:** Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

**RECOMMENDED CONDITION OF APPROVAL G16:** Prior to Acceptance of the Public Improvements, any public storm sewer located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting Sherwood Engineering standards.

**RECOMMENDED CONDITION OF APPROVAL G17:** Prior to Acceptance of the Public Improvements, the public storm sewer within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.

**RECOMMENDED CONDITION OF APPROVAL E13:** Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide on-site water quality treatment/hydro-modification facilities with maintenance access to all facility structures in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services.

**RECOMMENDED CONDITION OF APPROVAL G18:** Prior to Acceptance of the Public Improvements, the tract of land containing the public water quality facilities shall be dedicated to the City of Sherwood unless otherwise approved by the city.

**RECOMMENDED CONDITION OF APPROVAL E14:** Prior to Approval of Engineering Public Improvement Plans, the proposed development shall obtain a DEQ NPDES 1200-C permit.

**RECOMMENDED CONDITION OF APPROVAL E15:** Prior to Approval of Engineering Public Improvement Plans, a CWS Storm Water Connection Permit Authorization shall be obtained.

## **Chapter 16.116 - FIRE PROTECTION**

### **16.116.010 Required Improvements**

**When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (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.**

#### **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.**

### **16.116.030 - Miscellaneous Requirements**

#### **A. Timing of Installation**

**When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.**

#### **B. Maintenance of Facilities**

**All on-site fire protection facilities, shall be maintained in good working order. The Fire District may conduct periodic tests and inspection of fire protection and may order the necessary repairs or changes be made within ten (10) days.**

#### **C. Modification of Facilities**

**On-site fire protection facilities, may be altered or repaired with the consent of the Fire District; provided that such alteration or repairs shall be carried out in conformity with the provisions of this Chapter.**

**ANALYSIS:** The proposal is for a residential subdivision and the applicant is required to install fire protection facilities that meet the standards of Tualatin Valley Fire & Rescue (TVF&R). TVF&R provided comments during the completeness review process which are dated July 28, 2020 (Exhibit B3). The comments list the applicable fire code standards and the following feedback:

- The plans indicate No Parking signs will be installed along Tracts D & E (Exhibit A1 – Sheet 10). The plans do not show No Parking signs for Tract F on Sheet 11.
- Documentation of a fire flow test is required

**FINDING:** These criteria are met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL F2:** Prior to issuance of building permits, provide documentation of a fire flow test that meets flow requirements for the development type.

**RECOMMENDED CONDITION OF APPROVAL F3:** Prior to issuance of building permits, submit documentation from TVF&R that indicates the requirements of the Fire Marshall's letter dated July 28, 2020 and other applicable requirements of the fire code have been satisfied.

## **Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES**

### **16.118.010 Purpose**

**Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.**

### **16.118.020 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 (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.**
- 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.**

**ANALYSIS:** A minimum 8-foot wide public utility easement shall be provided on private property along all public street frontages. Sherwood Broadband utilities must also be installed along the subject properties frontage per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

**FINDING:** This standard is met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL G19:** Prior to Acceptance of Public Improvements, the developer shall dedicate a minimum 8-foot wide PUE along all street frontages and tracks of land for private street/driveway usage unless otherwise approved by the City Engineer.

**RECOMMENDED CONDITION OF APPROVAL G20:** Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property street frontage and private track frontage for tracts of land containing private street/driveway per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074. A payment in lieu shall be made in place of installing Sherwood Broadband utilities along the street frontage of the extension of SW Upper Roy Street.

#### **16.118.030 - Underground Facilities**

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

**ANALYSIS:** Utility facilities including but not limited to electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground.

**FINDING:** These standards are met as conditioned below.

**RECOMMENDED CONDITION OF APPROVAL A11:** Per City of Sherwood standards, all new utilities shall be placed underground.

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#### **16.118.050 - Private Streets**

**The construction of new private streets, serving single-family residential developments shall be prohibited unless it provides principal access to two or fewer residential lots or parcels i.e. flag lots. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records. A private street shall also be signed differently from public streets and include the words "Private Street".**

**ANALYSIS:** As part of the flexibility allowed in the PUD design, the applicant is proposing the use of three (3) private streets that provide access to three (3) or more residential lots each. Use of private streets is generally warranted when site constraints



make a full public street unfeasible and/or when private streets facilitate a better overall design for the area.

The applicant's narrative states *"the Applicant is requesting a design modification to allow for up to six (6) lots to be served by a private street. These short private streets are necessary due to the sloping and rocky topography of the site."*

In addition to the hilly topography, both of the existing homes will be retained as part of the development. Providing access to these lots with a public street system would be a challenge and may require additional engineering of the site. Use of private streets provides greater flexibility in the location of streets to conform to the natural topography while providing access to existing homes.

Each private street will be 25 ft. wide and provide fire and emergency vehicle turnarounds in conformance with building and fire code. The applicant has provided a street plan and profile for each of the streets (Exhibit A1 – Sheets 11 and 12). The City of Sherwood Engineering Department will review and approve the final private street plans as part of the Public Improvement Plan review.

**FINDING:** This criterion is met.

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## **Chapter 16.156 - Energy Conservation**

### **16.156.020 Standards**

- 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.**

**ANALYSIS:** New streets within the subdivision run east-west and north-south. All lots are roughly rectangular and are situated so that each lot has the opportunity for a design that maximizes the advantages of natural light and wind. The street trees and new plantings in the open space will also provide opportunities to take advantage of seasonal changes in weather.

**FINDING:** These standards are met.

## IV. CONDITIONS OF APPROVAL

Based upon review of the applicant's submittal information, review of the code, agency comments, public testimony, and consideration of the applicant's submittal, the proposed site plan does not fully comply with the standards but can be conditioned to comply. **Therefore, application LU 2020-013 PUD/SUB Denali Summit is approved 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 Emerio Design as part of the land use review, 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.
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. All fences within the subdivision shall meet the requirements in Sherwood Zoning and Community Development Code Chapter 16.58.020.
8. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise determined by the City of Sherwood.
9. Restrict and maintain on-site landscaping, utilities, and any other obstructions in the sight distance triangles to provide adequate sight distance at access locations.
10. Prior to Building Permit application submittal, obtain address(es) for the site or parcels.
11. Per City of Sherwood standards, all new utilities shall be placed underground.
12. The required public improvements and common areas shall be substantially completed within one (1) year from the date of the Notice of Decision for the final plat and Final Development Plan.

13. The applicant shall submit for and obtain final plat and final development plan approval meeting all conditions of the preliminary plat and preliminary development plan approval.
14. No property created by the subdivision approval shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to Sherwood Zoning & Community Development Code.
15. Prior to submitting the plat to Washington County for review, the applicant shall obtain Final plat and Final Development Plan approval from the City of Sherwood.
16. The proposed development shall comply with the Conditions of Approval of the CWS Service Provider Letter.
17. The rear setbacks for the primary residence on Lots 11 and 12 shall comply with the requirements of the underlying zone. Notwithstanding SZCDC § 16.50.060, the final rear setback for uncovered decks including those greater than 30 inches above grade shall be 15 ft.
18. All evergreen trees greater than 6" DBH on Lots 11 and 12 shall be preserved unless impacted by the building footprint of the primary residence.

#### **B. PRIOR TO FINAL SUBDIVISION PLAT APPROVAL**

1. Prior to Final Plat approval, show a clear vision area on the corners of each street intersection in accordance with SZCDC § 166.58.010 Clear Vision Areas.
2. Prior to Final Development Plan approval, provide a detailed landscaping plan that does not conflict with the planting requirements for Clear Vision Areas in SZCDC § 166.58.010(C).
3. Prior to Final Plat approval, show the final building setbacks and lot orientation in accordance with the Sherwood Zoning & Community Development Code as amended by the PUD overlay.
4. Prior to Final Plat approval, either the subdivision plat for the Denali Meadows development shall be recorded with Washington County Surveyor's Office or the portion of property currently belonging to the development to the west (Denali Meadows) that is included with this subject development shall be partitioned off from the property to the west (Denali Meadows) or a property line adjustment be performed between the properties conveying that portion of the western property to one of the eastern properties.
5. Each developer shall record final CC&Rs describing the reservations, restrictions, and maintenance responsibilities for the private street tracts.
6. Prior to Final Development Plan approval, submit revised plans that provide the location and quantity of landscaped open space areas in accordance with SZCDC § 16.92.020.
7. Prior to Development Plan approval, submit revised plans that provide installation and maintenance details in accordance with SZCDC § 16.92.040.

8. Prior to final plat approval, submit draft deeds for City review dedicating Open Space Tracts A, C, and G to the future HOAs. The deeds shall be recorded with the final plat.
9. Prior to final plat approval, submit draft CC&Rs to the City that describe how Open Space Tracts A, C, and G will be maintained by the future HOA. The final CC&Rs shall be recorded with the final plat.
10. All proposed open space tracts shall be available for use by the general public. Prior to final plat approval, submit draft CC&Rs to the City that describe Open Space Tracts A, C, and G as open to the general public.
11. Prior to Final Development Plan 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.
12. Prior to Final Development Plan approval, revise the Tree Preservation and Removal Plan to show all existing trees within the proposed open space tracts.
13. Prior to Final Development Plan approval, an arborist report shall be provided for all trees within Open Space Tracts A, C, & G. Trees shall be protected and preserved through development unless the arborist report recommends removal. The Tree Protection Plan shall comply with the requirements of SZCDC § 16.142.070(G).
14. Prior to Final Development Plan approval, provide a landscape plan and tree canopy calculations that show how the tree canopy requirements of SZCDC § 16.142.070(D)(2) are met. A certified arborist or other qualified professional shall provide the estimated tree canopy.
15. Prior to final plat approval, the new public street created by the subdivision between SW Ironwood Lane and the north property line of Tax Lot 100 shall be named in accordance with SZCDC § 16.106.010(B) – (D).
16. Prior to Final Plat, the developer shall submit certification that any existing well remaining meets all setback requirements or design for the abandonment of the existing well(s) on the engineering plans. Well abandonment shall be in accordance with all applicable regulations.
17. Prior to Final Development Plan Approval, the applicant shall provide a detailed open space amenities plan for Tracts A, C, and G.
18. Prior to Final Development Plan approval, revise the plans to provide a 15 ft. wide pedestrian pathway for the access points within Tracts A and C. The design shall match the “Pedestrian Walkway” cross section shown on the “Denali Summit Open Space Concept Plan” (Exhibit D4). Trees shall be provided within the landscaped areas unless restricted by a public or private utility easement.
19. Prior to Final Development Plan approval, revise the plans to provide two of the following amenities within the open space tracts:
  - a. Nature theme play equipment (manufactured play equipment mimicking natural features like tree logs, rock formations, etc. - example below)
  - b. Traditional play equipment
  - c. Interpretive signage related to the geologic history of the site (Tonquin Scabland Geologic Area)

- d. Interpretive signage related to the human history of the site (Ken Foster Farm)
  - e. A native plant garden with educational signage
  - f. Elevation markers at key locations within the open space tracts
  - g. Distance markers at key locations within the open space tracts
  - h. Any other amenities recommended by the applicant and approved by the Planning Commission during Final Development Plan approval
20. Prior to Final Development Plan approval, revise the plans to include the 5 ft. wide sidewalk along Tracts E and F as shown on Exhibit D3. The pedestrian easement connecting the sidewalk on the north side of Tract F with the sidewalk on the south side of Tract E shall match the “Pedestrian Walkway” cross section provided in Exhibit D4. Pedestrian lighting shall be provided along the entire length of the sidewalk. The entire sidewalk and pedestrian corridor shall also be contained within a public access easement.
21. Prior to Final Development Plan approval, revise the plans to provide a bulb out or “choker” prior to entering the curved portion of the public street in each direction. E.g. one choker between Lots 17 and 21 and one choker between Lots 10 and 28. The two curves shall also provide the following design elements:
- a. Streets to be constructed with typical city local street section. No bulb out.
  - b. Curves will be signed for “No Parking” on both sides of the street in the areas of the curve
  - c. Curves will require advanced signage with “20 MPH Curve” signs.
  - d. Lots 17 shall have a sight vision easement for a 25 mph curve on the inside of the curve to accommodate stopping sight distance
  - e. Lot 28 shall have a sight vision easement for a 25 mph curve on the inside of the curve to the extent feasible without impacting the existing home
  - f. Lot 17 to have driveway near the southern property line for the lot.
  - g. Bulb outs or “chokers” shall be provided prior to entering the curved portion of the public street in each direction. E.g. one choker between Lots 17 and 21 and one choker between Lots 10 and 28.

**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 Sherwood Engineering Department is required.

**D. PRIOR TO ISSUANCE OF A SITE GRADING PERMIT**

- 1. Prior to Site Disturbance, the applicant shall obtain an Engineering Compliance Agreement from the City of Sherwood Engineering Department.

## **E. PRIOR TO APPROVAL OF THE ENGINEERING PUBLIC IMPROVEMENT PLANS**

1. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for street widening improvements along the subject property frontage of SW Ironwood Lane to meet a standard residential street section meeting the approval of the Sherwood Engineering Department.
2. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for right-of-way dedication required to encompass the street widening improvements along the subject property frontage of SW Ironwood Lane meeting the approval of the Sherwood Engineering Department.
3. Prior to Approval of Engineering Public Improvement Plans, the developer shall design public streets interior to the development including street lighting to meet a city standard residential street section meeting the approval of the Sherwood Engineering Department.
4. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for right-of-way dedication required to encompass the public interior street improvements meeting the approval of the Sherwood Engineering Department.
5. Prior to Approval of Engineering Public Improvement Plans, the developer shall make a payment-in-lieu for the future extension of SW Upper Roy Street in the amount of 125% an engineer's estimate meeting the approval of the Sherwood Engineering Department.
6. Prior to Approval of Engineering Public Improvement Plans, the developer shall make a payment-in-lieu for the future extension of the new interior street for the proposed subdivision for the amount of street left short of the northern property line in the amount of 125% an engineer's estimate meeting the approval of the Sherwood Engineering Department.
7. Prior to Approval of Engineering Public Improvement Plans, due to the high wall at the end of the new street, the developer shall design for barrier protections between the wall and the end of the new street meeting the approval of the Sherwood Engineering Department.
8. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public sanitary sewer service to all proposed lots as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.
9. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide water service to all proposed lots and as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.
10. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for an 8-inch diameter public water interconnect between the 2 streets (new Denali Meadows street and new street to be constructed with the subject development) through Tracts E and F of the subject development to establish a looped public water system meeting the approval of the Sherwood Engineering Department.

11. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to extend public water lines to the end of the streets (new Denali Meadows street and new street to be constructed with the subject development) meeting the approval of the Sherwood Engineering Department.
12. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public storm sewer service to all proposed lots and as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.
13. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide on-site water quality treatment/hydro-modification facilities with maintenance access to all facility structures in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services.
14. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall obtain a DEQ NPDES 1200-C permit.
15. Prior to Approval of Engineering Public Improvement Plans, a CWS Storm Water Connection Permit Authorization shall be obtained.
16. Prior to Engineering Approval of the Public Improvement Plans, the applicant shall design to provide a bulb out or “choker” prior to entering the curved portion of the public street in each direction. E.g. one choker between Lots 17 and 21 and one choker between Lots 10 and 28. The two curves shall also provide the following design elements:
  - a. Streets to be constructed with typical city local street section. No bulb out.
  - b. Curves will be signed for “No Parking” on both sides of the street in the areas of the curve
  - c. Curves will require advanced signage with “20 MPH Curve” signs.
  - d. Lots 17 shall have a sight vision easement for a 25 mph curve on the inside of the curve to accommodate stopping sight distance
  - e. Lot 28 shall have a sight vision easement for a 25 mph curve on the inside of the curve to the extent feasible without impacting the existing home
  - f. Lot 17 to have driveway near the southern property line for the lot.
  - g. Bulb outs or “chokers” shall be provided prior to entering the curved portion of the public street in each direction. E.g. one choker between Lots 17 and 21 and one choker between Lots 10 and 28.

#### **F. PRIOR TO ISSUANE OF BUILDING PERMITS**

1. Prior to issuance of building permits, submit plot plans and building plans showing the residential structures meet the development standards of the VLDR-PUD zone, including any modifications to the development standards permitted in the land use Notice of Decision.
2. Prior to issuance of building permits, provide documentation of a fire flow test that meets flow requirements for the development type.

3. Prior to issuance of building permits, submit documentation from TVF&R that indicates the requirements of the Fire Marshall's letter dated July 28, 2020 and other applicable requirements of the fire code have been satisfied.
4. Prior to Issuance of Any Home Building Permits, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.

#### **G. PRIOR TO ACCEPTANCE OF CONSTRUCTED PUBLIC IMPROVEMENTS**

1. Prior to Acceptance of Public Improvements, applicant perform clean up of contamination in accordance with DEQ standards and shall submit a copy of the DEQ "No Further Action" confirmation letter to the Sherwood Engineering Department.
2. Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements and water quality/hydro-modification facilities meeting the approval of the Sherwood Engineering Department.
3. Prior to Acceptance of the Public Improvements, all common landscaped areas must have an irrigation system in accordance with SZCDC § 16.92.040(C).
4. Prior to Acceptance of Public Improvements, the developer shall dedicate required street right-of-way and public easements via a recorded subdivision plat and shall have all platted monuments installed. This includes right-of-way, PUE and public wall easement for the future extension of SW Upper Roy Street.
5. Payment-in-lieu funds for future street improvements shall be set aside in a dedicated city account to be paid toward the future development of the property to the north.
6. Prior to acceptance of the public improvements, the applicant shall provide a maintenance bond at 10% 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 Acceptance of the Public Improvements, any public sanitary sewer located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.
8. Prior to Acceptance of the Public Improvements, the public sanitary sewer within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.
9. Prior to Acceptance of the Public Improvements, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.
10. Prior to Acceptance of the Public Improvements, any existing unused sanitary lateral that is no longer being used by the site shall be abandoned at the main meeting the approval of the Sherwood Engineering Department.



11. Prior to Acceptance of the Public Improvements, any public water line located on private property shall have a recorded public water line easement encompassing the related public water improvements meeting the approval of the Sherwood Engineering Department.
12. Prior to Acceptance of the Public Improvements, the public water system within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.
13. Prior to Acceptance of the Public Improvements, any well located within city right-of-way shall be abandoned in compliance with all applicable regulations.
14. Prior to Acceptance of the Public Improvements, any lot having both public water and well water shall have a reduced pressure backflow preventer on the public water service meeting the approval of the Sherwood Engineering Department.
15. Prior to Acceptance of the Public Improvements, any existing unused water service that is no longer being used by the site shall be abandoned at the main meeting the approval of the Sherwood Engineering Department.
16. Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public storm sewer located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting Sherwood Engineering standards.
17. Prior to Acceptance of the Public Improvements, the public storm sewer within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.
18. Prior to Acceptance of the Public Improvements, the tract of land containing the public water quality facilities shall be dedicated to the City of Sherwood unless otherwise approved by the city.
19. Prior to Acceptance of Public Improvements, the developer shall dedicate a minimum 8-foot wide PUE along all street frontages and tracks of land for private street/driveway usage unless otherwise approved by the City Engineer.
20. Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property street frontage and private track frontage for tracts of land containing private street/driveway per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074. A payment in lieu shall be made in place of installing Sherwood Broadband utilities along the street frontage of the extension of SW Upper Roy Street.

#### **H. PRIOR TO OCCUPANCY OF STRUCTURES**

1. Prior to occupancy of each residence, one off-street parking space per dwelling unit shall be provided. Each driveway shall be 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.
2. Prior to Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

3. Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
4. Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

## **V. EXHIBITS**

### **A. Applicant Submittal (complete application materials available in the paper project file at City Hall)**

1. Development Plan Set
2. Architectural Pattern Books
3. Covenants, Conditions, & Restrictions
4. Development Compliance Narrative
5. Engineering Design Modifications
6. Clean Water Services Pre-Screen Forms
7. Preliminary Stormwater Report
8. Geotechnical Report
9. Oregon DEQ Site Contamination Information
10. Land Use Forms
11. Title Reports
12. Public Notice
13. Neighborhood Meeting Summaries

### **B. Agency Comments**

1. City of Sherwood Engineering
2. City of Sherwood Public Works
3. Tualatin Valley Fire & Rescue
4. Clean Water Services Memorandum
5. Pride Disposal

### **C. Additional Information**

1. SE Sherwood Master Plan – Figure 15 Alternative B/C
2. Natural Resources and Recreation Plan Map
3. Aerial Photo of Subject Site
4. Title 13 Map
5. Denali Meadows Signage & Striping Plan

### **D. Revised and Supplemental Material**

1. Revised Plat
2. Applicant Memo dated January 5, 2021
3. “Site Exhibit” showing 5 ft. wide sidewalk along Tracts E and F
4. Open Space Concept Plan
5. Pages 20 – 21 of the SE Sherwood Master Plan

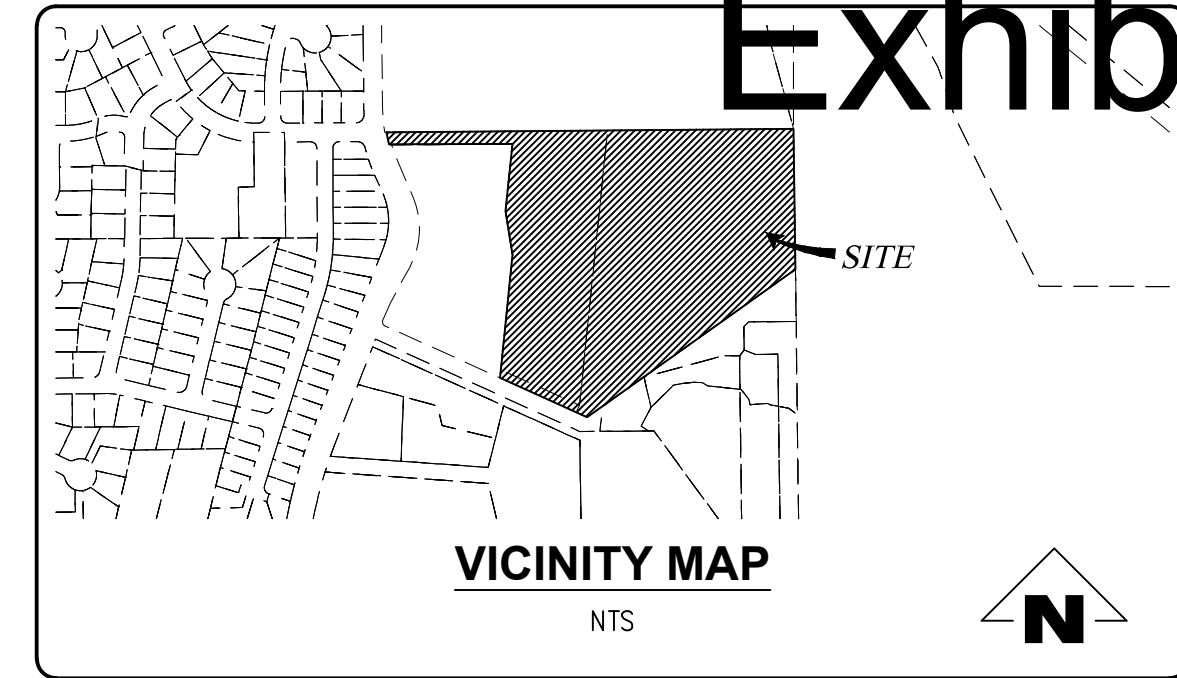
6. Tract F Plan and Profile Sheet
7. Dewey Exhibit
8. Neighborhood Street Design Guidelines
9. City of Sherwood Engineering Memo - Denali Summit Analysis of Potential Connection of Tracts E and F Private Streets

**E. Public Testimony**

1. Marcus Lopez dated November 10, 2020
2. Dennis Yuzon dated December 31, 2020

# YUZON PUD

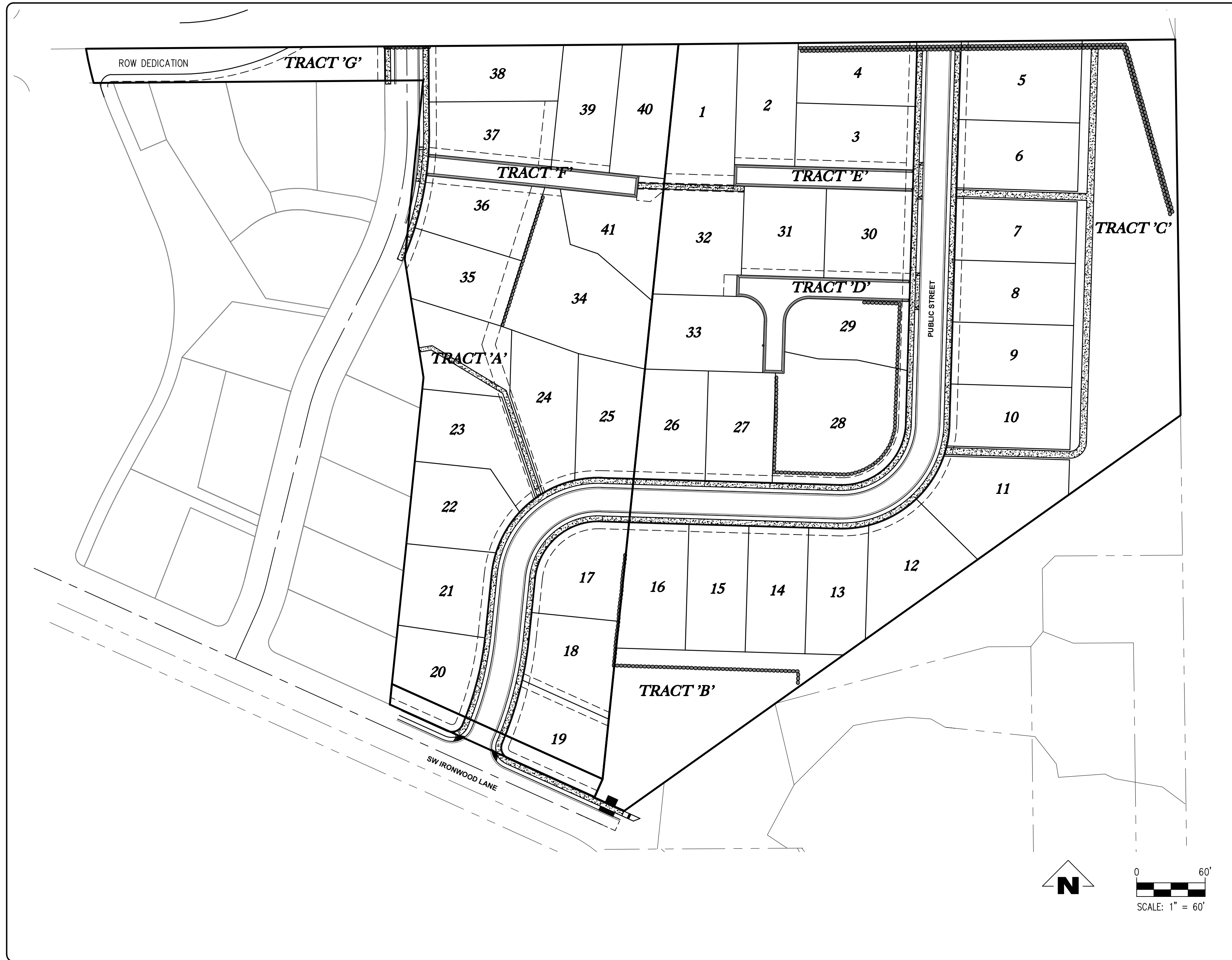
SUBDIVISION / PLANNED UNIT DEVELOPMENT  
 TAX LOTS 100 & 200 & TRACT 'E' OF DENALI MEADOWS  
 TAX MAP 2S133CB  
 SHERWOOD, OREGON



# Exhibit A1

YUZON PUD

TAX MAP T2S R1W 33CB  
 TAX LOTS 00100 & 00200  
 SHERWOOD, OREGON



LEGEND			
	BOUNDARY LINE		EXISTING SANITARY SEWER LINE
	EASEMENT		EXISTING WATER LINE
	EXISTING 2' CONTOUR LINE		EXISTING UNDERGROUND POWER LINE
	EXISTING 10' CONTOUR LINE		EXISTING GAS LINE
	EXISTING CROWN (CENTER LINE OF ROAD)		EXISTING FENCE LINE
	EXISTING TREE		PROPOSED STORM LINE
	EXISTING DOWNSPOUT		PROPOSED SANITARY LINE
	EXISTING STORM DRAIN MANHOLE		PROPOSED WATERLINE
	EXISTING SANITARY SEWER MANHOLE		PROPOSED STORM LATERAL
	EXISTING CATCH BASIN		PROPOSED SANITARY LATERAL
	EXISTING WATER METER		PROPOSED SINGLE WATER METER
	EXISTING WELL		PROPOSED DOUBLE WATER METER
	EXISTING WATER VALVE		PROPOSED STORM MANHOLE
	EXISTING FIRE HYDRANT		PROPOSED CATCH BASIN
	EXISTING TRANSFORMER		PROPOSED SANITARY MANHOLE
	EXISTING COMMUNICATION PEDESTAL		PROPOSED BLOWOFF
	EXISTING ELECTRICAL METER		PROPOSED WATER VALVE
	EXISTING JUNCTION BOX		PROPOSED 2' CONTOUR LINE
	EXISTING LIGHT		PROPOSED 10' CONTOUR LINE
	EXISTING SIGN		PROPOSED SEDIMENT FENCE
	EXISTING ROW OF TREES		
	EXISTING STORM DRAIN LINE		

**OWNERS:**

JT ROTH CONSTRUCTION INC  
 12600 SW 72ND #200  
 PORTLAND, OR 97223  
 CONTACT: TIM ROTH  
 503-639-2639 | TEL

TIMOTHY M. MILLER  
 23008 SW MURDOCK ROAD  
 SHERWOOD, OR 97140

DENNIS A. AND PAULA B. YUZON  
 23120 SW MURDOCK ROAD  
 SHERWOOD, OR 97140

**APPLICANT:**

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 6445 SW FALLBROOK PL, SUITE 100  
 BEAVERTON, OR 97008  
 CONTACT: STEVE MILLER  
 541-318-7487 | CELL

**LAND USE & CIVIL ENGINEER:**

EMERIO DESIGN, LLC  
 6445 SW FALLBROOK PL, SUITE 100  
 BEAVERTON, OR 97008  
 LAND USE CONTACT: STEVE MILLER  
 ENGINEER CONTACT: ERIC EVANS  
 503-746-8812 | TEL

**SURVEYOR:**

EMERIO DESIGN, LLC  
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 BEAVERTON, OR 97008  
 CONTACT: KING PHELPS  
 503-746-8812 | TEL

**DRAWING INDEX:**

- 01 COVERSHEET
- 02 EXISTING CONDITIONS
- 03 TREE PRESERVATION & REMOVAL PLAN
- 04 PRELIMINARY PLAN
- 05 PRELIMINARY GRADING AND EROSION CONTROL PLAN
- 06 SW IRONWOOD LANE IMPROVEMENT PLAN & PROFILE
- 07 PUBLIC STREET PLAN & PROFILE (ST STA 10+00.00 TO STA 16+25.00)
- 08 PUBLIC STREET PLAN & PROFILE (ST STA 16+25.00 TO END)
- 09 TRACT A & PUBLIC STREET 2 PLAN & PROFILE
- 10 TRACT C PLAN & PROFILE
- 11 TRACTS D & E PLANS & PROFILES
- 12 TRACT F & LOT 34 DRIVEWAY PLANS & PROFILES
- 13 FUTURE STREET PLAN & PROFILE
- 14 PRELIMINARY UTILITY PLAN
- 15 AERIAL AND NEIGHBORHOOD CIRCULATION MAP
- 16 OPEN SPACE LANDSCAPING PLAN
- 17 STREET TREE PLAN

**SITE INFORMATION:**

SITE ADDRESS: 23120 & 23008 SW MURDOCK ROAD  
 TAX MAPS: 2S 1W 33CB  
 TAX LOTS: 100 & 200  
 GROSS AREA: 5.27 AC (BEFORE DEDICATION)  
 ZONING: VERY LOW DENSITY RESIDENTIAL

**BENCH MARK INFORMATION**

THE DATUM FOR THIS SURVEY IS BASED UPON WASHINGTON COUNTY BENCHMARK NO 111. ELEVATION=213.55 NGVD29 DATUM.

COVERSHEET

NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

**EMERIO Design**

6445 SW FALLBROOK PLACE, SUITE 100  
 BEAVERTON, OREGON 97008  
 TEL: (503) 746-8812  
 FAX: (503) 639-9592  
 www.emeriodesign.com

FILE: P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009-008\_01pcovr. Layout: 01\_COVERSHEET, Plot Date: 8/31/2020 4:06 PM, by: Kyung Han

# Exhibit A1

YUZON PUD

TAX MAP T2S R1W 33CB  
TAX LOTS 00100 & 00200  
SHERWOOD, OREGON

## EXISTING CONDITIONS

REVISIONS	
NO.	DATE
1	05/22/20
	1ST SUBMITTAL

**EMERIO**  
*Design*

6445 SW FALLBROOK PLACE, SUITE 100  
SHERWOOD, OREGON 97140  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com

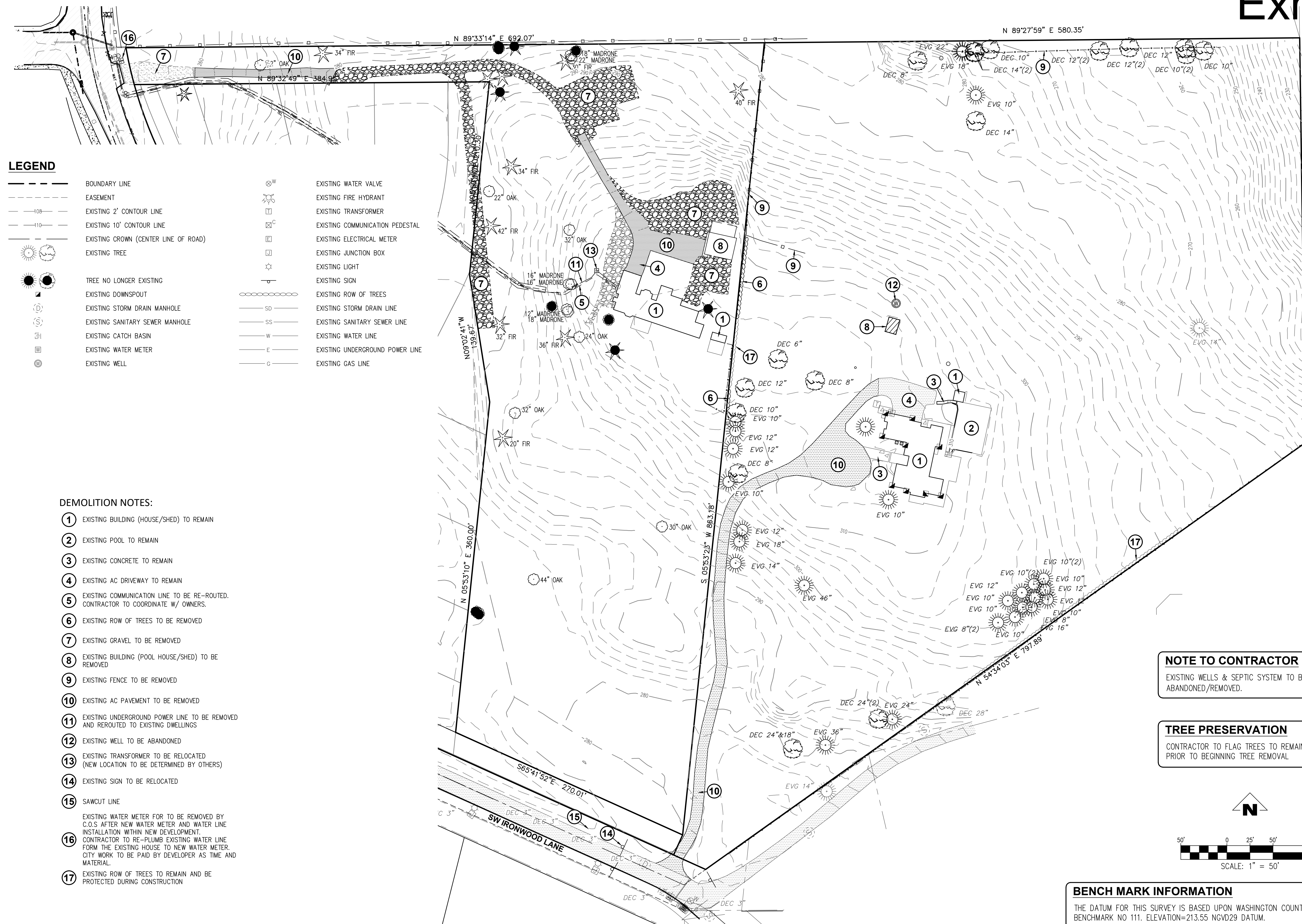
SHEET

02

OF

17

FILE: P:\0200-009\Yuzon\_Subdivision\dwg\plan\0200-009-02a.con, Layout: 02\_EXISTING CONDITIONS, Plot Date: 8/31/2020 4:08 PM, by: Kyang Han



### LEGEND

	BOUNDARY LINE		EXISTING WATER VALVE
	EASEMENT		EXISTING FIRE HYDRANT
	EXISTING 2' CONTOUR LINE		EXISTING TRANSFORMER
	EXISTING 10' CONTOUR LINE		EXISTING COMMUNICATION PEDESTAL
	EXISTING CROWN (CENTER LINE OF ROAD)		EXISTING ELECTRICAL METER
	EXISTING TREE		EXISTING JUNCTION BOX
	TREE NO LONGER EXISTING		EXISTING LIGHT
	EXISTING DOWNSPOUT		EXISTING SIGN
	EXISTING STORM DRAIN MANHOLE		EXISTING ROW OF TREES
	EXISTING SANITARY SEWER MANHOLE		EXISTING STORM DRAIN LINE
	EXISTING CATCH BASIN		EXISTING SANITARY SEWER LINE
	EXISTING WATER METER		EXISTING WATER LINE
	EXISTING WELL		EXISTING UNDERGROUND POWER LINE
			EXISTING GAS LINE

### DEMOLITION NOTES:

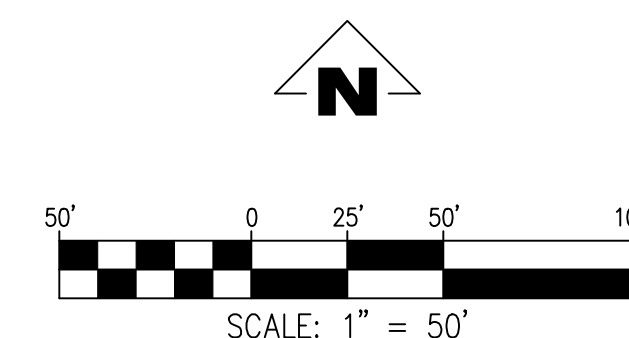
- 1 EXISTING BUILDING (HOUSE/SHED) TO REMAIN
- 2 EXISTING POOL TO REMAIN
- 3 EXISTING CONCRETE TO REMAIN
- 4 EXISTING AC DRIVEWAY TO REMAIN
- 5 EXISTING COMMUNICATION LINE TO BE RE-ROUTED. CONTRACTOR TO COORDINATE W/ OWNERS.
- 6 EXISTING ROW OF TREES TO BE REMOVED
- 7 EXISTING GRAVEL TO BE REMOVED
- 8 EXISTING BUILDING (POOL HOUSE/SHED) TO BE REMOVED
- 9 EXISTING FENCE TO BE REMOVED
- 10 EXISTING AC PAVEMENT TO BE REMOVED
- 11 EXISTING UNDERGROUND POWER LINE TO BE REMOVED AND REROUTED TO EXISTING DWELLINGS
- 12 EXISTING WELL TO BE ABANDONED
- 13 EXISTING TRANSFORMER TO BE RELOCATED (NEW LOCATION TO BE DETERMINED BY OTHERS)
- 14 EXISTING SIGN TO BE RELOCATED
- 15 SAWCUT LINE
- 16 EXISTING WATER METER FOR TO BE REMOVED BY C.O.S AFTER NEW WATER METER AND WATER LINE INSTALLATION WITHIN NEW DEVELOPMENT. CONTRACTOR TO RE-PLUMB EXISTING WATER LINE FROM THE EXISTING HOUSE TO NEW WATER METER. CITY WORK TO BE PAID BY DEVELOPER AS TIME AND MATERIAL.
- 17 EXISTING ROW OF TREES TO REMAIN AND BE PROTECTED DURING CONSTRUCTION

### NOTE TO CONTRACTOR

EXISTING WELLS & SEPTIC SYSTEM TO BE ABANDONED/REMOVED.

### TREE PRESERVATION

CONTRACTOR TO FLAG TREES TO REMAIN PRIOR TO BEGINNING TREE REMOVAL



### BENCH MARK INFORMATION

THE DATUM FOR THIS SURVEY IS BASED UPON WASHINGTON COUNTY BENCHMARK NO 111. ELEVATION=213.55 NGVD29 DATUM.

## TREE PRESERVATION & REMOVAL PLAN

REVISIONS	
NO.	DATE
1	05/22/20
	1ST SUBMITTAL

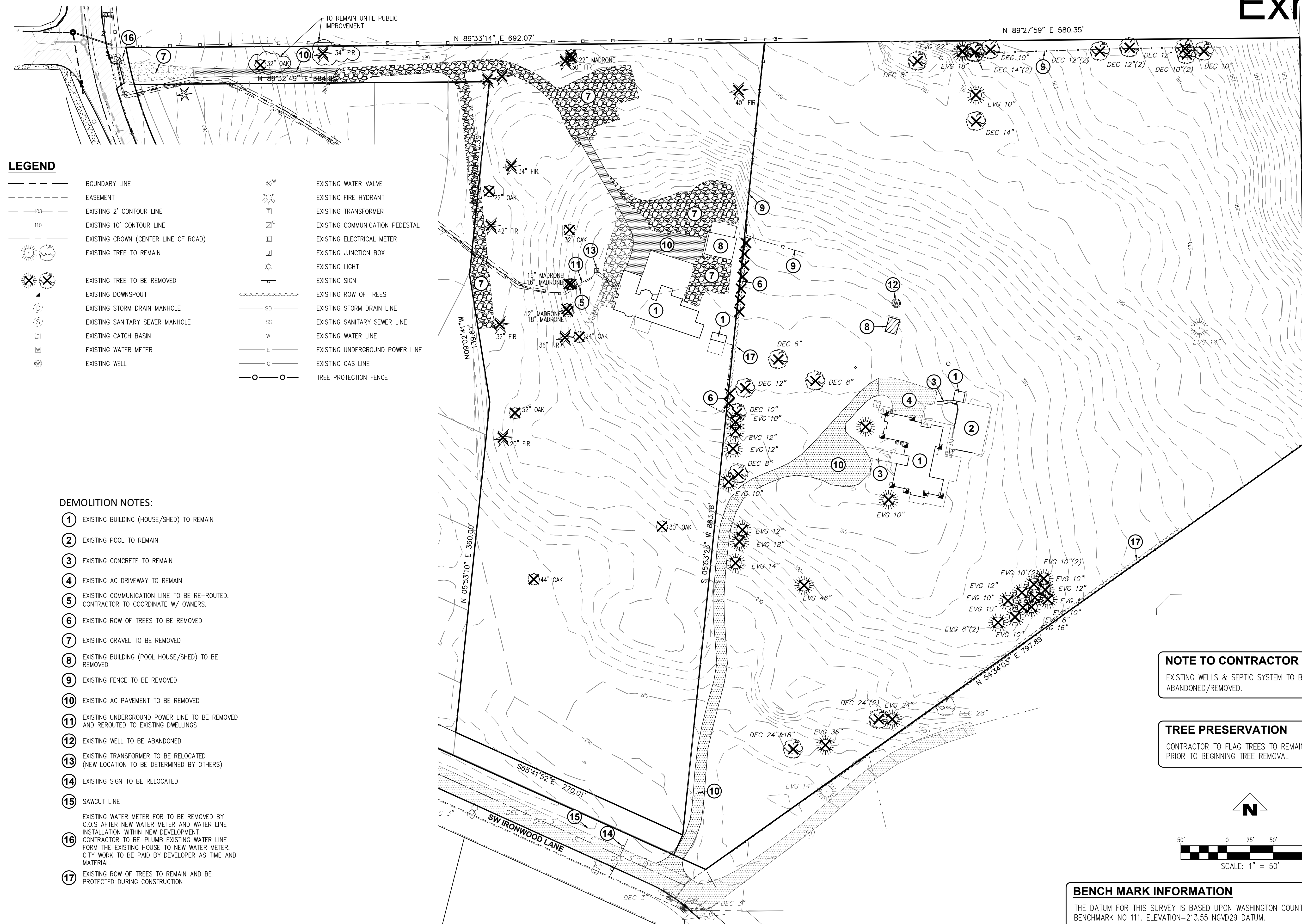
**EMERIO**  
*Design*

6445 SW FALLBROOK PLACE, SUITE 100  
SHERWOOD, OREGON 97146  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com

SHEET  
**03**

OF  
**17**

FILE: P:\0200-009\Yuzon\_Subdivision\dwg\plan\0200-009-03pre\_Layout: 03\_TREE PRESERVATION & REMOVAL PLAN, Plot Date: 8/31/2020 4:09 PM, by: Kyang Han



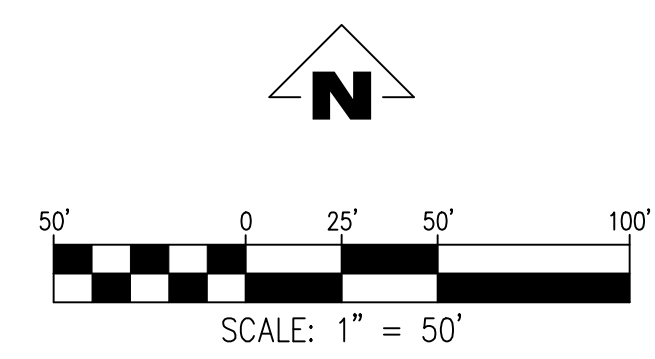
### LEGEND

	BOUNDARY LINE		EXISTING WATER VALVE
	EASEMENT		EXISTING FIRE HYDRANT
	EXISTING 2' CONTOUR LINE		EXISTING TRANSFORMER
	EXISTING 10' CONTOUR LINE		EXISTING COMMUNICATION PEDESTAL
	EXISTING CROWN (CENTER LINE OF ROAD)		EXISTING ELECTRICAL METER
	EXISTING TREE TO REMAIN		EXISTING JUNCTION BOX
	EXISTING TREE TO BE REMOVED		EXISTING LIGHT
	EXISTING DOWNSPOUT		EXISTING SIGN
	EXISTING STORM DRAIN MANHOLE		EXISTING ROW OF TREES
	EXISTING SANITARY SEWER MANHOLE		EXISTING STORM DRAIN LINE
	EXISTING CATCH BASIN		EXISTING SANITARY SEWER LINE
	EXISTING WATER METER		EXISTING WATER LINE
	EXISTING WELL		EXISTING UNDERGROUND POWER LINE
			EXISTING GAS LINE
			TREE PROTECTION FENCE

- ### DEMOLITION NOTES:
- ① EXISTING BUILDING (HOUSE/SHED) TO REMAIN
  - ② EXISTING POOL TO REMAIN
  - ③ EXISTING CONCRETE TO REMAIN
  - ④ EXISTING AC DRIVEWAY TO REMAIN
  - ⑤ EXISTING COMMUNICATION LINE TO BE RE-ROUTED. CONTRACTOR TO COORDINATE W/ OWNERS.
  - ⑥ EXISTING ROW OF TREES TO BE REMOVED
  - ⑦ EXISTING GRAVEL TO BE REMOVED
  - ⑧ EXISTING BUILDING (POOL HOUSE/SHED) TO BE REMOVED
  - ⑨ EXISTING FENCE TO BE REMOVED
  - ⑩ EXISTING AC PAVEMENT TO BE REMOVED
  - ⑪ EXISTING UNDERGROUND POWER LINE TO BE REMOVED AND REROUTED TO EXISTING DWELLINGS
  - ⑫ EXISTING WELL TO BE ABANDONED
  - ⑬ EXISTING TRANSFORMER TO BE RELOCATED (NEW LOCATION TO BE DETERMINED BY OTHERS)
  - ⑭ EXISTING SIGN TO BE RELOCATED
  - ⑮ SAWCUT LINE
  - ⑯ EXISTING WATER METER FOR TO BE REMOVED BY C.O.S AFTER NEW WATER METER AND WATER LINE INSTALLATION WITHIN NEW DEVELOPMENT. CONTRACTOR TO RE-PLUMB EXISTING WATER LINE FROM THE EXISTING HOUSE TO NEW WATER METER. CITY WORK TO BE PAID BY DEVELOPER AS TIME AND MATERIAL.
  - ⑰ EXISTING ROW OF TREES TO REMAIN AND BE PROTECTED DURING CONSTRUCTION

**NOTE TO CONTRACTOR**  
EXISTING WELLS & SEPTIC SYSTEM TO BE ABANDONED/REMOVED.

**TREE PRESERVATION**  
CONTRACTOR TO FLAG TREES TO REMAIN PRIOR TO BEGINNING TREE REMOVAL



**BENCH MARK INFORMATION**  
THE DATUM FOR THIS SURVEY IS BASED UPON WASHINGTON COUNTY BENCHMARK NO 111. ELEVATION=213.55 NGVD29 DATUM.

# Exhibit A1

YUZON PUD  
TAX MAP T2S R1W 33CB  
TAX LOTS 00100 & 00200  
SHERWOOD, OREGON

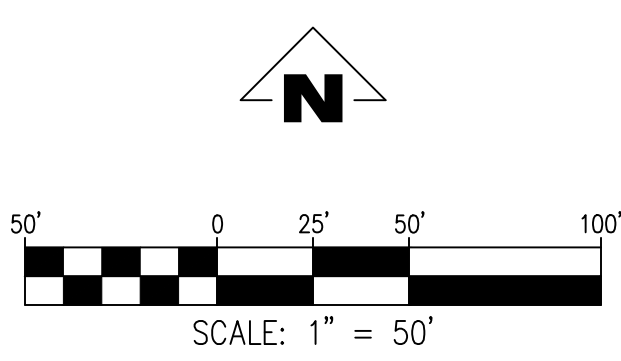
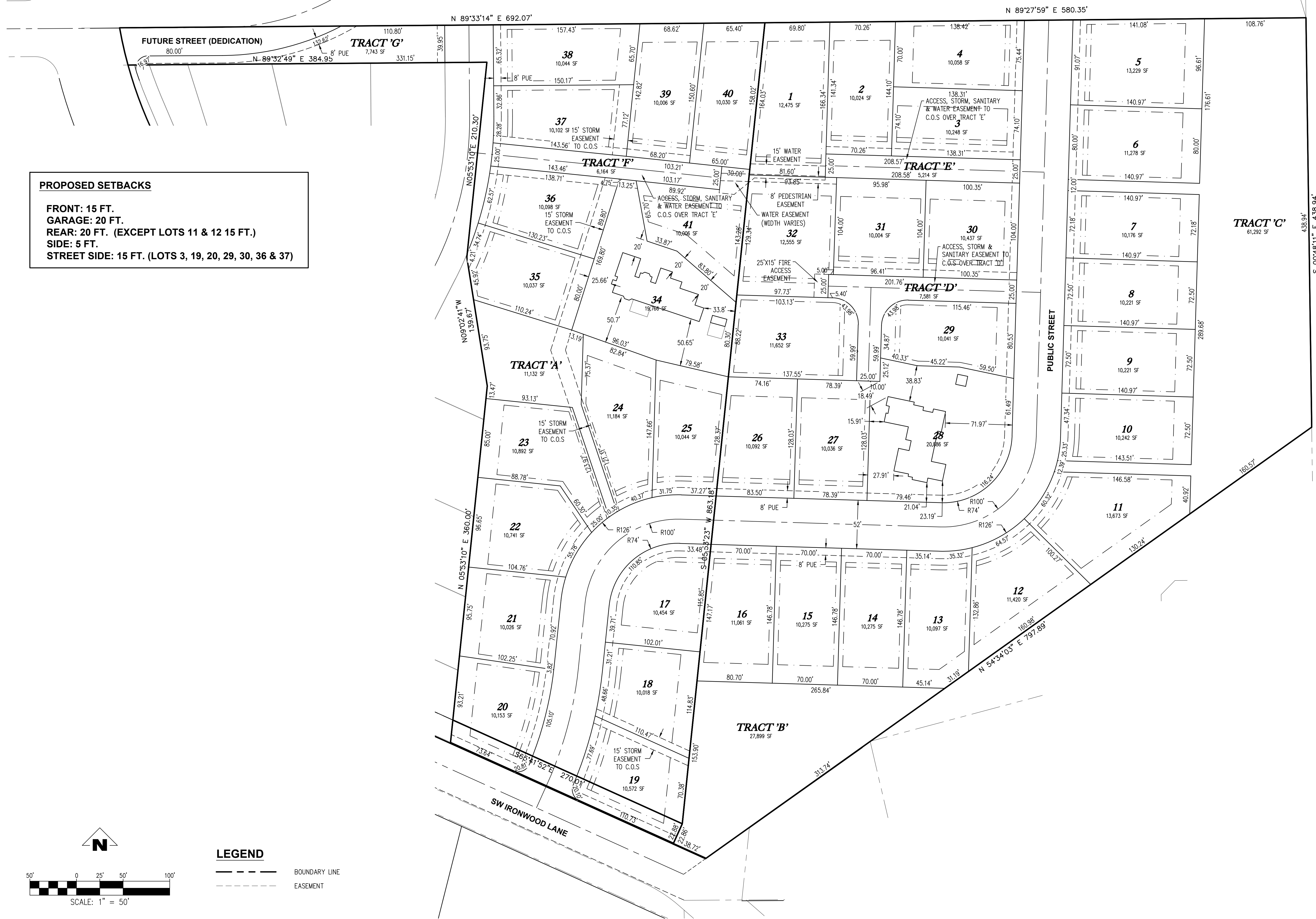
PRELIMINARY PLAT

NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

**EMERIO**  
*Design*  
6445 SW FALLBROOK PLACE, SUITE 100  
BEAVERTON, OREGON 97008  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com

SHEET  
**04**  
OF  
**17**

FILE: P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009-008\_04ppat Layout: 04\_PRELIMINARY PLAT, Plat Date: 8/31/2020 4:10 PM, Dn: Kyung Han



**LEGEND**  
 - - - - - BOUNDARY LINE  
 - - - - - EASEMENT

# Exhibit A1

YUZON PUD  
TAX MAP T2S R1W 33CB  
TAX LOTS 00100 & 00200  
SHERWOOD, OREGON

## PRELIMINARY GRADING AND EROSION CONTROL PLAN

REVISIONS		
NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

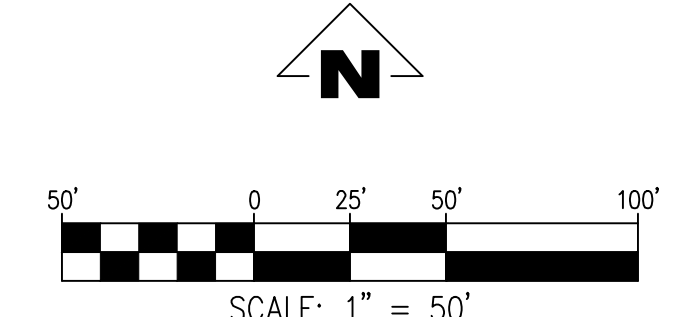
**EMERIO**  
*Design*

6445 SW FALLBROOK PLACE, SUITE 100  
BEND, OREGON 97702  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com

SHEET  
**05**  
OF  
**17**

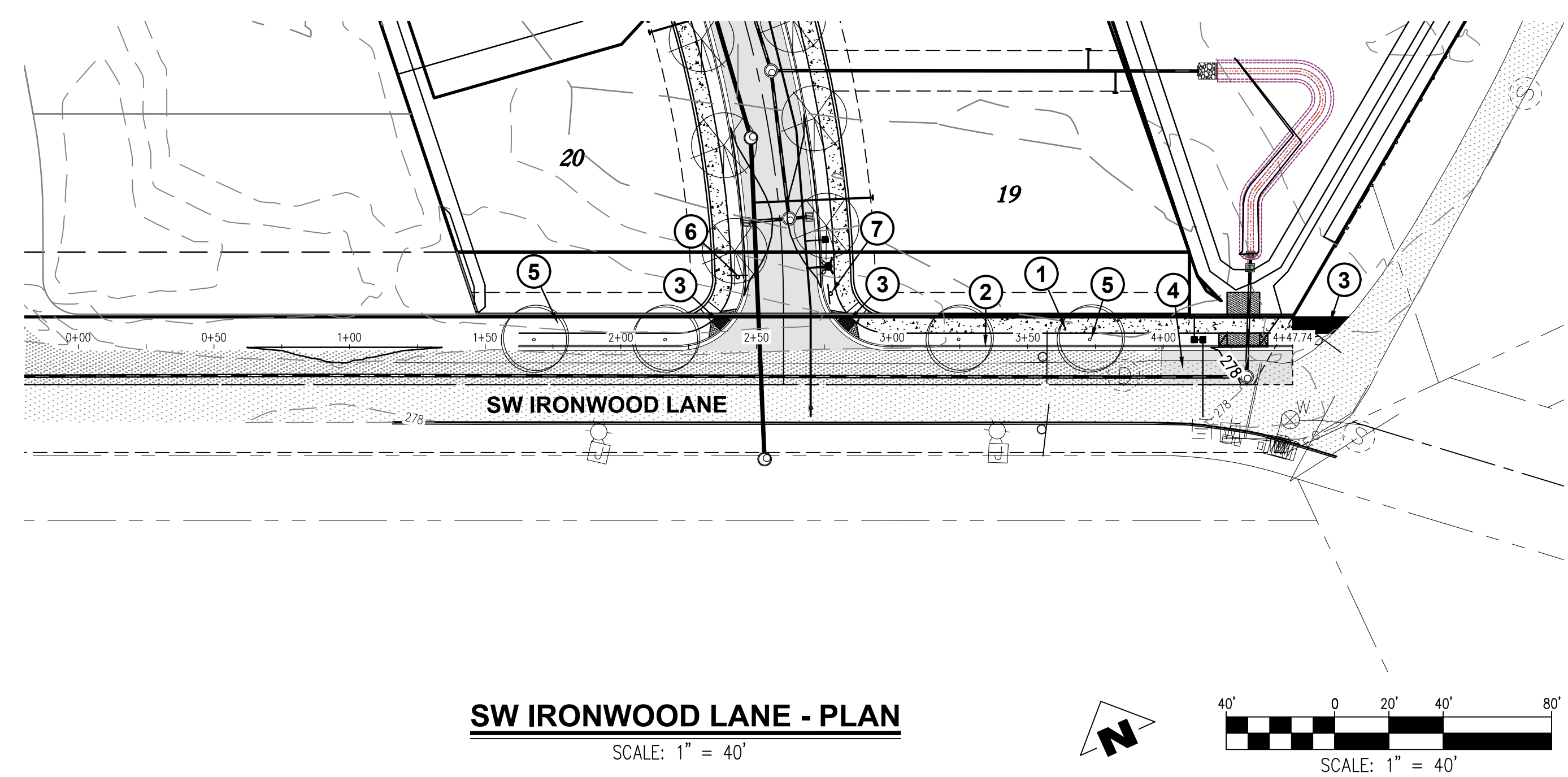
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- ### LEGEND
- BOUNDARY LINE
  - EASEMENT
  - EXISTING 2' CONTOUR LINE
  - EXISTING 10' CONTOUR LINE
  - EXISTING CROWN (CENTER LINE OF ROAD)
  - EXISTING TREE
  - EXISTING DOWNSPOUT
  - EXISTING STORM DRAIN MANHOLE
  - EXISTING CATCH BASIN
  - EXISTING SIGN
  - EXISTING ROW OF TREES
  - EXISTING STORM DRAIN LINE
  - EXISTING FENCE LINE
  - PROPOSED STORM LINE
  - PROPOSED STORM LATERAL
  - PROPOSED STORM MANHOLE
  - PROPOSED CATCH BASIN
  - PROPOSED 2' CONTOUR LINE
  - PROPOSED 10' CONTOUR LINE
  - PROPOSED SEDIMENT FENCE

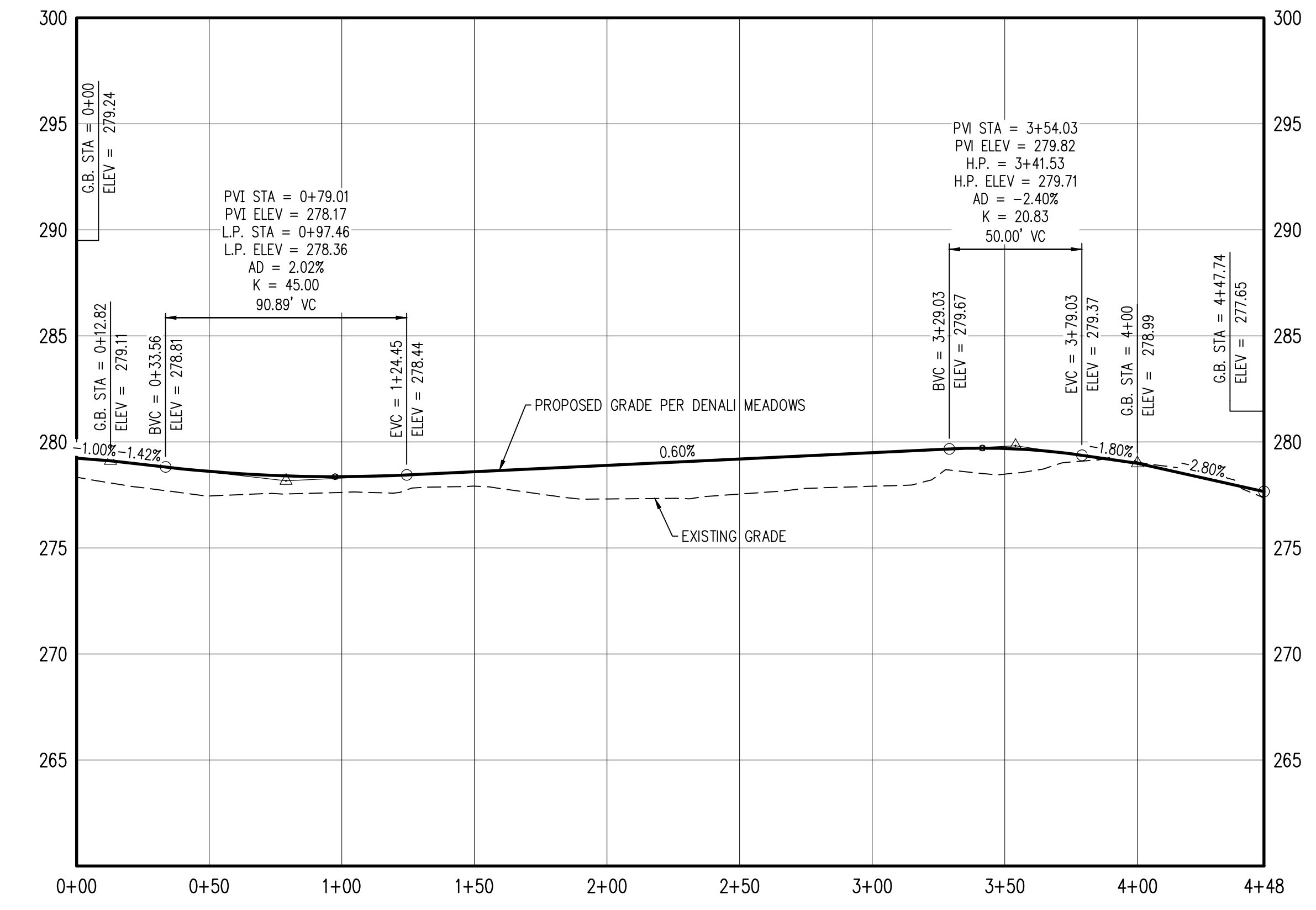


- EROSION CONTROL NOTES:
- ① CONSTRUCTION ENTRANCE
  - ② SEDIMENT FENCE
  - ③ STOCK PILE AREA
  - ④ CONCRETE WHEEL WASH
  - ⑤ BIO-BAG AT CATCH BASIN/AREA DRAIN
  - ⑥ CONSTRUCTION STAGING AREA





**SW IRONWOOD LANE - PLAN**  
SCALE: 1" = 40'



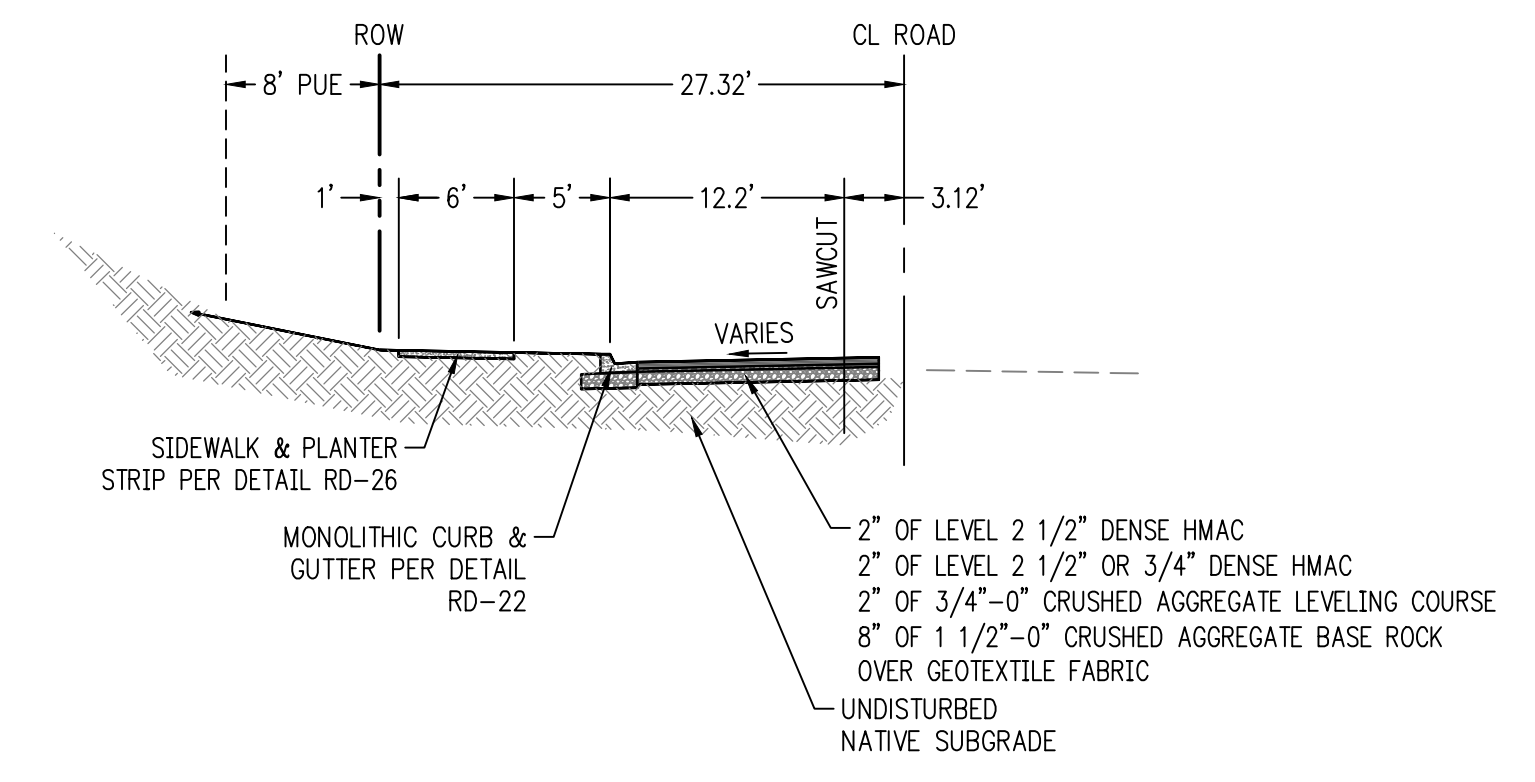
**SW IRONWOOD LANE CURB - PROFILE**  
SCALE: 1" = 40' H, 1" = 5' V

NOTES:

- ① PROPOSED SIDEWALK
- ② PROPOSED MONOLITHIC CURB & GUTTER
- ③ PROPOSED ADA RAMP
- ④ PROPOSED AC PAVEMENT
- ⑤ PROPOSED STREET TREE (TYP)
- ⑥ PROPOSED STREET & STOP SIGN LOCATION
- ⑦ PROPOSED 'NO PARKING' SIGN

**LEGEND**

- BOUNDARY LINE
- - - EASEMENT
- - - 108 EXISTING 2' CONTOUR LINE
- - - 110 EXISTING 10' CONTOUR LINE
- EXISTING CROWN (CENTER LINE OF ROAD)
- ☀ EXISTING TREE TO REMAIN
- ▣ EXISTING DOWNSPOUT
- ⊕ EXISTING STORM DRAIN MANHOLE
- ⊕ EXISTING SANITARY SEWER MANHOLE
- ⊕ EXISTING CATCH BASIN
- ⊕ EXISTING WATER METER
- ⊕ EXISTING WELL
- ⊕ EXISTING WATER VALVE
- ⊕ EXISTING FIRE HYDRANT
- ⊕ EXISTING TRANSFORMER
- ⊕ EXISTING COMMUNICATION PEDESTAL
- ⊕ EXISTING ELECTRICAL METER
- ⊕ EXISTING JUNCTION BOX
- ⊕ EXISTING LIGHT
- ⊕ EXISTING SIGN
- EXISTING ROW OF TREES
- SD EXISTING STORM DRAIN LINE
- SS EXISTING SANITARY SEWER LINE
- W EXISTING WATER LINE
- E EXISTING UNDERGROUND POWER LINE
- G EXISTING GAS LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- ⊕ PROPOSED STORM MANHOLE
- ⊕ PROPOSED CATCH BASIN
- ⊕ PROPOSED SANITARY MANHOLE
- ⊕ PROPOSED BLOWOFF
- ⊕ PROPOSED WATER VALVE
- 108 PROPOSED 2' CONTOUR LINE
- 110 PROPOSED 10' CONTOUR LINE



**SW IRONWOOD LANE - SECTION**  
NTS

REVISIONS	
NO.	DESCRIPTION
1	05/22/20 1ST SUBMITTAL

**EMERIO Design**  
6445 SW FALLBROOK PLACE, SUITE 100  
BEAVERTON, OREGON 97008  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com

# Exhibit A1

YUZON PUD

TAX MAP T2S R1W 33CB  
TAX LOTS 00100 & 00200  
SHERWOOD, OREGON

**PUBLIC STREET PLAN &  
PROFILE (ST STA 10+00.00  
TO STA 16+25.00)**

REVISIONS	
NO.	DATE
1	05/22/20
1ST SUBMITTAL	

**EMERIO**  
*Design*

6445 SW FALLBROOK PLACE, SUITE 100  
SHERWOOD, OREGON 97140  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com

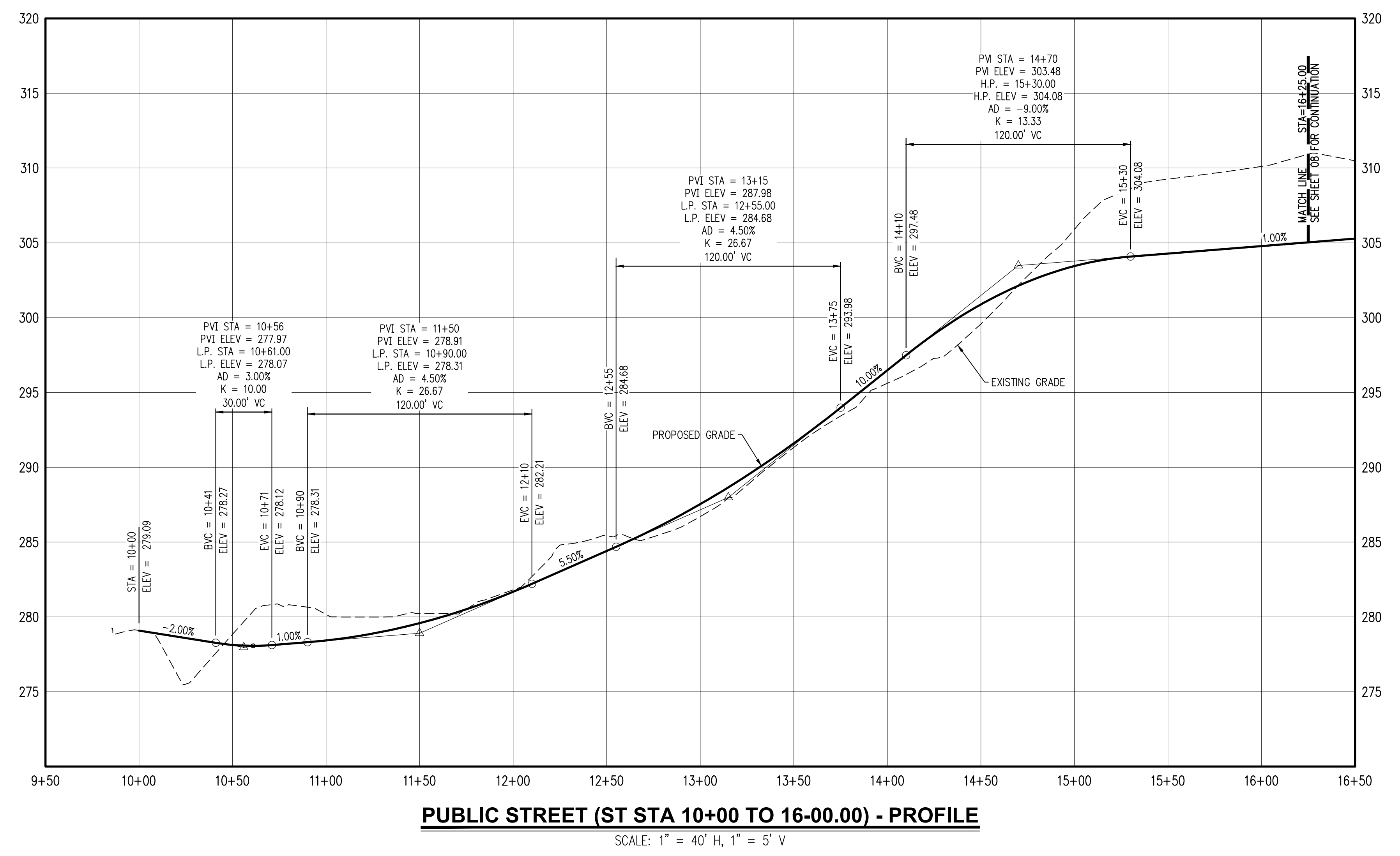
SHEET  
**07**  
OF  
**17**

FILE: P:\0200-009\Yuzon\_Subdivision\dwg\plan\0200-009\_07ps42; Layout: 07\_PUBLIC STREET PLAN & PROFILE (ST STA 10+00.00 TO STA 16+25.00), Plot Date: 8/31/2020 4:21 PM, Dwg: Kyung Han

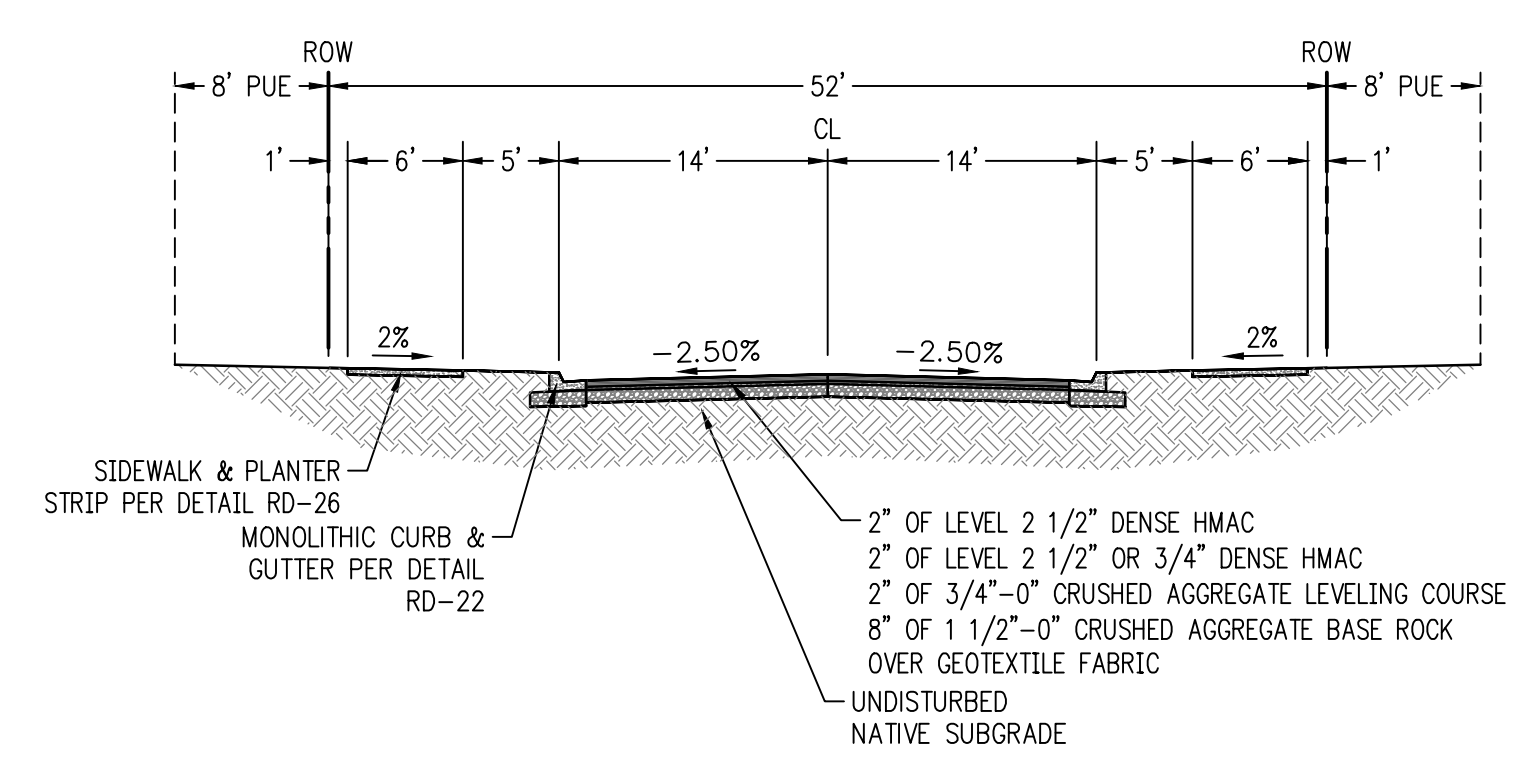


**LEGEND**

	BOUNDARY LINE
	EASEMENT
	EXISTING 2' CONTOUR LINE
	EXISTING 10' CONTOUR LINE
	EXISTING CROWN (CENTER LINE OF ROAD)
	EXISTING DOWNSPOUT
	EXISTING STORM DRAIN LINE
	EXISTING SANITARY SEWER LINE
	EXISTING WATER LINE
	PROPOSED STORM LINE
	PROPOSED SANITARY LINE
	PROPOSED WATERLINE
	PROPOSED STORM LATERAL
	PROPOSED SANITARY LATERAL
	PROPOSED SINGLE WATER METER
	PROPOSED DOUBLE WATER METER
	PROPOSED STORM MANHOLE
	PROPOSED CATCH BASIN
	PROPOSED SANITARY MANHOLE
	PROPOSED WATER VALVE
	PROPOSED 2' CONTOUR LINE
	PROPOSED 10' CONTOUR LINE



- NOTES:
- ① PROPOSED SIDEWALK
  - ② PROPOSED MONOLITHIC CURB & GUTTER
  - ③ PROPOSED DRIVEWAY APPROACH
  - ④ PROPOSED AC PAVEMENT
  - ⑤ PROPOSED WALL
  - ⑥ PROPOSED ADA RAMP
  - ⑦ PROPOSED STREET TREE (TYP)
  - ⑧ PROPOSED ADA RAMP
  - ⑨ PROPOSED 'NO PARKING' SIGN
  - ⑩ PROPOSED STREET & STOP SIGN



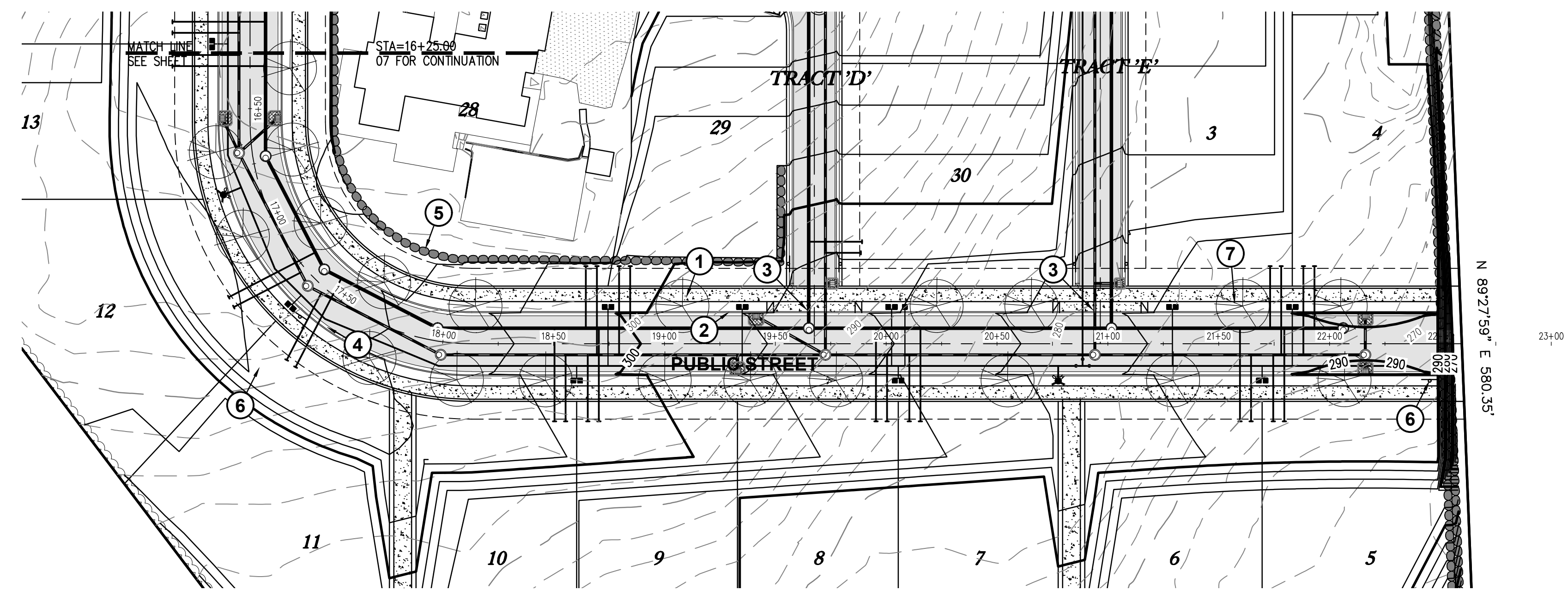
# Exhibit A1

YUZON PUD  
 TAX MAP T2S R1W 33CB  
 TAX LOTS 00100 & 00200  
 SHERWOOD, OREGON

## PUBLIC STREET PLAN & PROFILE (ST STA 16+25.00 TO END)

REVISIONS	
NO.	DATE
1	05/22/20

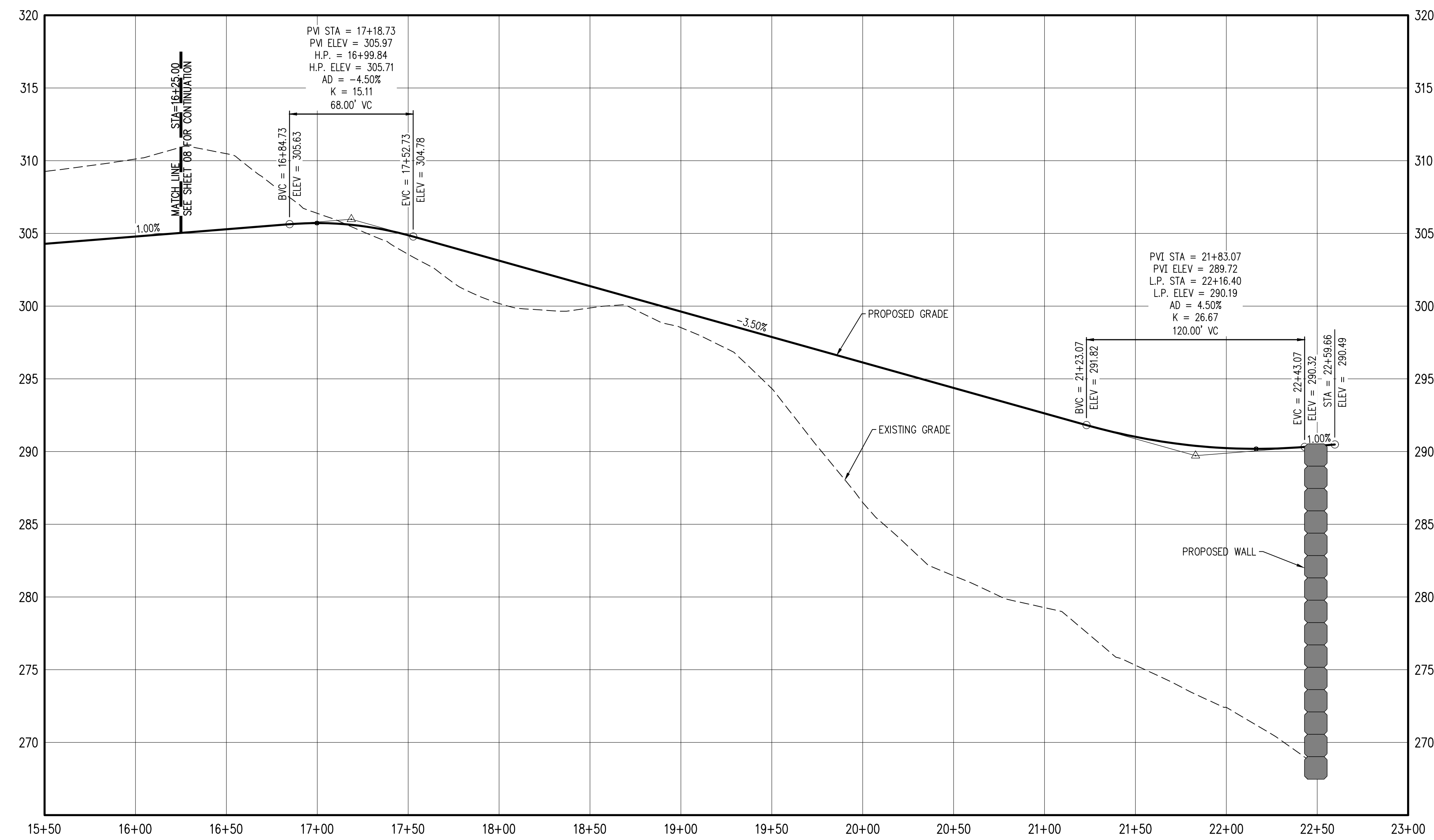
**EMERIO**  
*Design*  
 6445 SW FALLBROOK PLACE, SUITE 100  
 BEASLEY, OREGON 97005  
 TEL: (503) 746-8812  
 FAX: (503) 639-9592  
 www.emeriodesign.com



**PUBLIC STREET (ST STA 16+00 TO END) - PLAN**  
 SCALE: 1" = 40'

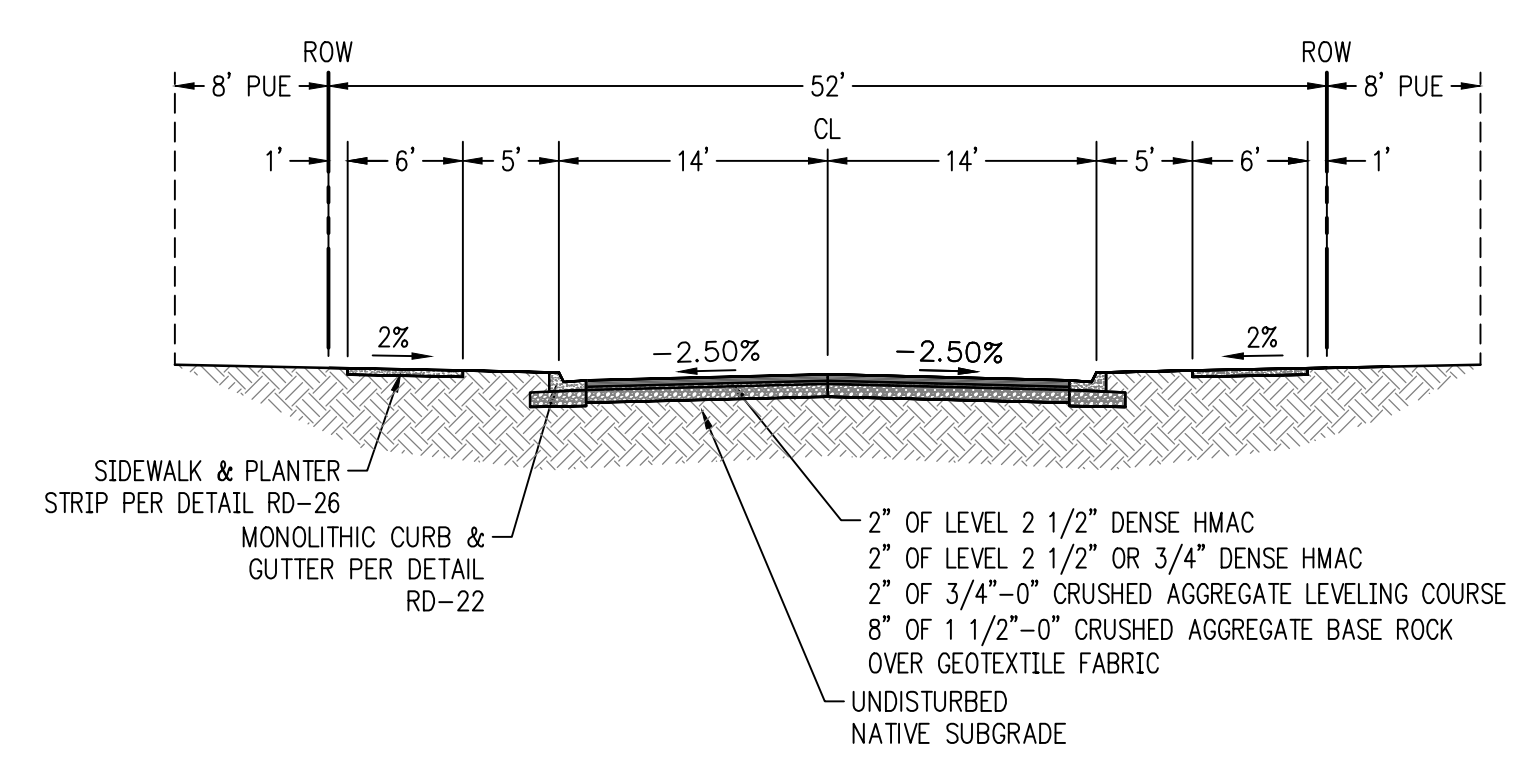
**LEGEND**

	BOUNDARY LINE
	EASEMENT
	EXISTING 2' CONTOUR LINE
	EXISTING 10' CONTOUR LINE
	EXISTING CROWN (CENTER LINE OF ROAD)
	EXISTING DOWNSPOUT
	EXISTING STORM DRAIN LINE
	EXISTING SANITARY SEWER LINE
	EXISTING WATER LINE
	PROPOSED STORM LINE
	PROPOSED SANITARY LINE
	PROPOSED WATERLINE
	PROPOSED STORM LATERAL
	PROPOSED SANITARY LATERAL
	PROPOSED SINGLE WATER METER
	PROPOSED DOUBLE WATER METER
	PROPOSED STORM MANHOLE
	PROPOSED CATCH BASIN
	PROPOSED SANITARY MANHOLE
	PROPOSED BLOWOFF
	PROPOSED WATER VALVE
	PROPOSED 2' CONTOUR LINE
	PROPOSED 10' CONTOUR LINE



**PUBLIC STREET (ST STA 16+00 TO END) - PROFILE**  
 SCALE: 1" = 40' H, 1" = 5' V

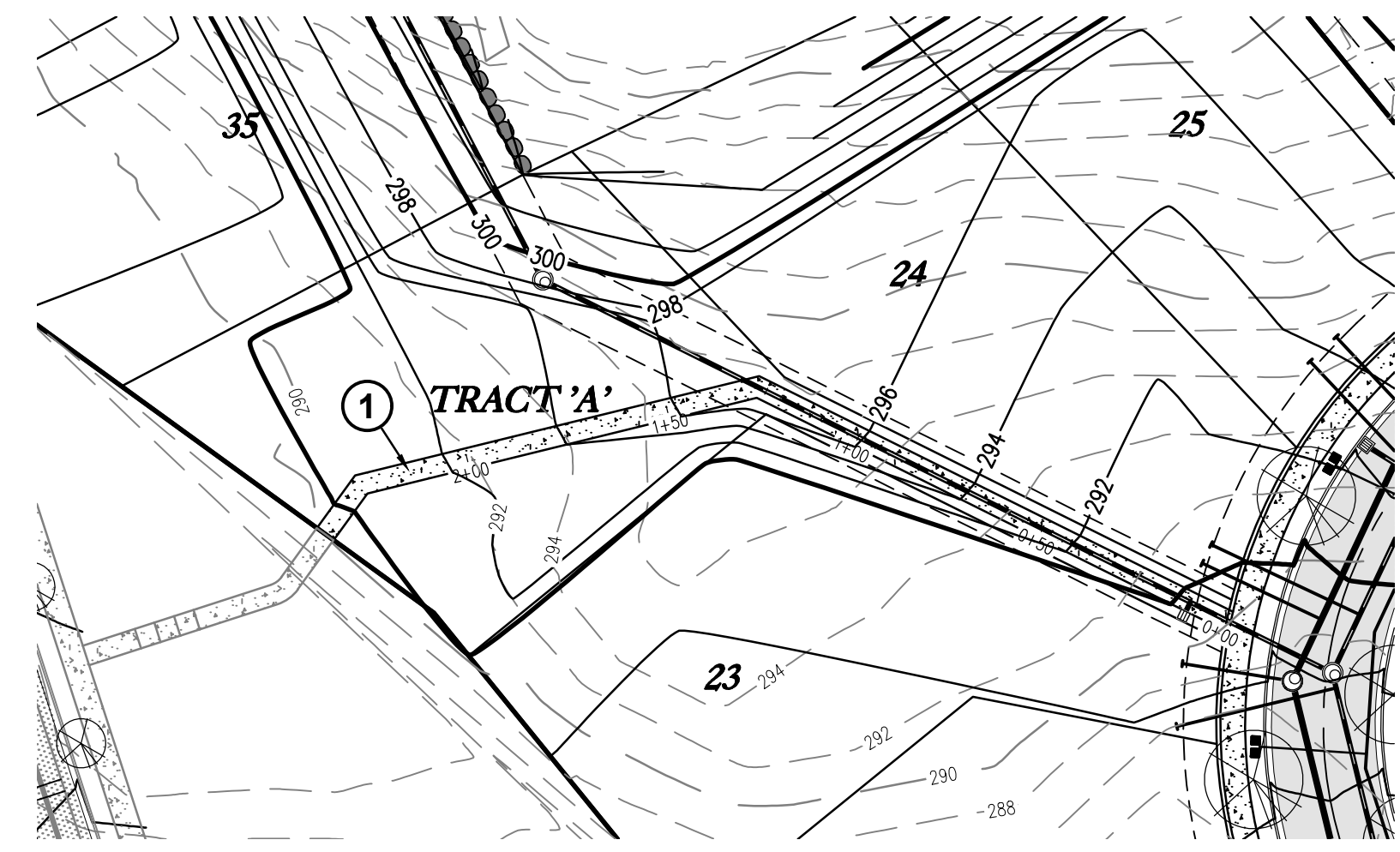
- NOTES:
- ① PROPOSED SIDEWALK
  - ② PROPOSED MONOLITHIC CURB & GUTTER
  - ③ PROPOSED DRIVEWAY APPROACH
  - ④ PROPOSED AC PAVEMENT
  - ⑤ PROPOSED WALL
  - ⑥ PROPOSED 'NO PARKING' SIGN
  - ⑦ PROPOSED STREET TREE (TYP)



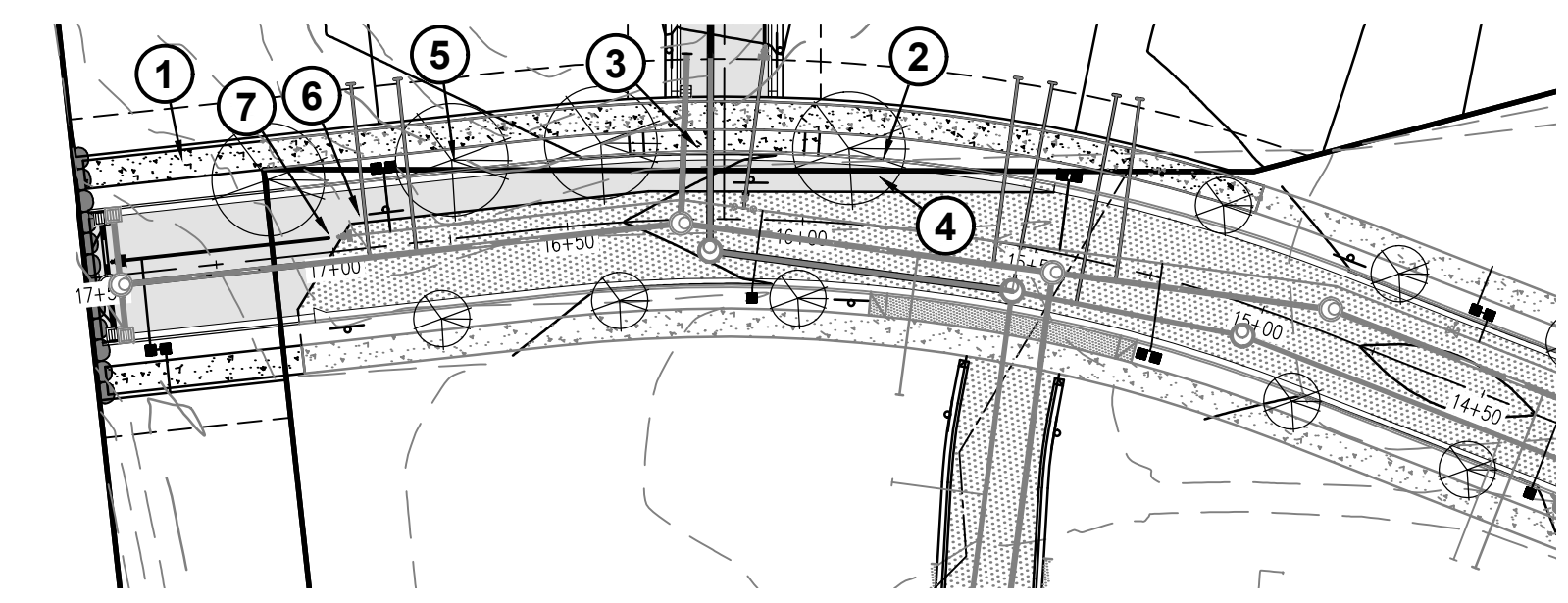
**PUBLIC STREET - SECTION**  
 NTS

# Exhibit A1

YUZON PUD  
TAX MAP T2S R1W 33CB  
TAX LOTS 00100 & 00200  
SHERWOOD, OREGON



**TRACT 'A' PATH - PLAN**  
SCALE: 1" = 40'

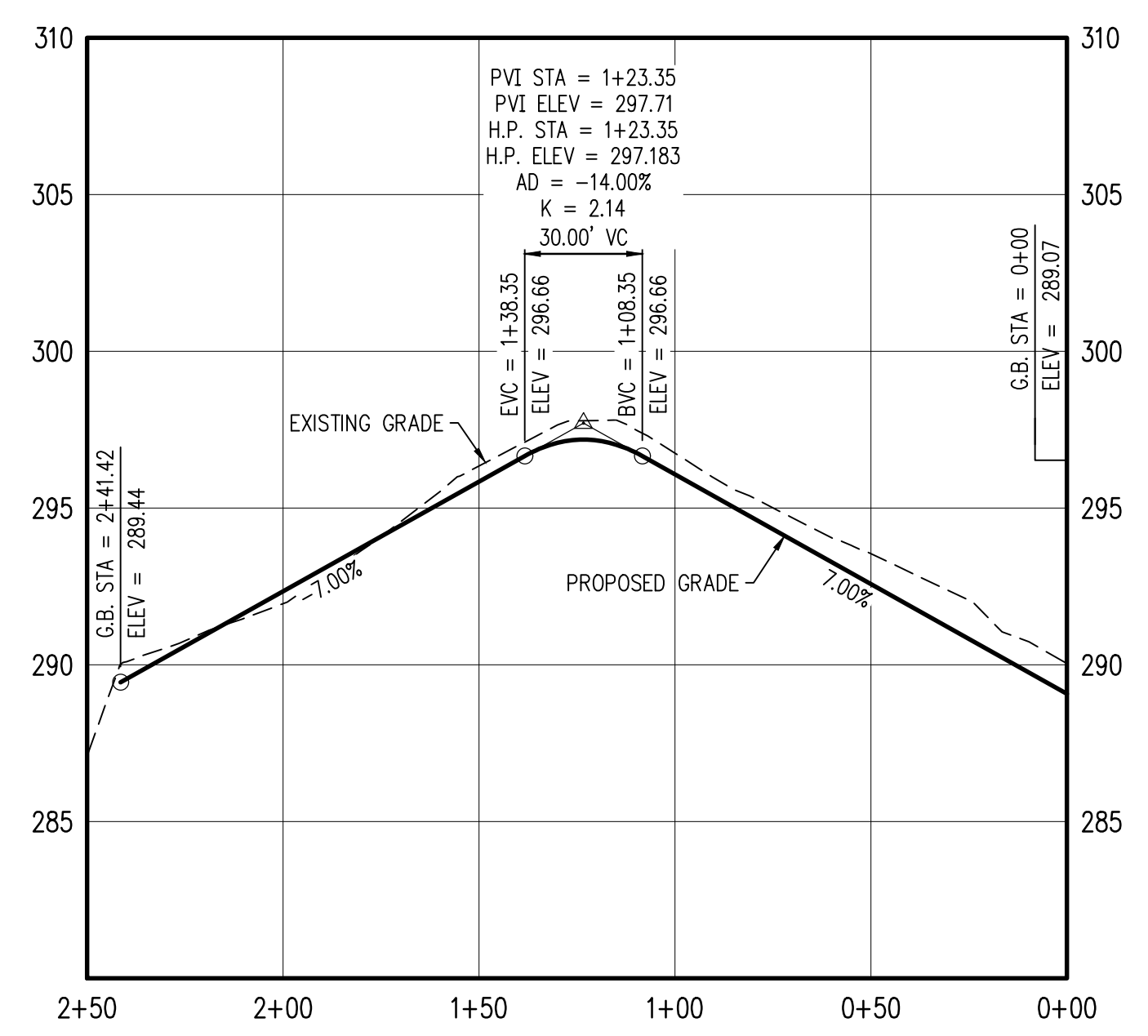
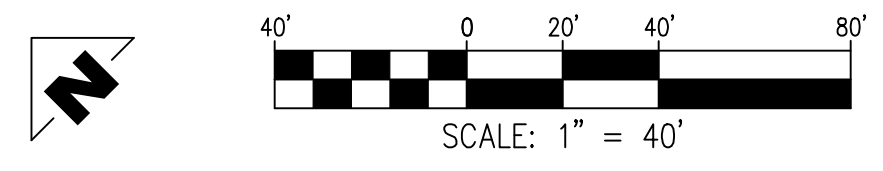


**PUBLIC STREET 2 - PLAN**  
SCALE: 1" = 40'

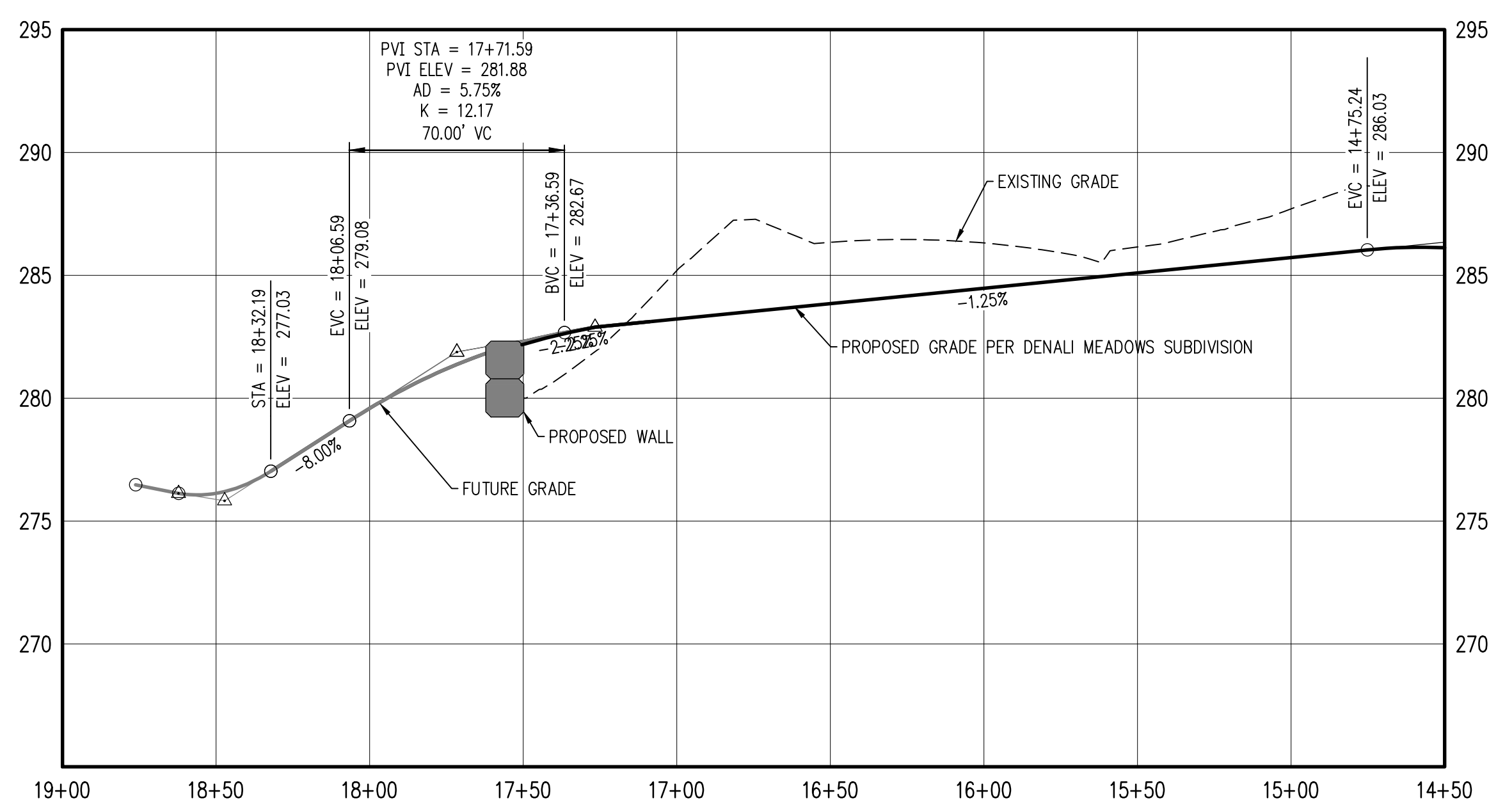
**LEGEND**

	BOUNDARY LINE
	EASEMENT
	EXISTING 2' CONTOUR LINE
	EXISTING 10' CONTOUR LINE
	PROPOSED STORM LINE
	PROPOSED SANITARY LINE
	PROPOSED WATERLINE
	PROPOSED STORM LATERAL
	PROPOSED SANITARY LATERAL
	PROPOSED SINGLE WATER METER
	PROPOSED DOUBLE WATER METER
	PROPOSED 1' CONTOUR LINE
	PROPOSED 5' CONTOUR LINE

- NOTES:
- ① PROPOSED SIDEWALK
  - ② PROPOSED MONOLITHIC CURB & GUTTER
  - ③ PROPOSED DRIVEWAY APPROACH
  - ④ PROPOSED AC PAVEMENT
  - ⑤ PROPOSED STREET TREE (TYP)
  - ⑥ TEMPORARY CATCH BASIN TO BE REMOVED
  - ⑦ BLOWOFF TO BE REMOVED



**TRACT 'A' PATH - PROFILE**  
SCALE: 1" = 40' H, 1" = 5' V



**PUBLIC STREET 2 - PROFILE**  
SCALE: 1" = 40' H, 1" = 5' V

**TRACT A & PUBLIC STREET  
2 PLAN & PROFILE**

REVISIONS

NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

**EMERIO**  
*Design*

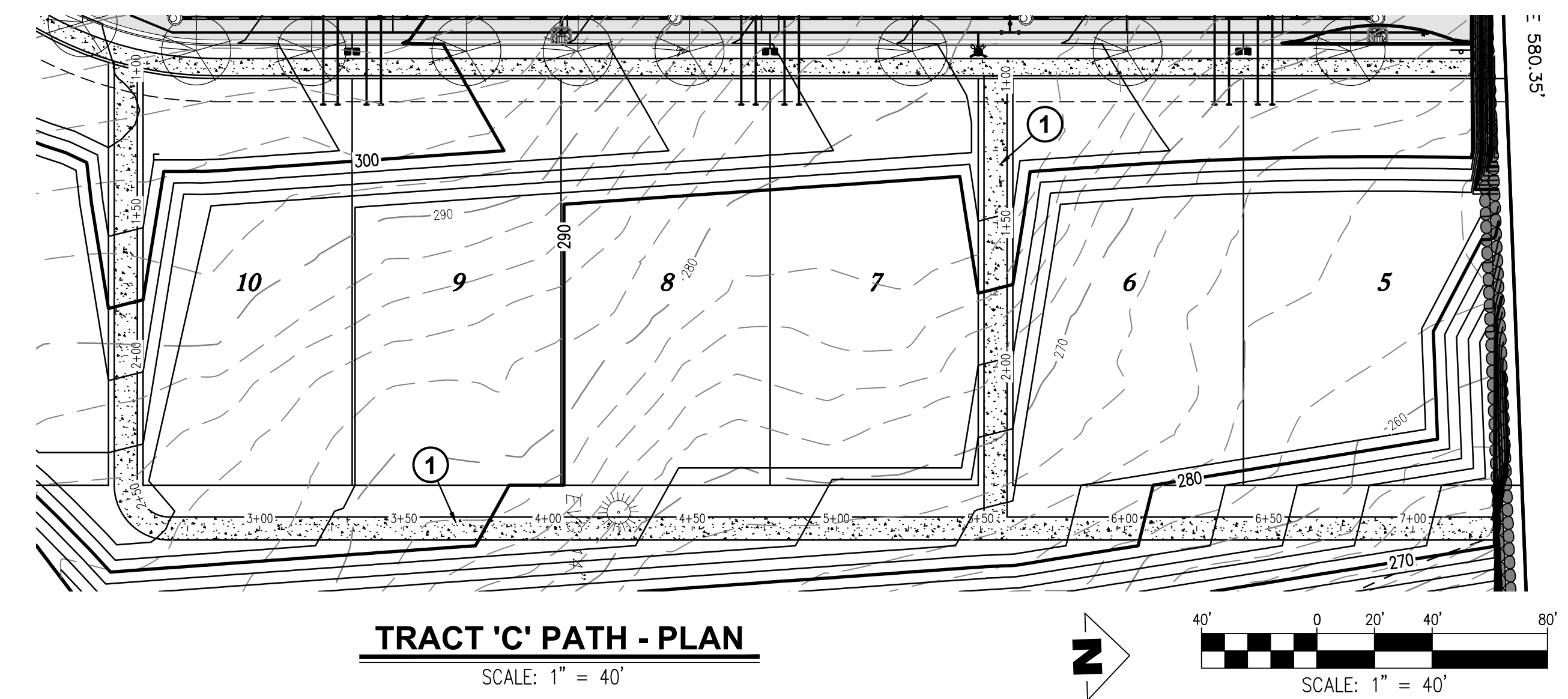
6445 SW FALLBROOK PLACE, SUITE 100  
BEVINGTON, OREGON 97110  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com

FILE: P:\0200-009\0200-009\_09ps14\_Layout\_09\_TRACT A & PUBLIC STREET 2 PLAN AND PROFILE.dwg | Plot Date: 8/31/2020 4:29 PM, by: Kyung Han

# Exhibit A1

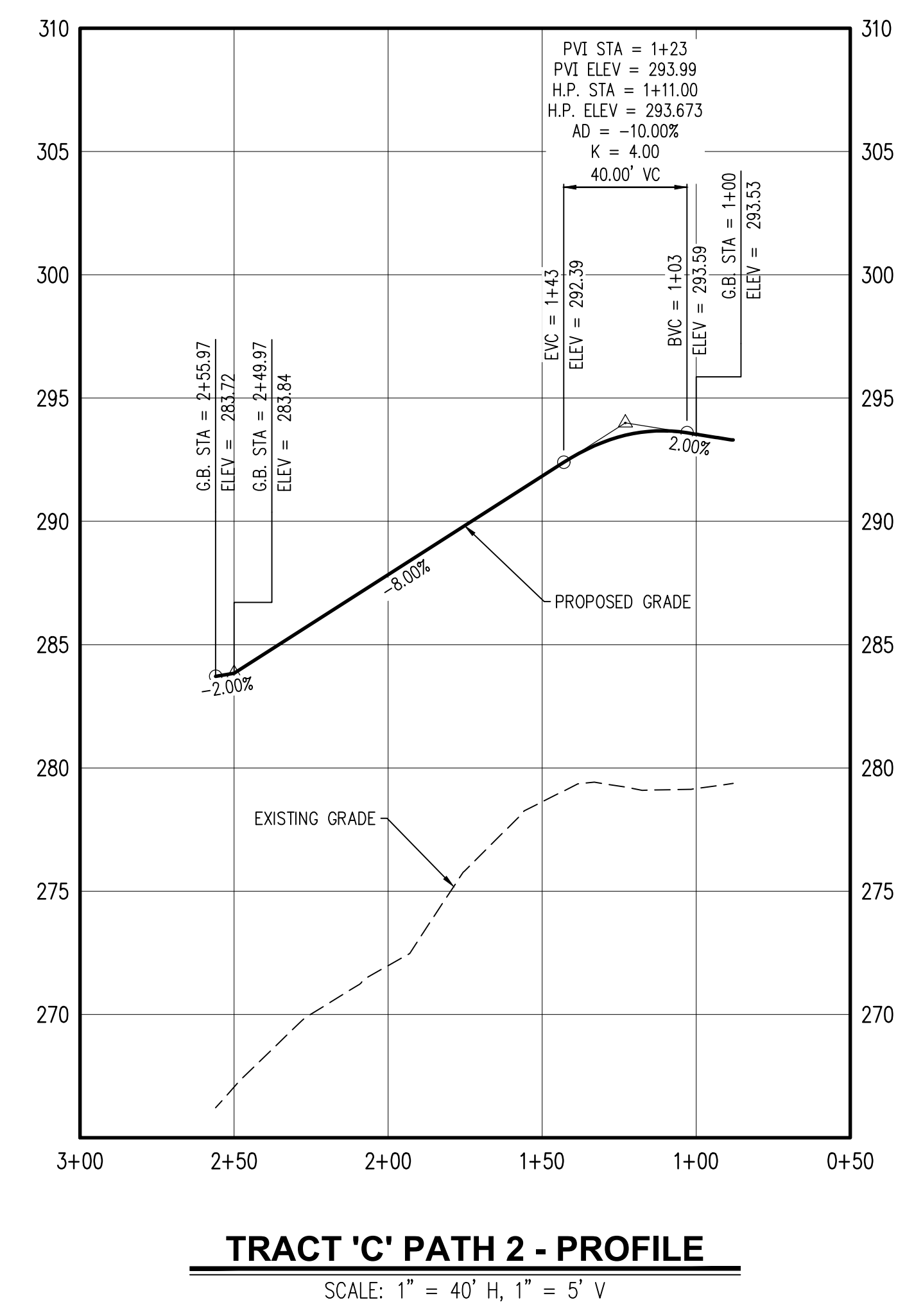
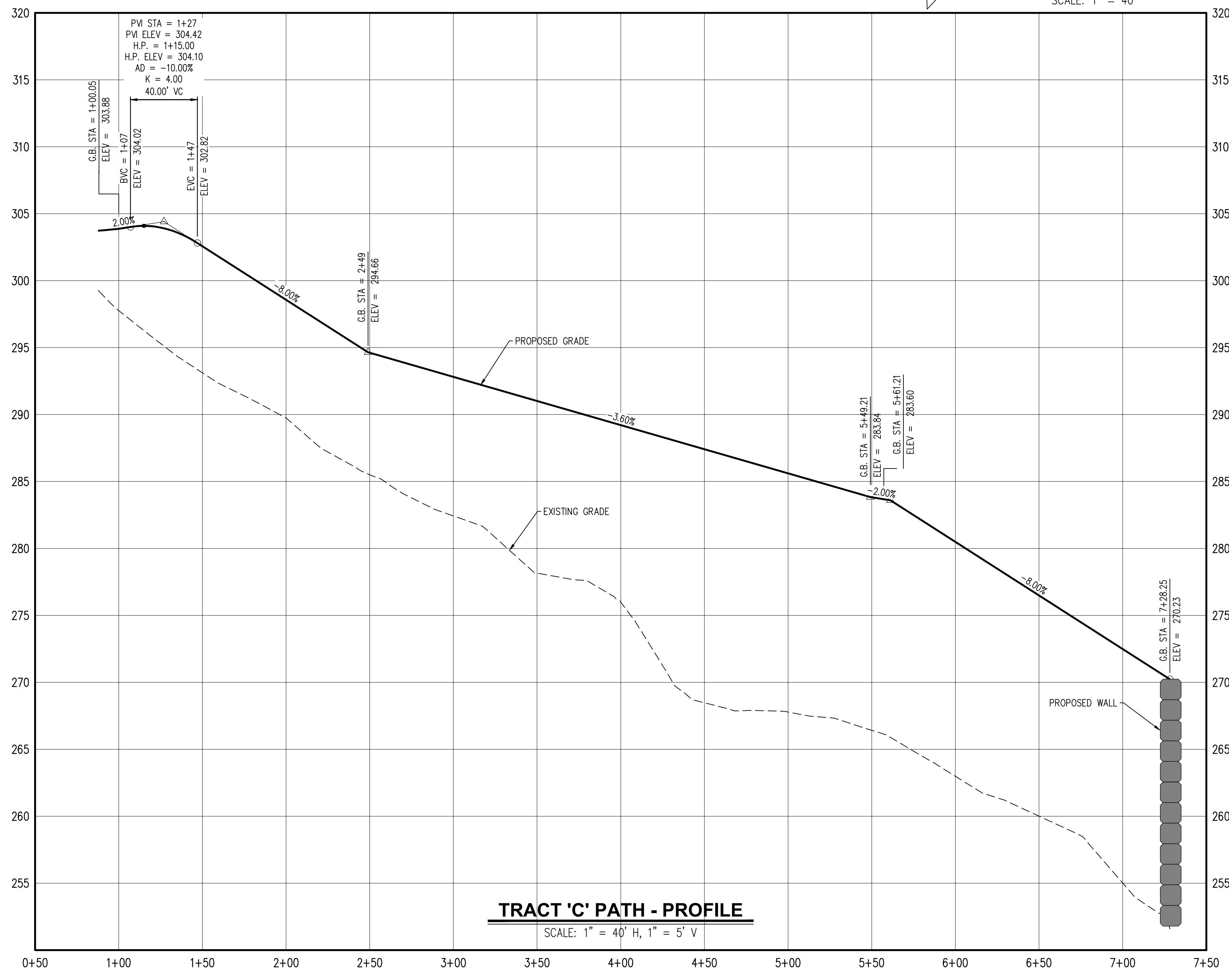
YUZON PUD  
TAX MAP T2S R1W 33CB  
TAX LOTS 00100 & 00200  
SHERWOOD, OREGON

NOTES:  
① PROPOSED 5' WIDE CONCRETE PATH



**LEGEND**

- BOUNDARY LINE
- - - EASEMENT
- - - 10' EXISTING 2' CONTOUR LINE
- - - 110' EXISTING 10' CONTOUR LINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- 108 PROPOSED 2' CONTOUR LINE
- 110 PROPOSED 10' CONTOUR LINE



TRACT C PLAN & PROFILE

REVISIONS

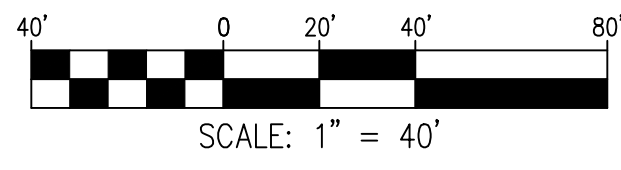
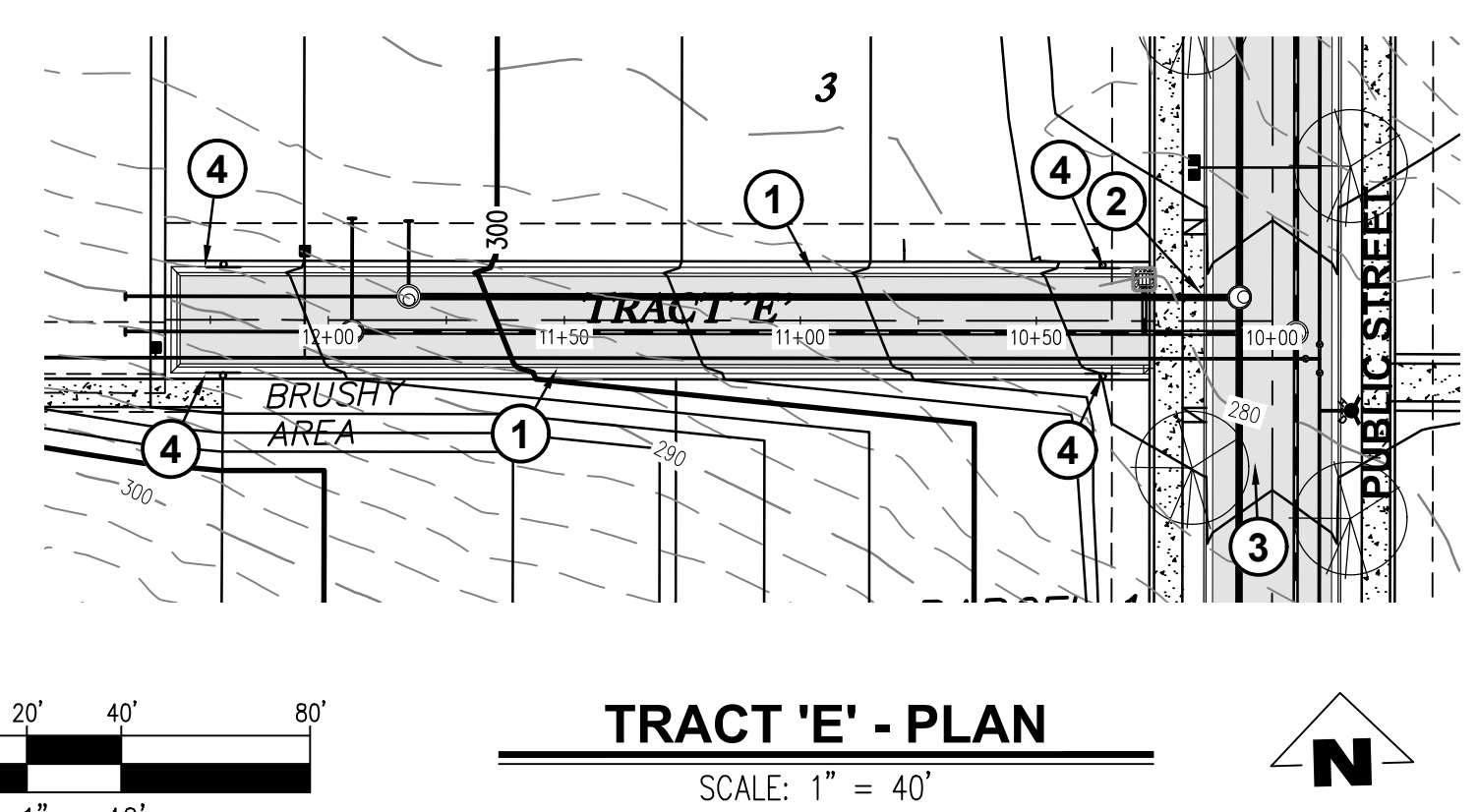
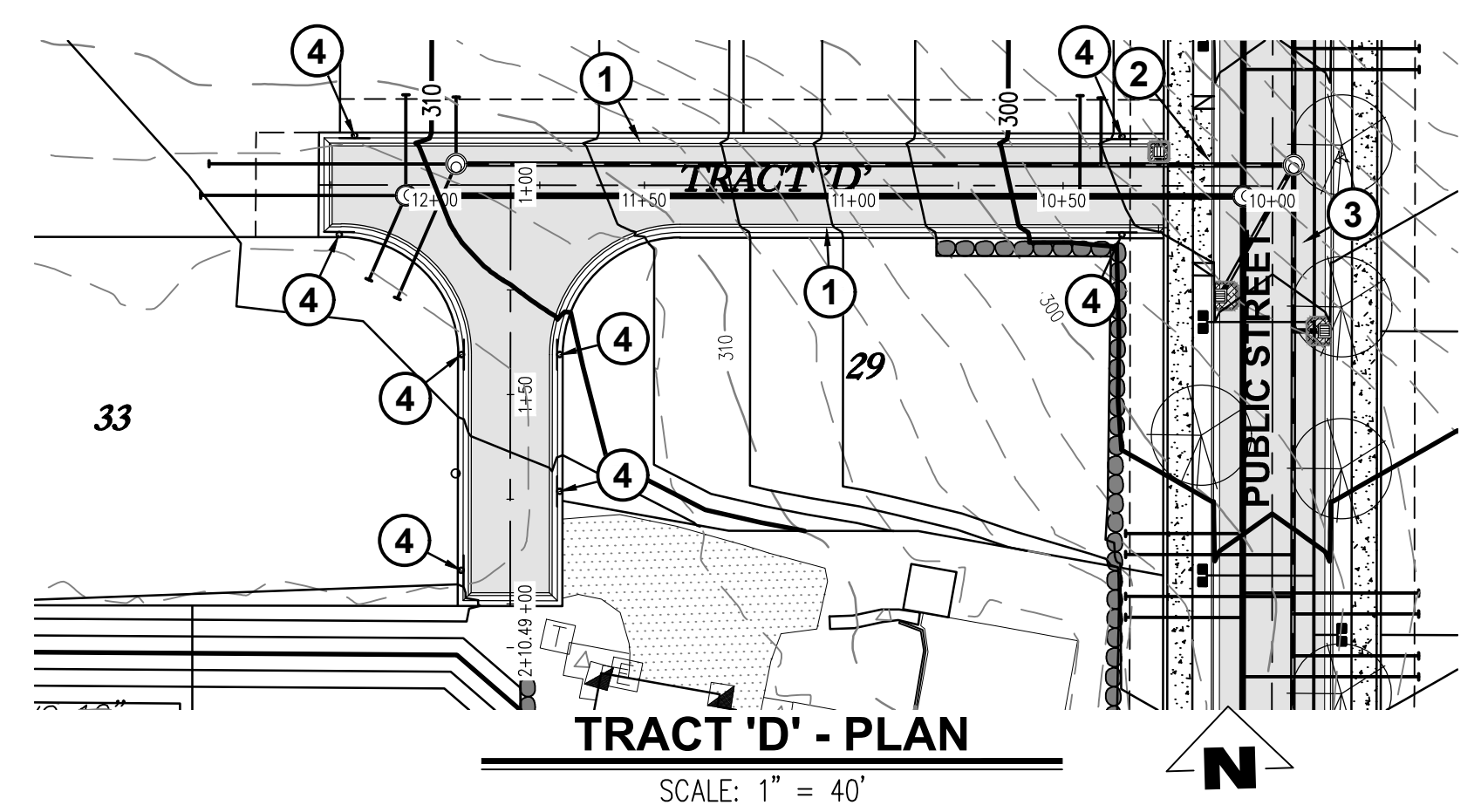
NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

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6445 SW FALLBROOK PLACE, SUITE 100  
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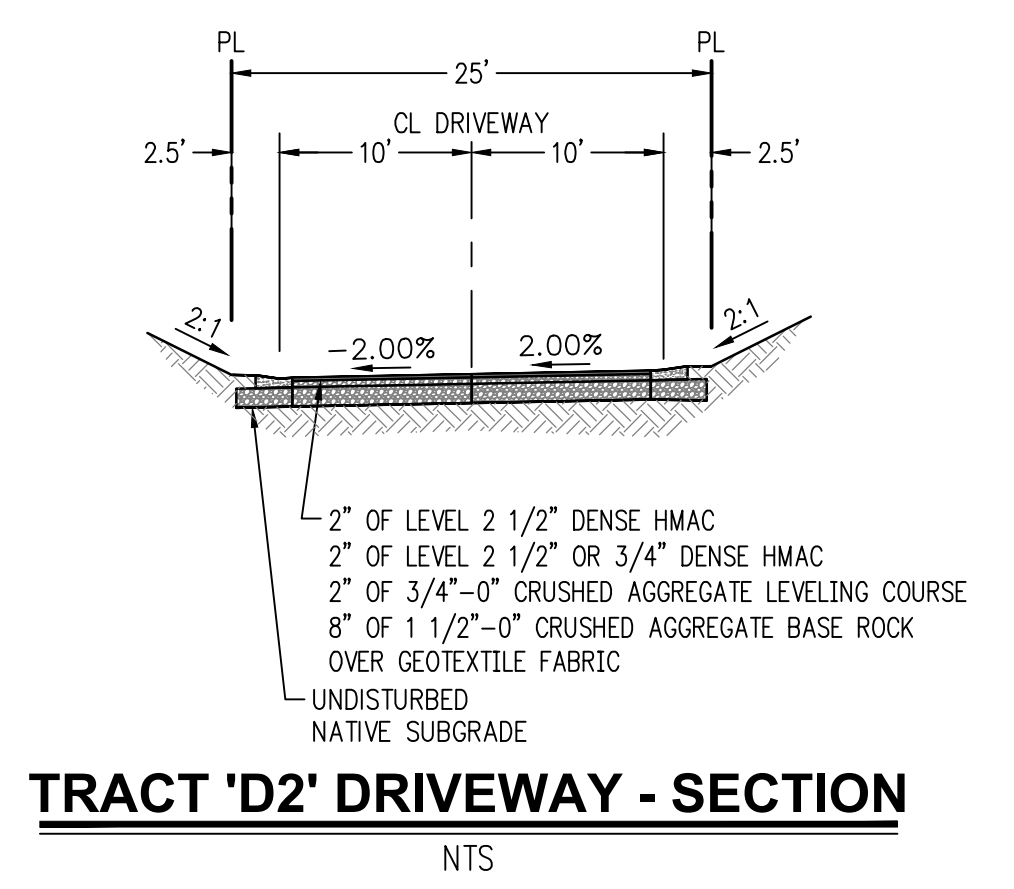
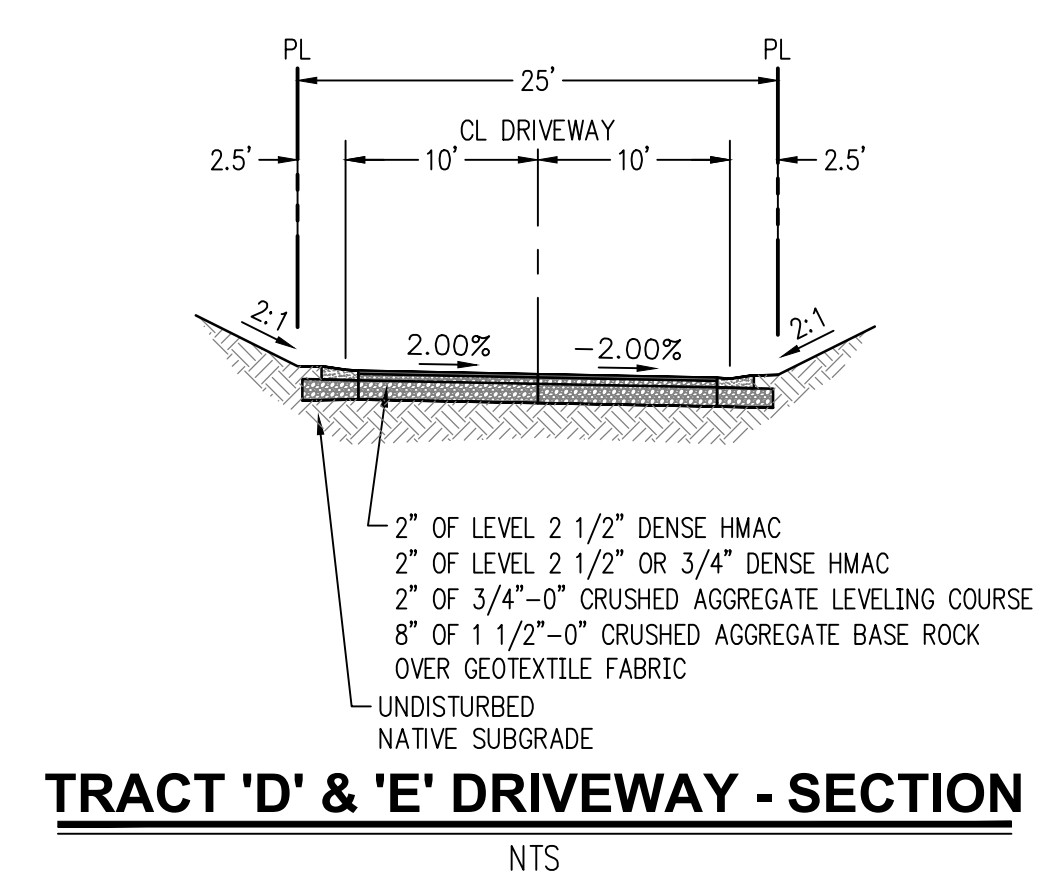
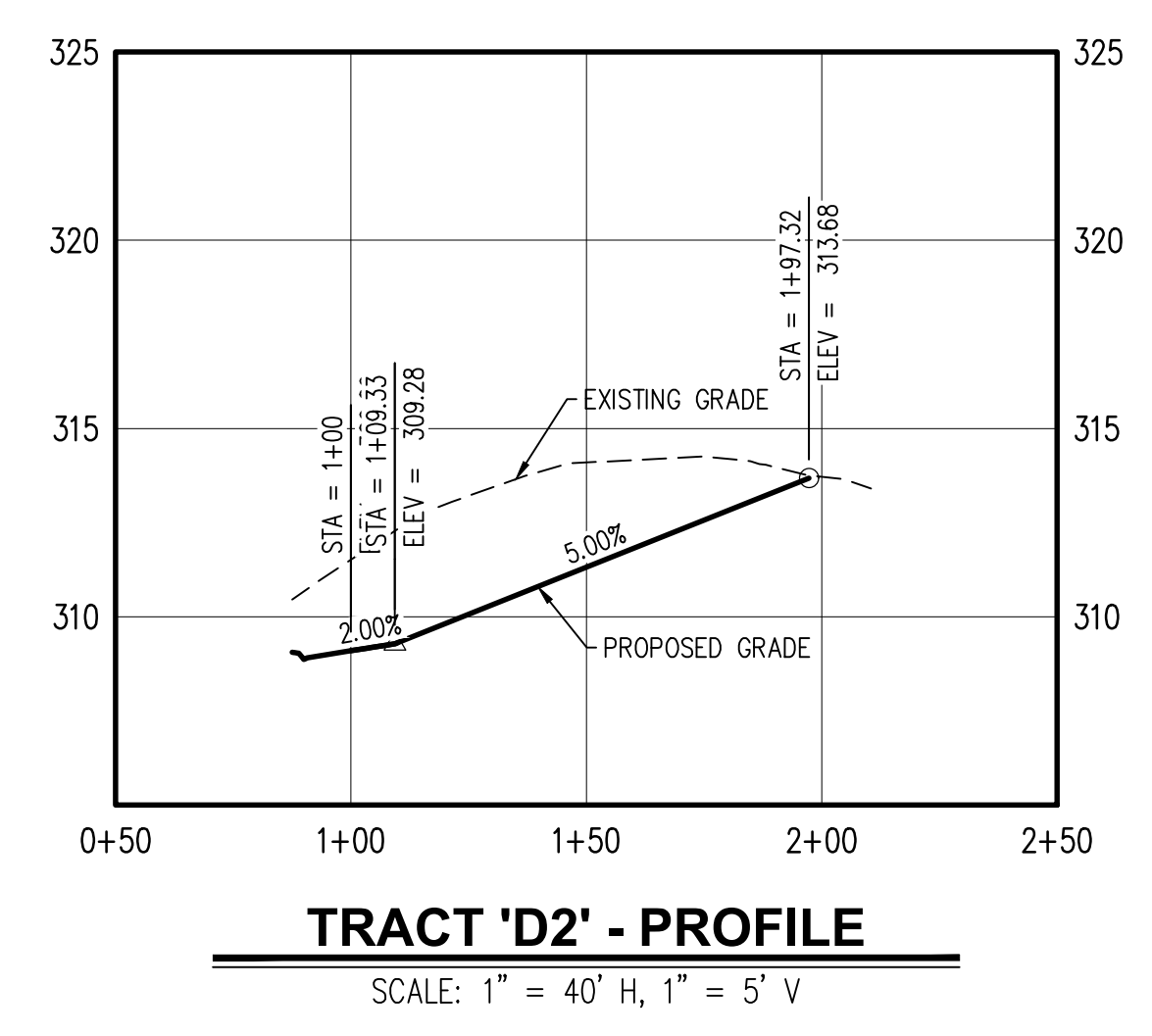
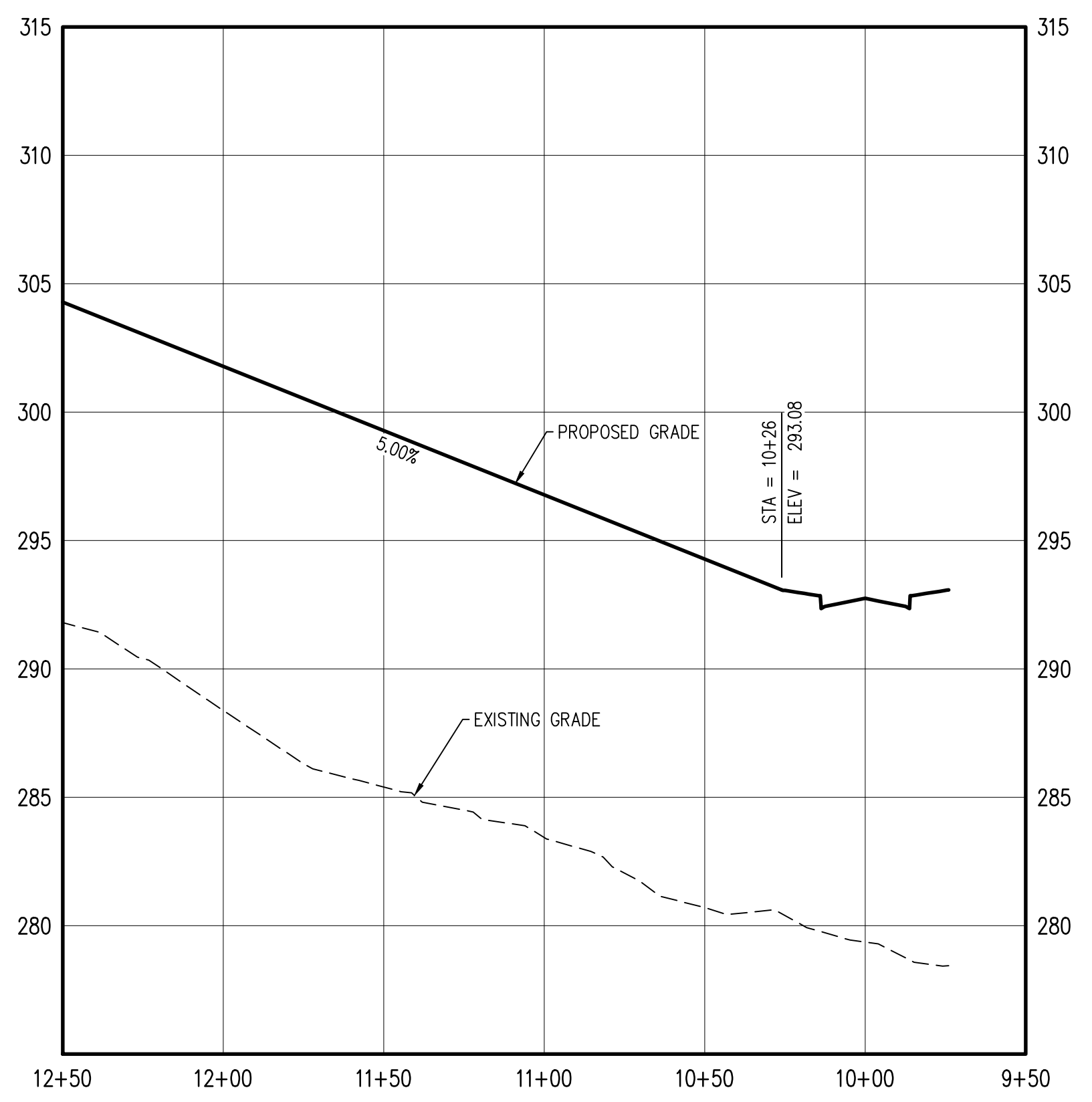
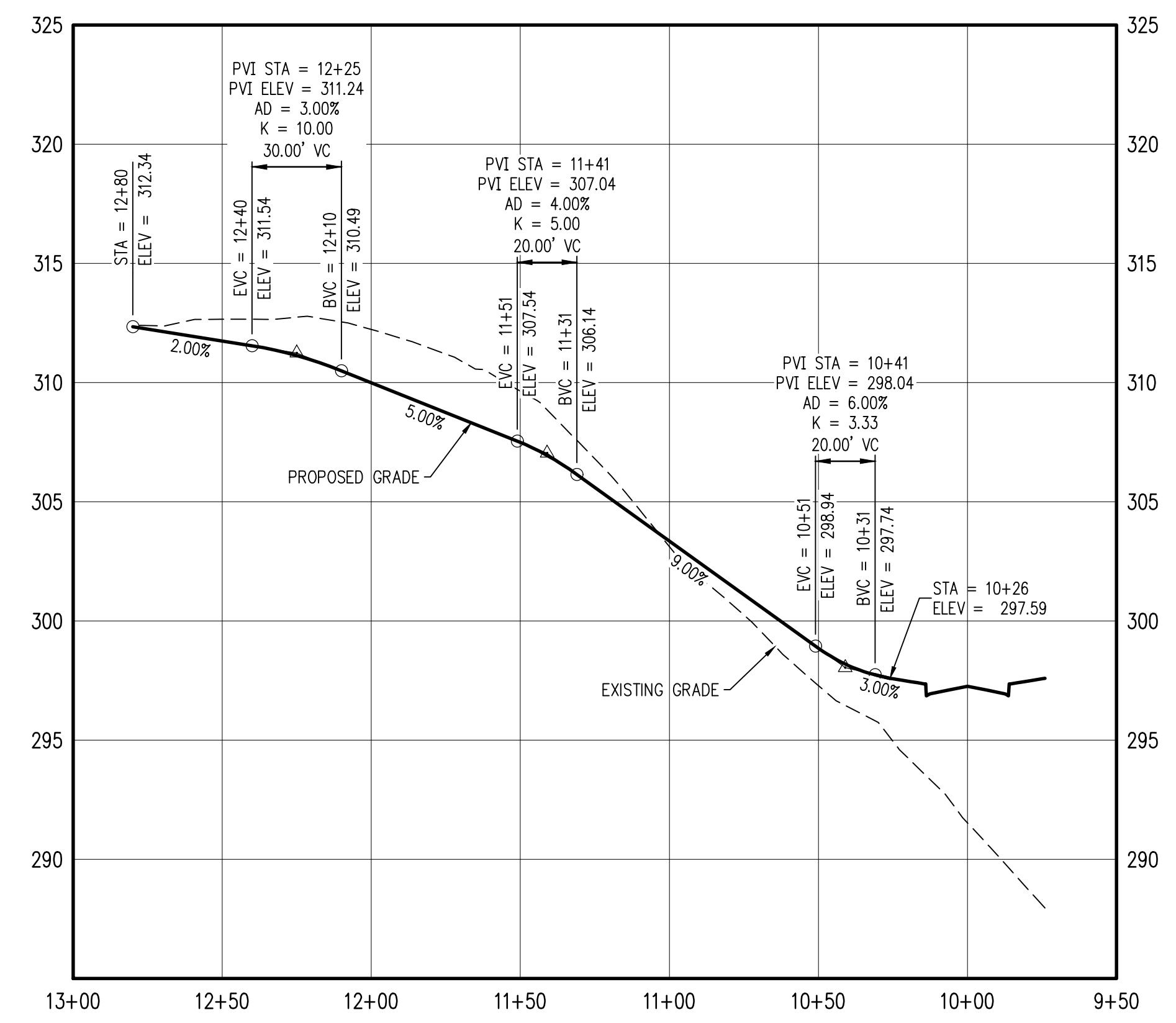
# Exhibit A1

YUZON PUD  
TAX MAP T2S R1W 33CB  
TAX LOTS 00100 & 00200  
SHERWOOD, OREGON



**LEGEND**

---	BOUNDARY LINE
- - - -	EASEMENT
--- ---	EXISTING 2' CONTOUR LINE
--- ---	EXISTING 10' CONTOUR LINE
---	EXISTING CROWN (CENTER LINE OF ROAD)
---	EXISTING DOWNSPOUT
SD	EXISTING STORM DRAIN LINE
SS	EXISTING SANITARY SEWER LINE
W	EXISTING WATER LINE
---	PROPOSED STORM LINE
---	PROPOSED SANITARY LINE
---	PROPOSED WATERLINE
---	PROPOSED STORM LATERAL
---	PROPOSED SANITARY LATERAL
---	PROPOSED SINGLE WATER METER
---	PROPOSED DOUBLE WATER METER
---	PROPOSED STORM MANHOLE
---	PROPOSED CATCH BASIN
---	PROPOSED SANITARY MANHOLE
---	PROPOSED BLOWOFF
---	PROPOSED WATER VALVE
108	PROPOSED 2' CONTOUR LINE
110	PROPOSED 10' CONTOUR LINE



- NOTES:
- ① PROPOSED MOUNTABLE CURB
  - ② PROPOSED DRIVEWAY APPROACH
  - ③ PROPOSED AC PAVEMENT
  - ④ PROPOSED 'NO PARKING' SIGN

**TRACTS D & E PLANS & PROFILES**

REVISIONS

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# Exhibit A1

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TAX LOTS 00100 & 00200  
SHERWOOD, OREGON

## TRACT F & LOT 34 DRIVEWAY PLANS & PROFILES

REVISIONS	
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1	05/22/20
DESCRIPTION	
1ST SUBMITTAL	

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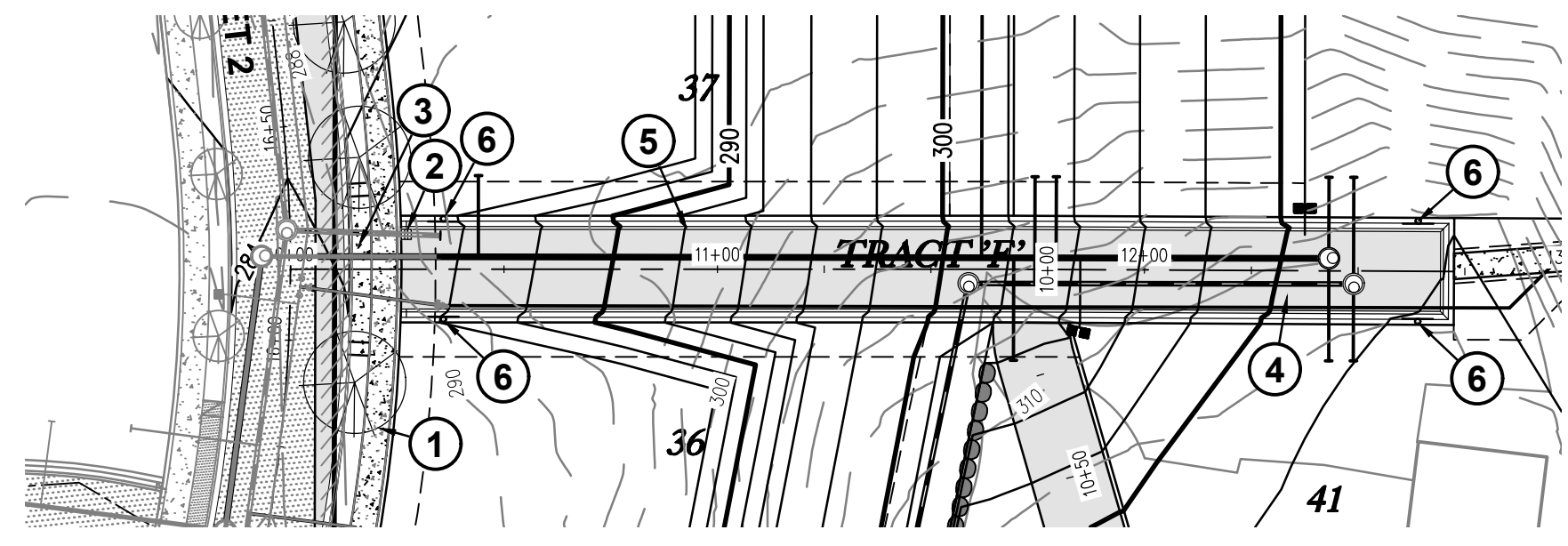
6445 SW FALLBROOK PLACE, SUITE 100  
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TEL: (503) 746-8812  
FAX: (503) 639-9592  
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**12**  
OF  
**17**

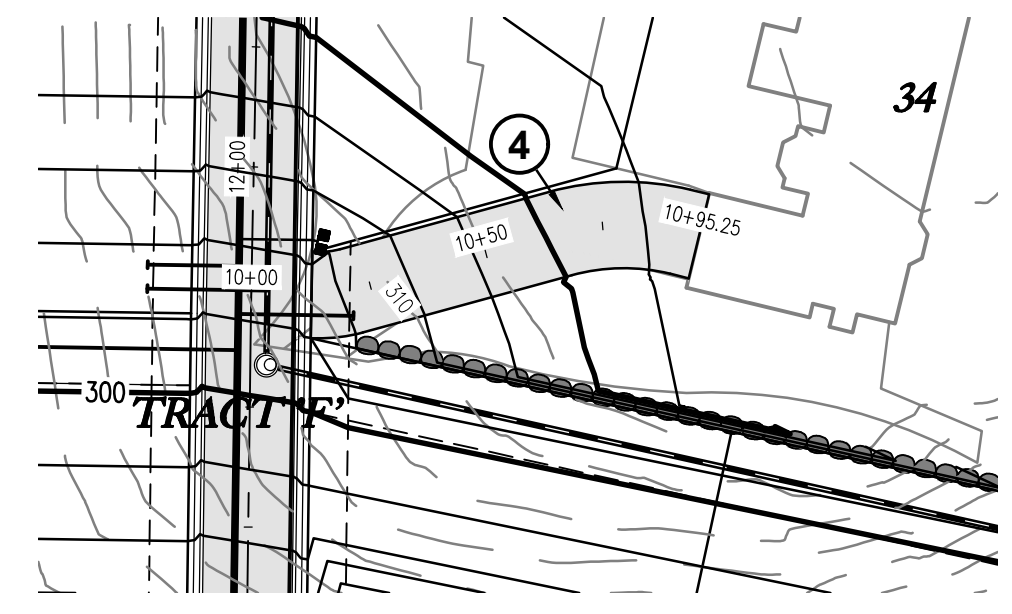
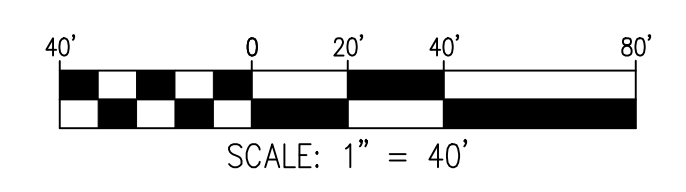
### LEGEND

- BOUNDARY LINE
- - - EASEMENT
- 108--- EXISTING 2' CONTOUR LINE
- 110--- EXISTING 10' CONTOUR LINE
- EXISTING CROWN (CENTER LINE OF ROAD)
- █ EXISTING DOWNSPOUT
- SD EXISTING STORM DRAIN LINE
- SS EXISTING SANITARY SEWER LINE
- W EXISTING WATER LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED SANITARY MANHOLE
- ▲ PROPOSED BLOWOFF
- PROPOSED WATER VALVE
- 108--- PROPOSED 2' CONTOUR LINE
- 110--- PROPOSED 10' CONTOUR LINE

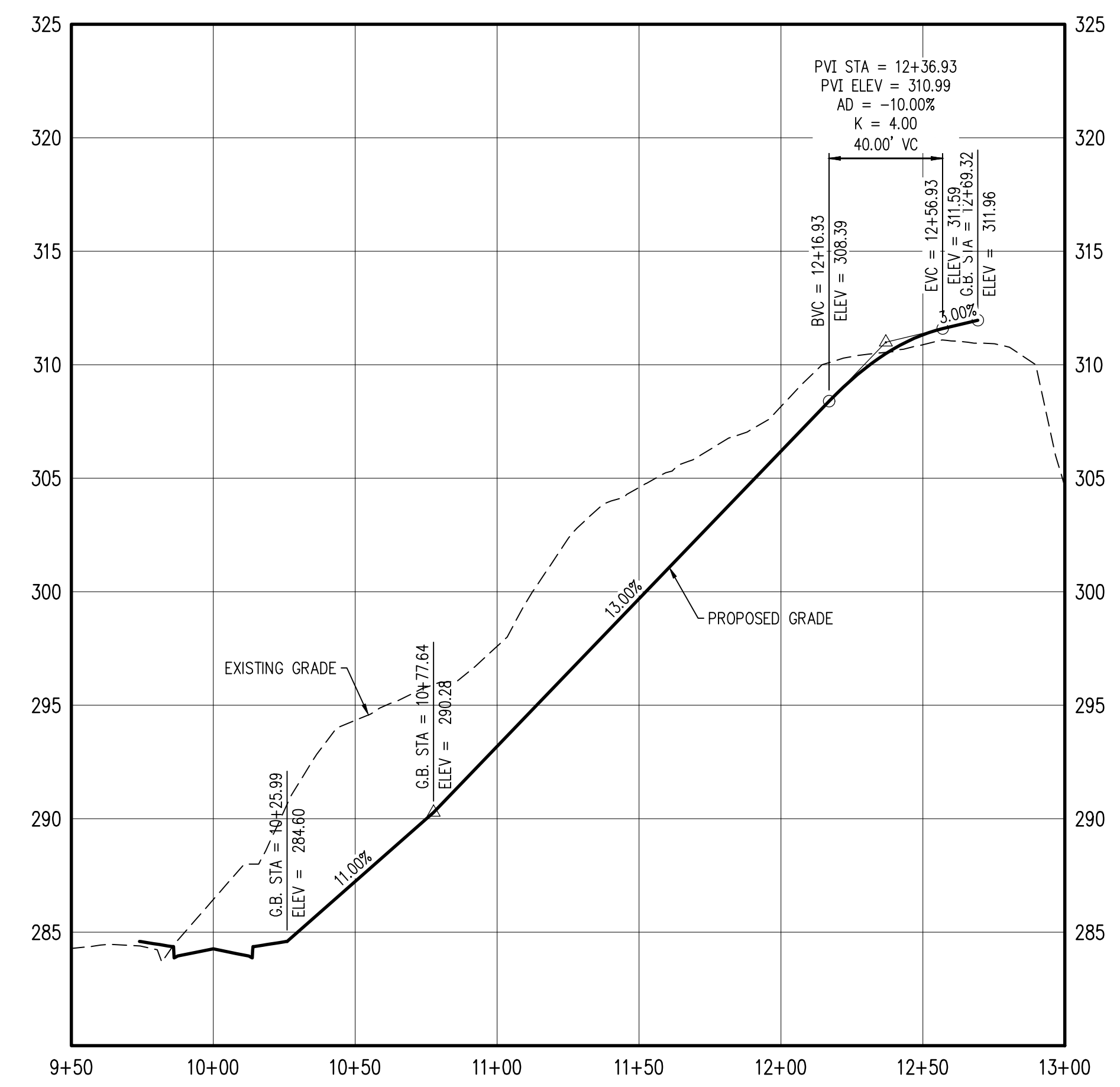
- NOTES:
- ① PROPOSED SIDEWALK
  - ② PROPOSED LYNCH TYPE CATCH BASIN
  - ③ PROPOSED DRIVEWAY APPROACH
  - ④ PROPOSED AC PAVEMENT
  - ⑤ PROPOSED MOUNTABLE CURB
  - ⑥ PROPOSED 'NO PARKING' SIGN



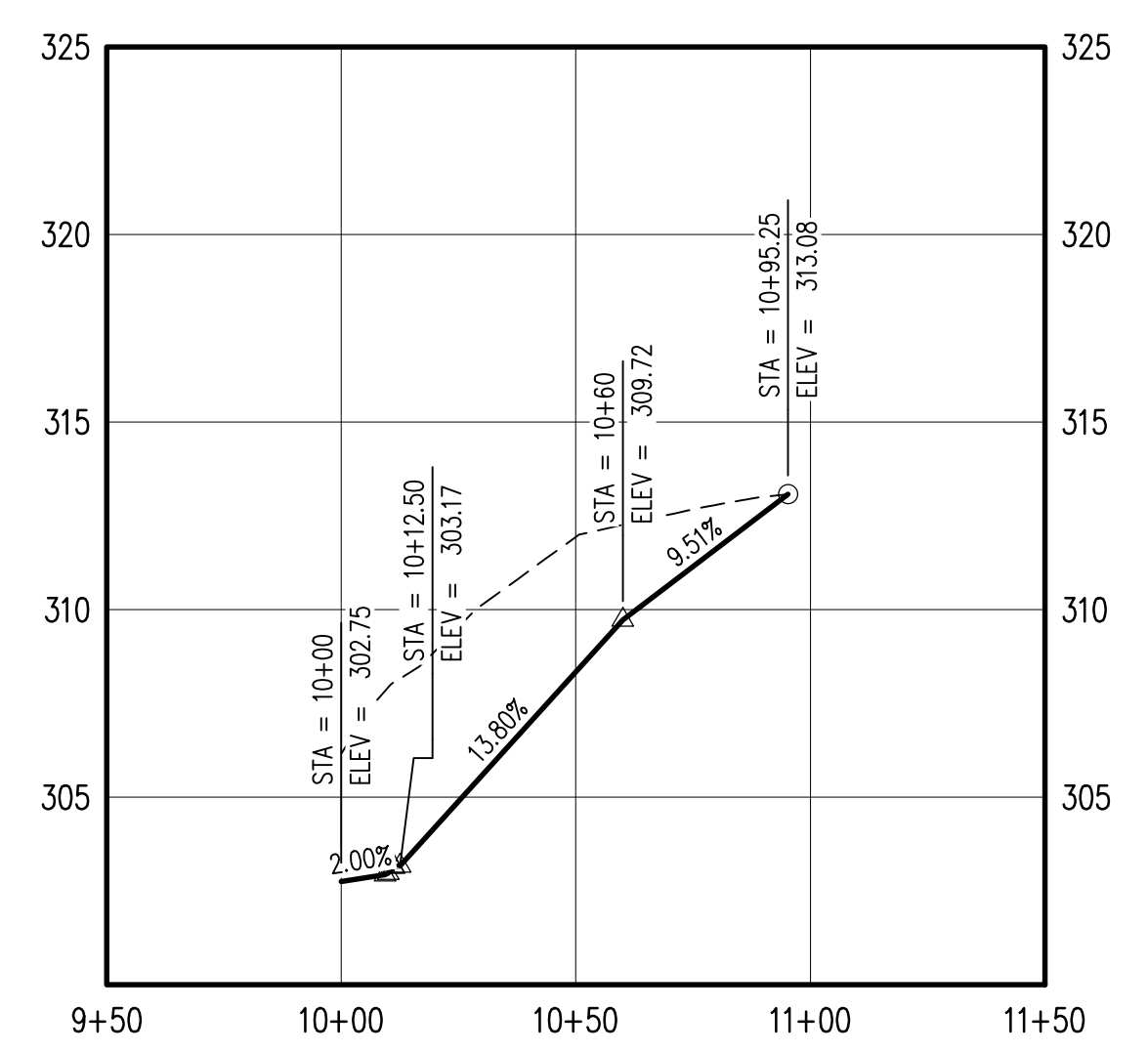
**TRACT 'F' - PLAN**  
SCALE: 1" = 40'



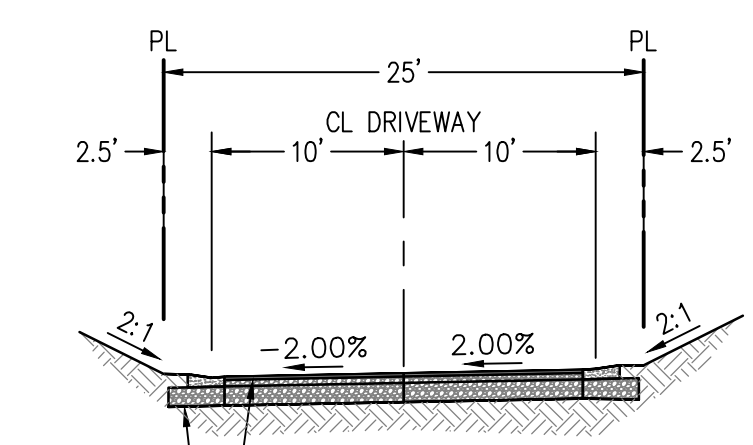
**LOT 34 DRIVEWAY - PLAN**  
SCALE: 1" = 40'



**TRACT 'F' - PROFILE**  
SCALE: 1" = 40' H, 1" = 5' V

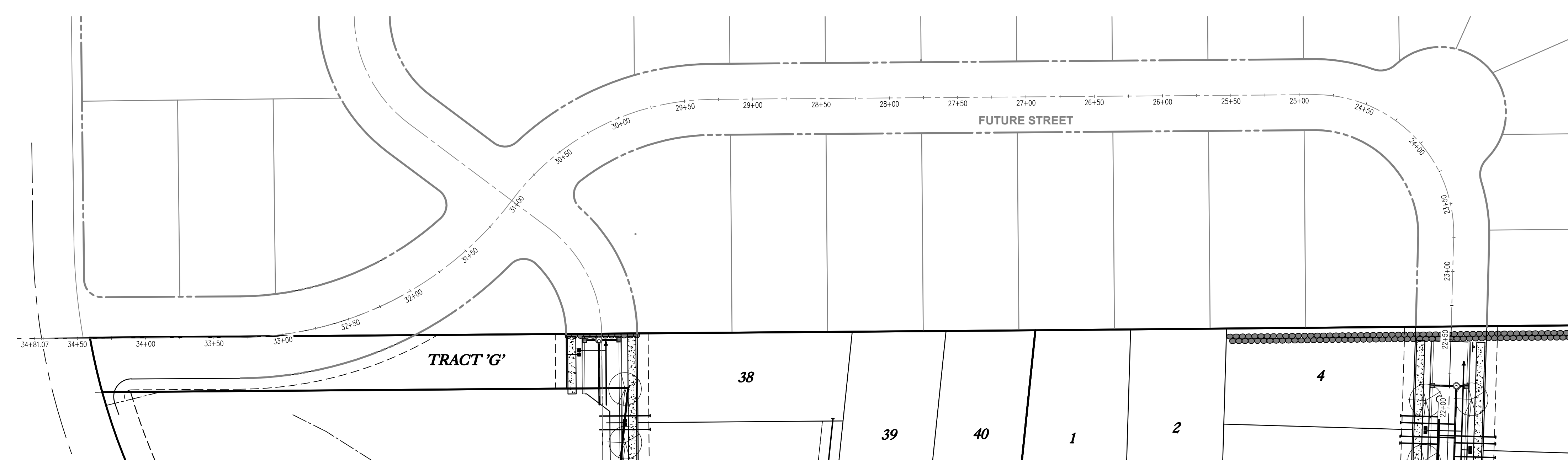


**LOT 34 DRIVEWAY - PROFILE**  
SCALE: 1" = 40' H, 1" = 5' V



2" OF LEVEL 2 1/2" DENSE HMAC  
2" OF LEVEL 2 1/2" OR 3/4" DENSE HMAC  
2" OF 3/4"-0" CRUSHED AGGREGATE LEVELING COURSE  
8" OF 1 1/2"-0" CRUSHED AGGREGATE BASE ROCK  
OVER GEOTEXTILE FABRIC  
UNDISTURBED  
NATIVE SUBGRADE

**TRACT 'F' DRIVEWAY - SECTION**  
NTS

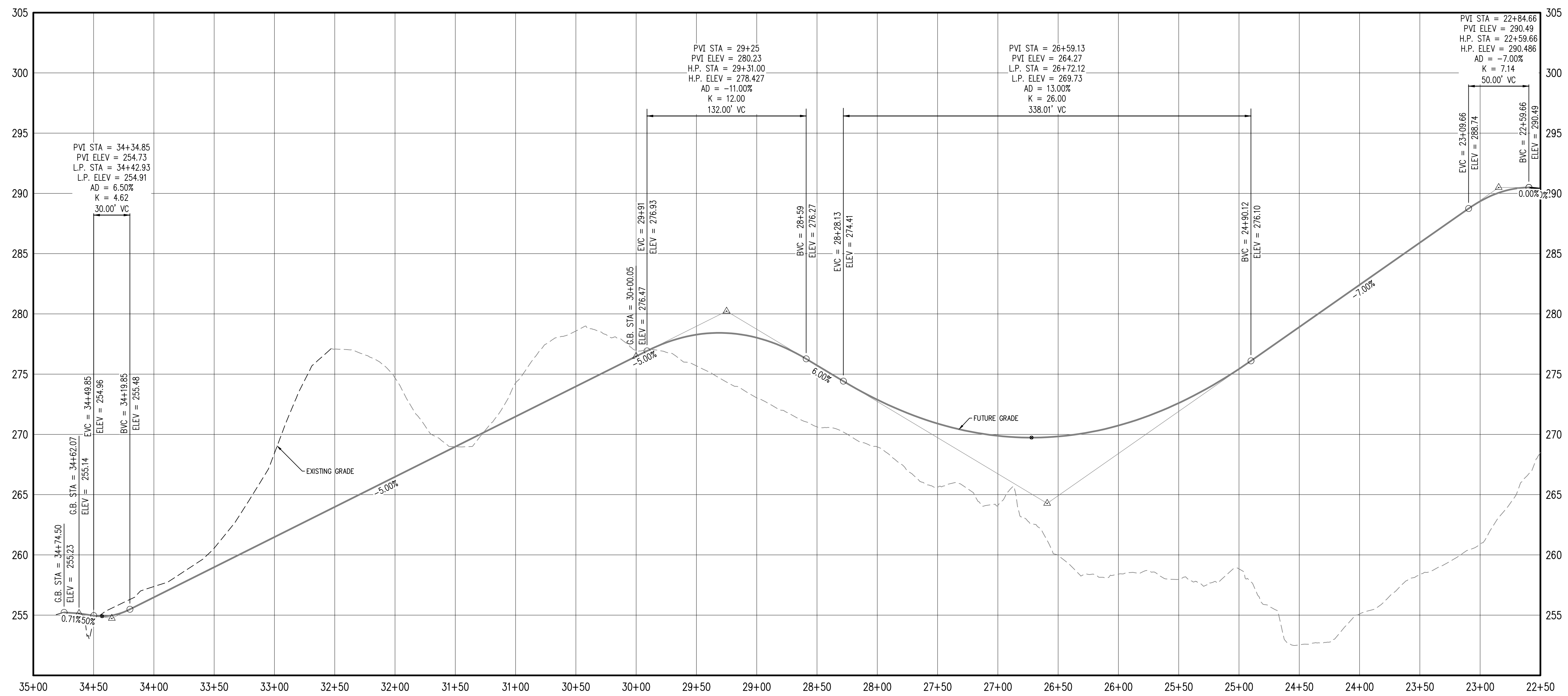


## FUTURE STREET PLAN & PROFILE

REVISIONS	
NO.	DATE
1	05/22/20
DESCRIPTION	
1ST SUBMITTAL	

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## PRELIMINARY UTILITY PLAN

NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

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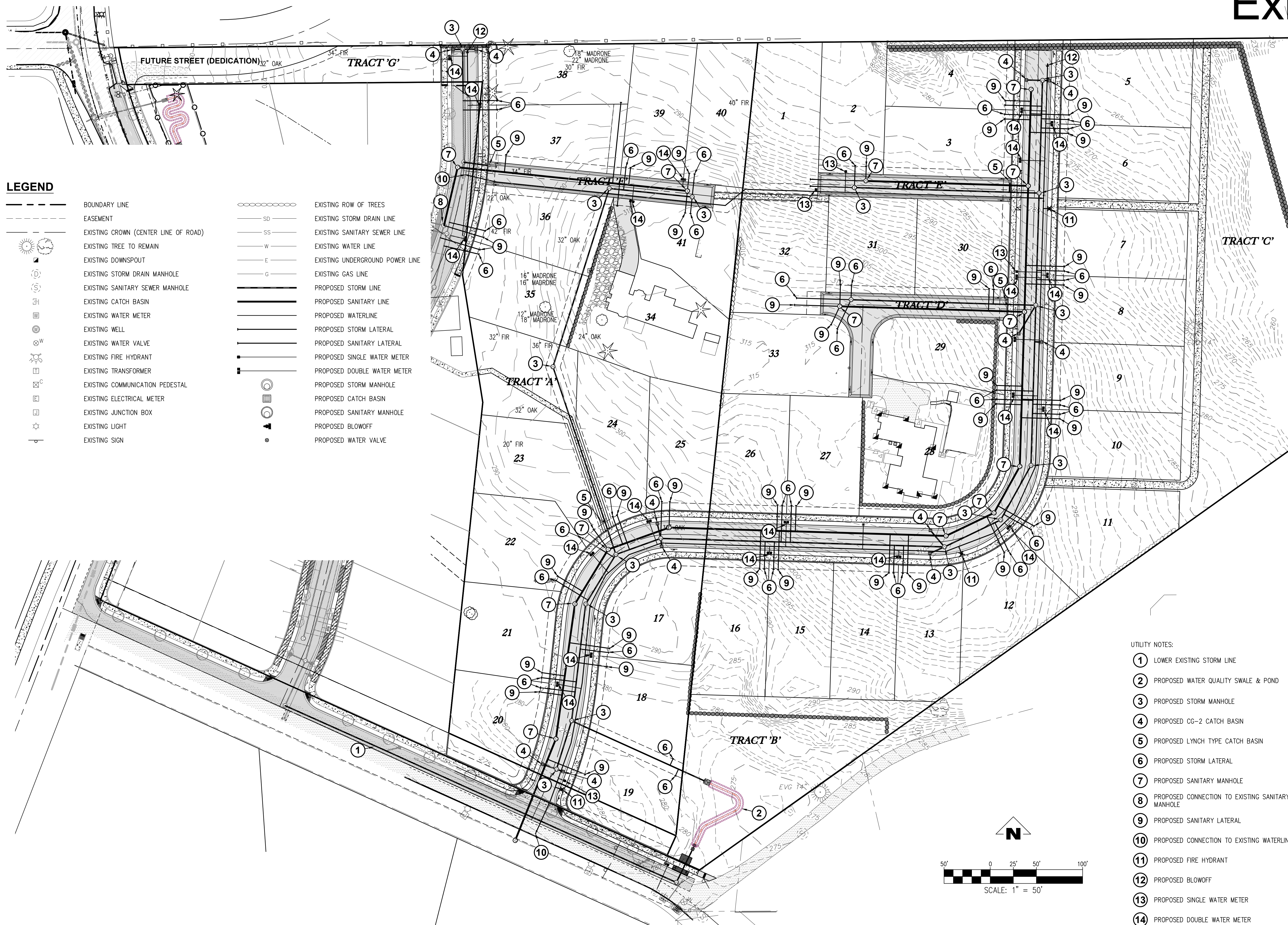
6445 SW FALLBROOK PLACE, SUITE 100  
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TEL: (503) 746-8812  
FAX: (503) 639-9592  
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**14**

OF

**17**

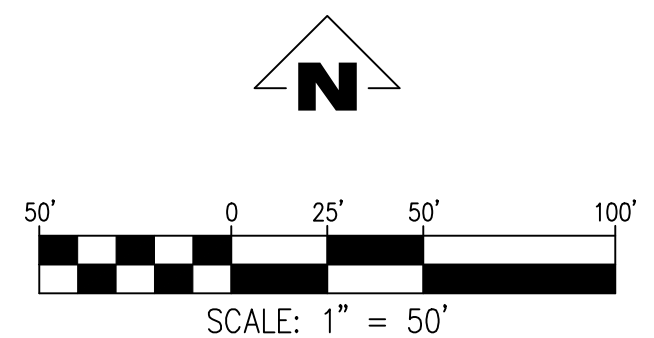


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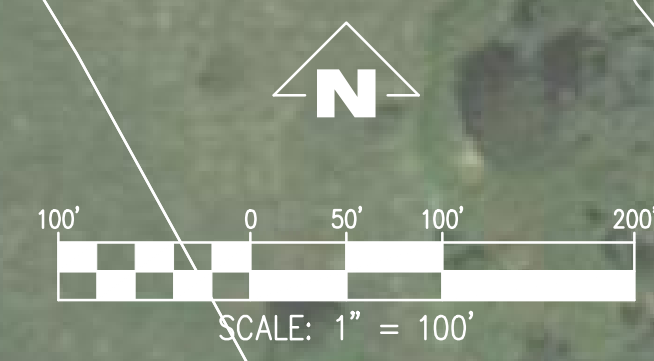
- |  |                                      |  |                                 |
|--|--------------------------------------|--|---------------------------------|
|  | BOUNDARY LINE                        |  | EXISTING ROW OF TREES           |
|  | EASEMENT                             |  | EXISTING STORM DRAIN LINE       |
|  | EXISTING CROWN (CENTER LINE OF ROAD) |  | EXISTING SANITARY SEWER LINE    |
|  | EXISTING TREE TO REMAIN              |  | EXISTING WATER LINE             |
|  | EXISTING DOWNSPOUT                   |  | EXISTING UNDERGROUND POWER LINE |
|  | EXISTING STORM DRAIN MANHOLE         |  | PROPOSED STORM LINE             |
|  | EXISTING SANITARY SEWER MANHOLE      |  | PROPOSED SANITARY LINE          |
|  | EXISTING CATCH BASIN                 |  | PROPOSED WATERLINE              |
|  | EXISTING WATER METER                 |  | PROPOSED STORM LATERAL          |
|  | EXISTING WELL                        |  | PROPOSED SANITARY LATERAL       |
|  | EXISTING WATER VALVE                 |  | PROPOSED SINGLE WATER METER     |
|  | EXISTING FIRE HYDRANT                |  | PROPOSED DOUBLE WATER METER     |
|  | EXISTING TRANSFORMER                 |  | PROPOSED STORM MANHOLE          |
|  | EXISTING COMMUNICATION PEDESTAL      |  | PROPOSED CATCH BASIN            |
|  | EXISTING ELECTRICAL METER            |  | PROPOSED SANITARY MANHOLE       |
|  | EXISTING JUNCTION BOX                |  | PROPOSED BLOWOFF                |
|  | EXISTING LIGHT                       |  | PROPOSED WATER VALVE            |

### UTILITY NOTES:

- 1 LOWER EXISTING STORM LINE
- 2 PROPOSED WATER QUALITY SWALE & POND
- 3 PROPOSED STORM MANHOLE
- 4 PROPOSED CG-2 CATCH BASIN
- 5 PROPOSED LYNCH TYPE CATCH BASIN
- 6 PROPOSED STORM LATERAL
- 7 PROPOSED SANITARY MANHOLE
- 8 PROPOSED CONNECTION TO EXISTING SANITARY MANHOLE
- 9 PROPOSED SANITARY LATERAL
- 10 PROPOSED CONNECTION TO EXISTING WATERLINE
- 11 PROPOSED FIRE HYDRANT
- 12 PROPOSED BLOWOFF
- 13 PROPOSED SINGLE WATER METER
- 14 PROPOSED DOUBLE WATER METER
- 15 PROPOSED IRRITATION METER WITH BACKFLOW PREVENTOR



# Exhibit A1



YUZON PUD

TAX MAP T2S R1W 33CB  
TAX LOTS 00100 & 00200  
SHERWOOD, OREGON

## AERIAL AND NEIGHBORHOOD CIRCULATION MAP

REVISIONS	
NO.	DATE
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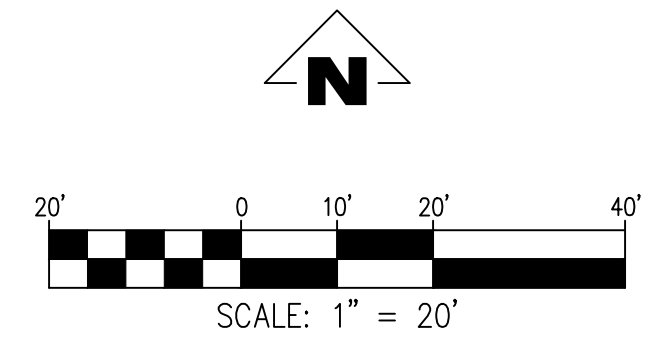
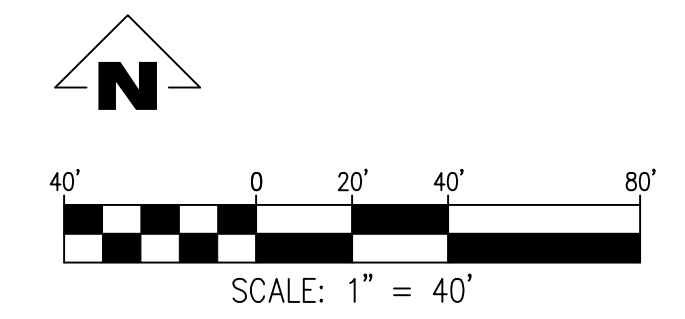
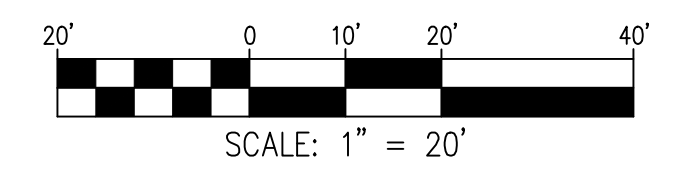
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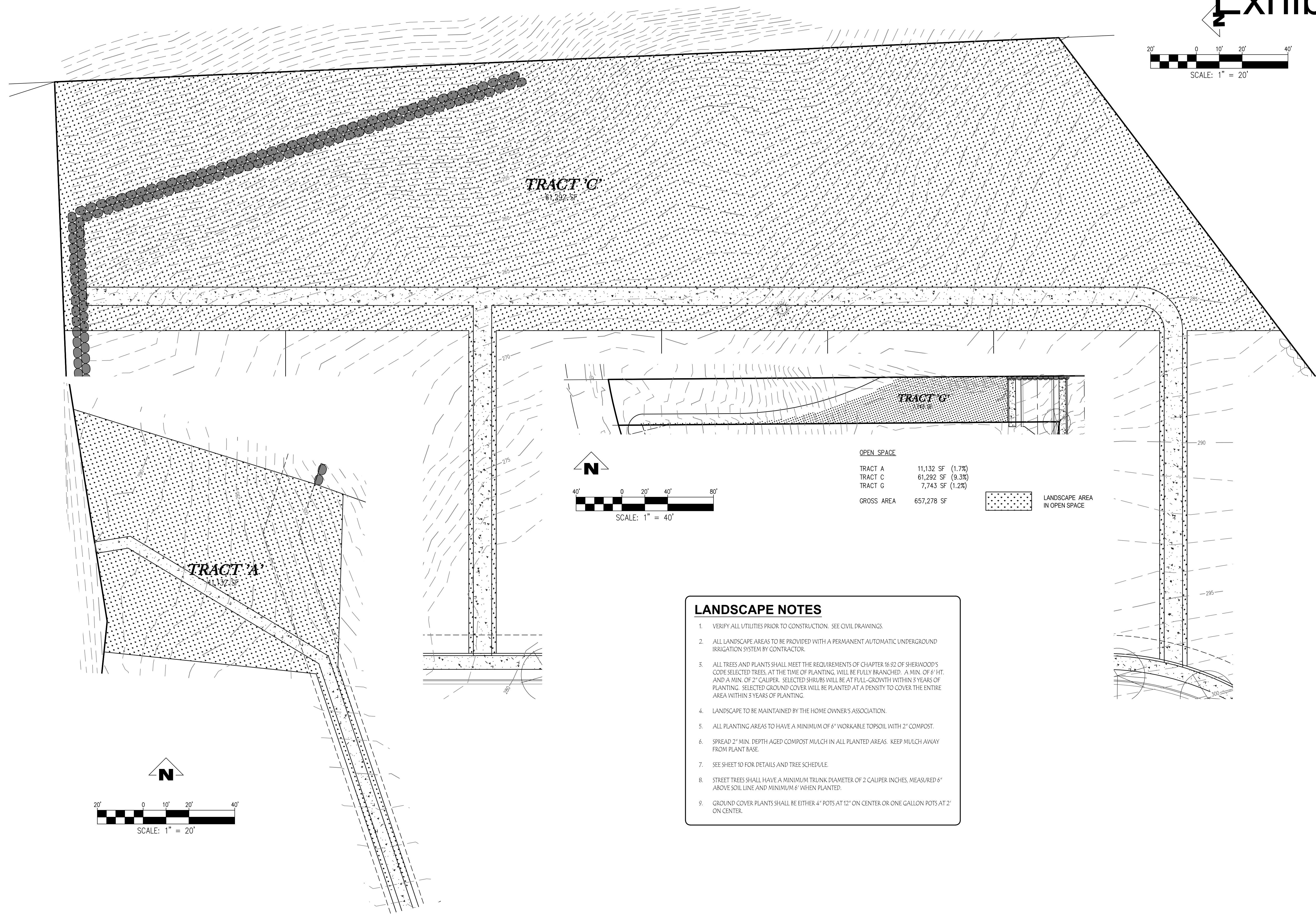


OPEN SPACE	AREA	PERCENTAGE
TRACT A	11,132 SF	(1.7%)
TRACT C	61,292 SF	(9.3%)
TRACT G	7,743 SF	(1.2%)
<b>GROSS AREA</b>	<b>657,278 SF</b>	

LANDSCAPE AREA IN OPEN SPACE

### LANDSCAPE NOTES

1. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION. SEE CIVIL DRAWINGS.
2. ALL LANDSCAPE AREAS TO BE PROVIDED WITH A PERMANENT AUTOMATIC UNDERGROUND IRRIGATION SYSTEM BY CONTRACTOR.
3. ALL TREES AND PLANTS SHALL MEET THE REQUIREMENTS OF CHAPTER 16.92 OF SHERWOOD'S CODE. SELECTED TREES, AT THE TIME OF PLANTING, WILL BE FULLY BRANCHED, A MIN. OF 6' HT. AND A MIN. OF 2" CALIPER. SELECTED SHRUBS WILL BE AT FULL-GROWTH WITHIN 5 YEARS OF PLANTING. SELECTED GROUND COVER WILL BE PLANTED AT A DENSITY TO COVER THE ENTIRE AREA WITHIN 5 YEARS OF PLANTING.
4. LANDSCAPE TO BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION.
5. ALL PLANTING AREAS TO HAVE A MINIMUM OF 6" WORKABLE TOPSOIL WITH 2" COMPOST.
6. SPREAD 2" MIN. DEPTH AGED COMPOST MULCH IN ALL PLANTED AREAS. KEEP MULCH AWAY FROM PLANT BASE.
7. SEE SHEET 10 FOR DETAILS AND TREE SCHEDULE.
8. STREET TREES SHALL HAVE A MINIMUM TRUNK DIAMETER OF 2 CALIPER INCHES, MEASURED 6" ABOVE SOIL LINE AND MINIMUM 6" WHEN PLANTED.
9. GROUND COVER PLANTS SHALL BE EITHER 4" POTS AT 12" ON CENTER OR ONE GALLON POTS AT 2' ON CENTER.



## STREET TREE PLAN

REVISIONS	
NO.	DATE
1	05/22/20

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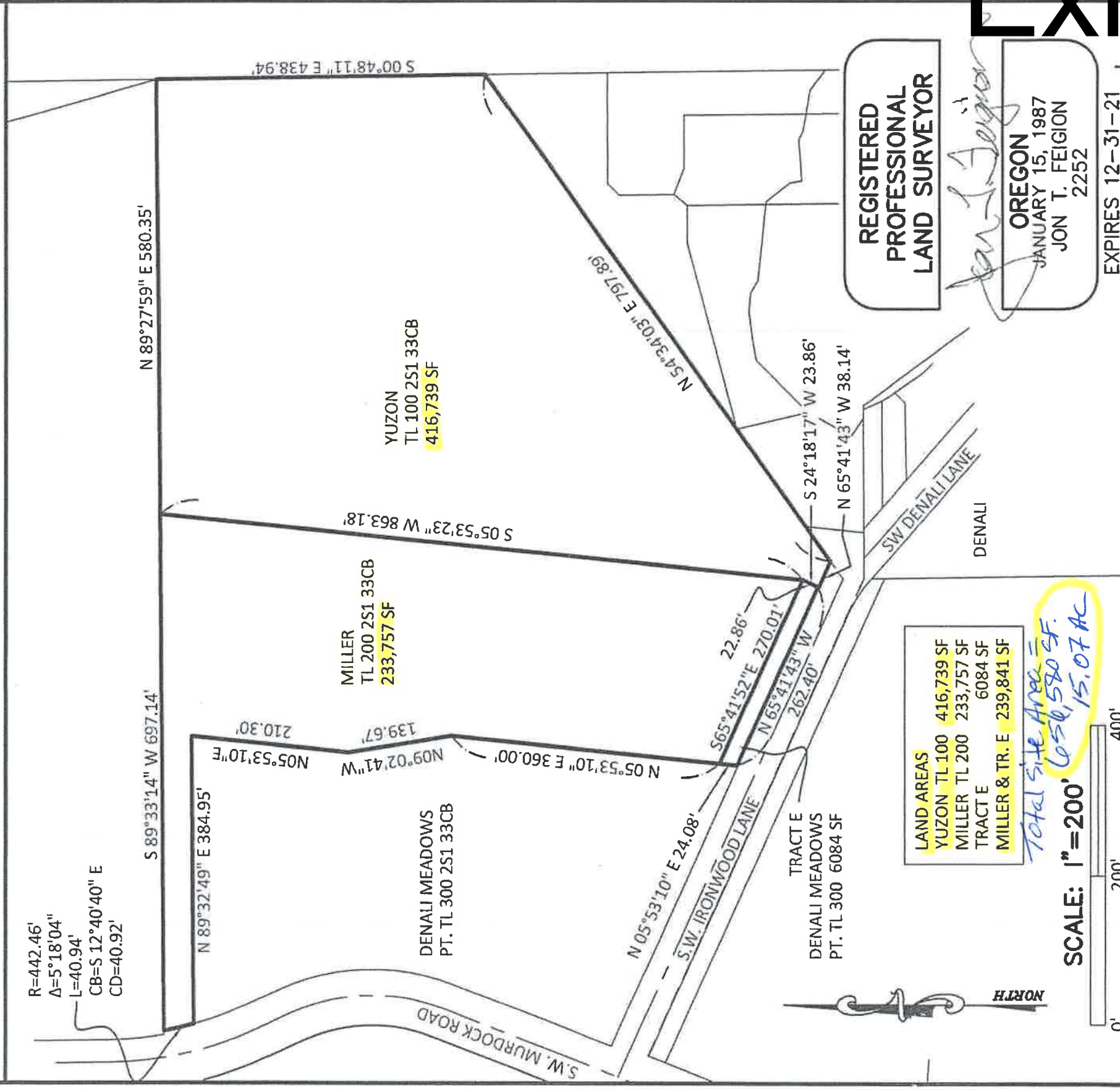
### PLANT LIST

SYMBOL	QTY.	SUGGESTED PLANT MATERIAL	SIZE	SPACING
	4	ACER RUBRUM 'FRANKSRED' RED SUNSET MAPLE	2" CAL.	AS SHOWN
	52	ZELKOVA SERRATA 'VILLAGE GREEN' VILLAGE GREEN ZELKOVA	2" CAL.	AS SHOWN

TREE NAME	QUANTITY	MATURE SPREAD (FT.)	CANOPY AREA (SF)	CANOPY COVERAGE (SF)
EXISTING TREES (COUNT AS TWO)				
EVERGREEN				
DECIDUOUS				
PROPOSED NEW TREES				
ACER RUBRUM 'FRANKSRED'				
ZELKOVA SERRATA 'VILLAGE GREEN'				
			TOTAL CANOPY COVERAGE	
			TOTAL SITE AREA (SF)	
			PERCENT CANOPY COVERAGE	

# Exhibit A1

**EXHIBIT A**  
LAND LOCATED IN THE  
S.W. 1/4 OF SEC. 33, T.2S., R.1W., W.M.  
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON



<b>DRAWN BY:</b> JTF	<b>LAND AREA EXHIBIT</b>
<b>JOB NO.:</b> 0200-009	<b>MILLER, YUZON, TRACT E</b>
<b>SCALE:</b> 1" = 200'	<b>0200-009-EXH_8-10-20.DWG</b>
<b>DATE:</b> 8-11-20	

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6445 SW FALLBROOK PLACE, STE. 100  
BEAVERTON, OREGON 97008  
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# Denali Summit PUD Architectural Pattern Book Lots 17-25; 34-41

Issued To: City of Sherwood

Project Name: Denali Summit PUD

Applicant: Jacob Miller, LLC.

Date: July 1, 2020



23008 SW Murdock, Sherwood, Or. 97140      Office: 503-515-9281

## **Description**

The Denali Summit (Lots 17-25 and 34-41) PUD development project is approximately a 5-acre site located within the Southeast Sherwood Master Plan, east of SW Murdock Road and north of SW Ironwood Lane. The development project is being submitted as a 17-lot single family detached development with minimum lot size being 10,000 sq. ft., in compliance with the current zoning overlay. The 17 lots consist of one lot with an existing home and 16 lots intended for new residential construction.

The project is being submitted as a Planned Unit Development (PUD) to allow for flexibility and creativity in the overall site design and layout. As part of the PUD standards, the Applicant has prepared this Pattern Book to describe the architectural design features that guide the design and development of the new residential structures to be constructed on each of the approved lots.

The purpose of this Pattern Book is to act as an illustrative guide on how the PUD standards will be applied.

This Pattern Book shall address the architectural design criteria contained in the Sherwood Zoning and Development Code (section 16.40.020(G) “Architectural Pattern Book”).

***Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in Section 16.90.020(G) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:***

- a. Illustrative areas within the development application covered by the pattern book.***
- b. An explanation of how the pattern book is organized, and how it is to be used.***
- c. Define specific standards for architecture, color, texture, materials, and other design elements.***
- d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.***
- e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:***
  - (1) Massing, facades, elevations, roof forms, proportions, materials, and color palette.***
  - (2) Architectural relevance or vernacular to the Pacific Northwest.***
  - (3) Doors, windows, siding, and entrances, including sash and trim details.***
  - (4) Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.***
  - (5) A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.020***

The proposed Denali Summit development project has completed its' pre-app meeting with the City of Sherwood and is preparing the final documents to be submitted for land-use approval, and until such time that the City of Sherwood has approved the application/submittal we will not be able to complete the exact house plan design(s) and exterior elevation features. Once the development has been accepted and approved by the City, defining total number of lots and lot dimensions, we can proceed with the details of the house design and architectural features, utilizing the guidelines defined in this document.

The basis for our house designs will range from a Contemporary to Transitional, Exhibit A2 Modern to Traditional to Early American and Modern Farmhouse styles that will complement the surrounding community. We have included, in this submittal, examples of homes styles that we believe will meet the demand of the new home market and become an asset to the Sherwood community.

### **a. Illustrative Areas**

The Illustrative areas within the development application covered by this Pattern Book are focused on the architecture design features that each home will uniquely characterize.

### **b. Organization and Use**

The organization and use of this Pattern Book is broken down in order to address the criteria listed in the development code standards.

Through the process of design and development of each of the residential structures this criteria shall govern how and where the design features best apply.

The overall design and architecture of the structures are subject to final approval by the Architectural Review Committee (ARC), as shall be outlined within the subdivision CCR's. The CCR's will be drafted once the development project is approved and all conditions are determined.

### **Building Design**

1. All residential structures shall comply with the requirements defined in the CCR's specific to this project.
2. Each structure shall have an individual and distinctive appearance.
3. There shall be no duplicate elevation of a single family home within sight of each other.
4. The mix of housing types shall feature materials that are compatible with the surrounding community and the topography of each lot.
5. Each structure shall be constructed to utilize the characteristics of the lot with the front of the home oriented toward the driveway approach, as shown on the approved design.
6. All new home plans must be drafted and engineered by a qualified person licensed to perform their trade. All engineering shall be stamped and signed by the person(s) performing or inspecting the final engineered plans.
7. The exterior siding shall be comprised of i) composite siding, ii) wood siding, iii) brick, iv) stone, or other materials specifically approved by the ARC.
8. Siding, trim and roof colors will be approved by the ARC with each submittal. No duplication of colors will be allowed, with the exception of roof color.
9. Height of the structure shall comply with existing zoning regulations.

### **Landscaping**

1. Every landscape plan shall have an individual and distinctive design.
2. Landscape front and side yards must be completed within 30 days of final inspection (weather permitting)
3. The design and type of plantings are to enhance the building architecture and be consistent with the neighborhood and environment.
4. Extensive use of colored rocks and gravel for ground cover is prohibited.



### c. Design Specifics

The specific standards for architecture, color, texture, materials, and other design elements are illustrated with the following examples.

#### Examples of Building Elevations



The design theme is intended to follow a land use plan that provides for a mix of housing types that are compatible with current trends.

### Examples of Siding Materials



**Stained Cedar Tongue & Groove**



**Composite Lap Siding**



**Composite Lap Siding with Bead**



**Cedar Board & Batten**



**Composite Painted Shake**



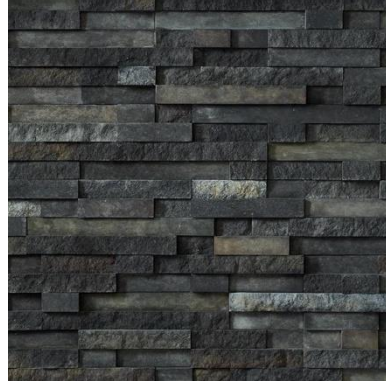
**Composite Board & Batten**

## Examples of Masonry Materials

Cultured stone/Brick are versatile materials with many options in order to achieve individuality and uniformity at the same time. There are a multitude of colors and types available to be used to compliment design and color themes. These examples are not intended to dictate exact colors.



**Profit Alpine Ledgestone**



**Profit Terrain Ledgestone**



**Profit Platinum Ledgestone**



**Slate S. Ledgestone**



**Shale Profit Ledgestone**



**Chardonnay S. Ledgestone**

## *Example of Roofing Colors*

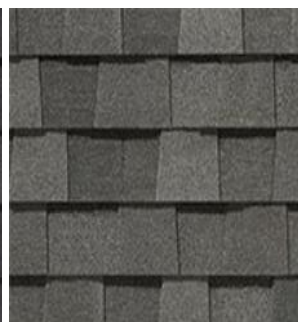
Architectural Composition shingles



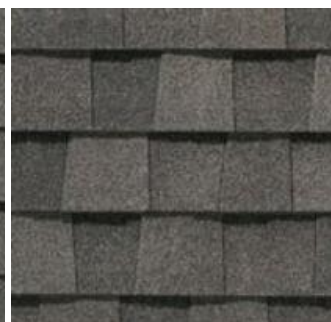
**Weatherwood**



**Black**



**Georgetown Gray**



**Colonial Slate**

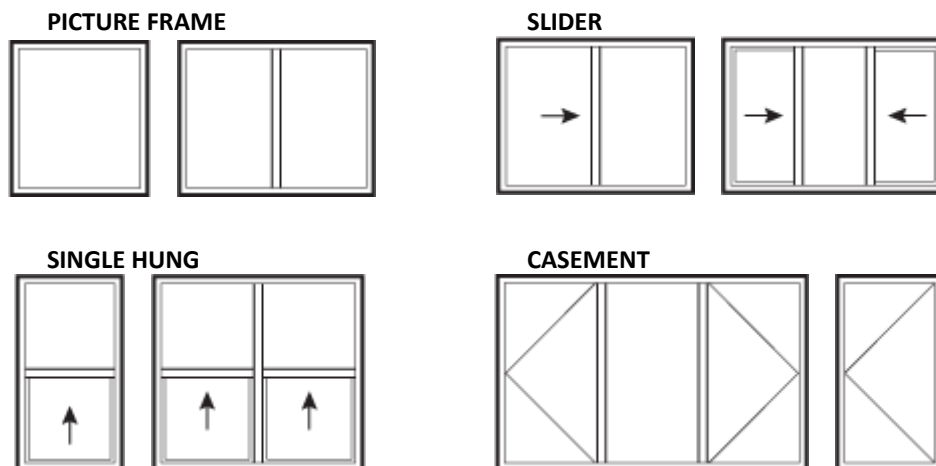
### Examples of Exterior Lighting

Finish: Oil Rubbed Bronze or Nickel



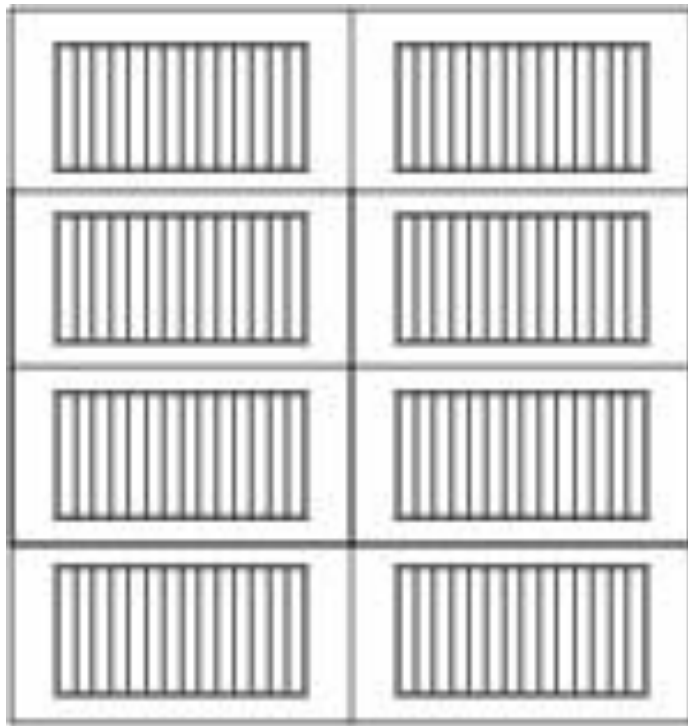
### Examples of Window Styles

Window frames are a vinyl material in **Almond, White, Black**

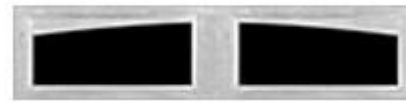


### Examples of Overhead Doors

Door design and style will vary with house type. Below are pictures of different door and window styles that could apply. Windows may be configured horizontally or vertically with clear, obscured, satin etched, or white laminated glass. Finish paint color will vary with color scheme.



**Sonoma Garage Door**



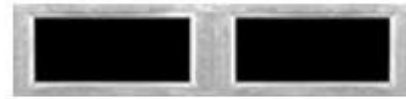
**Sonoma Arched Windows**



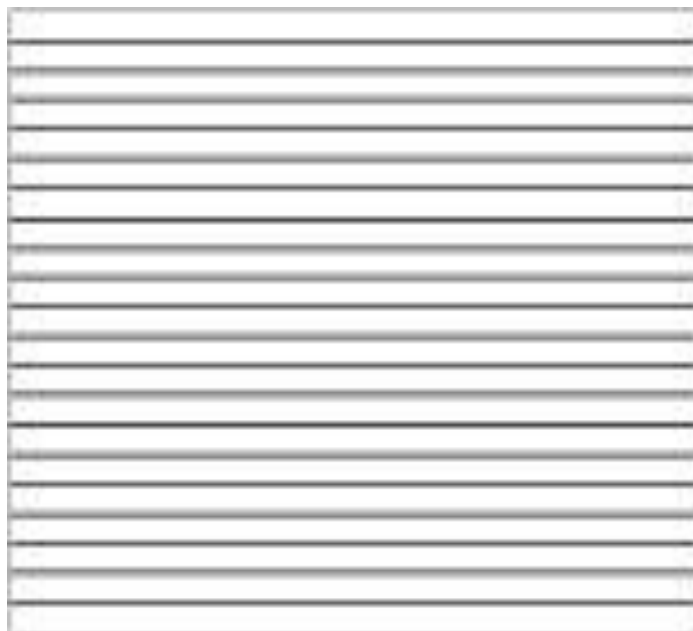
**Sonoma Arched Windows w/ Grids**



**Sonoma Plain Windows w/ Grids**



**Sonoma Plain Windows**



**Horizontal Garage Door**



**Horizontal Window Pattern**



**Vertical Window Pattern**

# Examples of Front Door and Hardware

(Door Material: Fiberglass or Stained Wood)

Exhibit A2



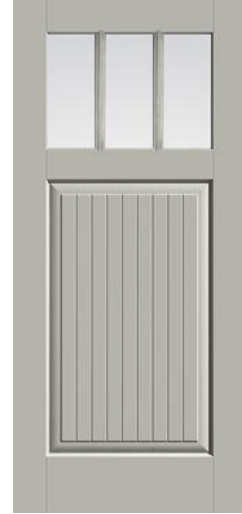
Full Lite Door w/ Panels



Shaker Style



2 Panel 1 Lite



1 Panel w/ Grid Lite



Door Hardware Finish: Oil Rubbed Bronze, Black, Nickel, Iron, Chrome & Polished Chrome

## Example Exterior Paint Colors Sample Color Palettes

Exhibit A2

There are no pre-determined exterior color selections made at this time. The following color palettes are provided only as examples of color opportunities that would be used in making the selections once the homes designs are completed.



### Examples of Stain Colors for Wood Siding



#### d. Checklist

The following represents an example of the ARC checklist form that will be submitted with each house plan designed specific to each lot. This checklist will be incorporated into the final CCR's for the development.

#### ***Architectural Checklist - New Home Construction***

Property Owner: \_\_\_\_\_ Phone # \_\_\_\_\_

Lot # \_\_\_\_\_ Property Address \_\_\_\_\_

Contractor Name and Phone Number \_\_\_\_\_

*Complete this checklist and submit with full set of plans and samples as necessary. A submitted plan will not be reviewed by ARC until all items required by this form are received. The submittal must be complete and not submitted as "piece-meal".*

CHECKLIST

\_\_\_\_\_ \*One full set of plans to scale (1/4" or 1/8") to include:

Site Plan showing:

- Lot # and house address
- Property corner elevations / contour (topo) lines / easements
- Dimensions for all perimeter boundary lines
- Sq. ft. of lot, sq. ft. of house/garage footprint
- Street Trees, location and type
- Garage and House setback dimensions / Easements
- Finish Floor elevation of Main, Lower, Garage Floor
- Approach and Driveway w/dimensions
- Location of AC units, trash and recycling containers. Must be screened from street view
- Fence location and type, Retaining wall location and type
- Utility meters
- Owner & Contractor name, contact info (phone/email)

Front, Side(s), Rear elevations showing:

- Exterior siding and trim materials
- Window locations, size and operable function
- Decks (include stairs if applicable)
- Note height at highest ridge in relationship to the street

Front and corner (street side) Landscaping Plan showing:

- Street trees, noting size and type
- Yard trees, noting size and type
- Grass planting areas, noting total coverage area
- Shrub planting areas, noting type, number and size
- Show water features
- Note any exterior lighting

MATERIALS USED

\_\_\_\_\_ 1. Roof material: \*color  Weatherwood  Black  Georgetown Gray  Colonial Slate

\_\_\_\_\_ 2. Building Siding: \*type  Composite Lap,  Cedar Lap,  Cedar T&G  
 Other

describe: \_\_\_\_\_

\* On additional page, submit paint or stain colors for each siding

type

selected

\_\_\_\_\_ 3. Exterior Masonry: \*type  Cultured Stone describe:

\_\_\_\_\_

location: \_\_\_\_\_

Natural Stone

describe:

\_\_\_\_\_

location: \_\_\_\_\_

Brick

describe:

\_\_\_\_\_

location: \_\_\_\_\_

Other

describe:

\_\_\_\_\_

location: \_\_\_\_\_





---

## e. Information for Each Building Type

- (1) *Massing, facades, elevations, roof forms, proportions, materials, and color palette.*  
***\* See information provided above***
- (2) *Architectural relevance or vernacular to the Pacific Northwest.*  
***\* The architectural relevance of the intended building designs and styles is consistent with the current market trends for our metropolitan area and the Pacific NW. The application of the Contemporary and Traditional designs has been applied in our market for several years and the introduction of the Modern and Modern Farmhouse design has adapted to current market demands.***
- (3) *Doors, windows, siding, and entrances, including sash and trim details.*  
***\*See information provided above***
- (4) *Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.*  
***\*The specific details of the architectural features will not be determined until the final house plan designs are completed. And the houses cannot be designed until the plat is approved. Examples have been provided above.***
- (5) *A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.020*  
***\* A fence plan delineating the length and location of fencing cannot not be created until the house plan/site plans are completed, which first requires acceptance of the project by the city.***

This completes the Architectural Pattern Book for the Denali Summit PUD.

# Denali Summit PUD Architectural Pattern Book Lots 1 – 16; 26 - 33

Issued To: City of Sherwood

Project Name: Denali Summit PUD

Applicant: JT Roth Construction, Inc.

Date: July 2020



12600 SW 72<sup>nd</sup> Ave, suite 200, Portland, Or. 77223 off 503 639 2639 CCB# 31700

## **Description**

The Denali Summit PUD development project is approx. 9.95-acre site located within the Southeast Sherwood Master Plan, east of SW Murdock Road and north of SW Ironwood Lane. The development project is being submitted as a 24-lot single family detached development with minimum lot size being 10,000 sq. ft., in compliance with the current zoning overlay. The 24 lots consist of one lot with an existing home and 23 lots intended for new residential construction.

The project is being submitted as a Planned Unit Development (PUD) to allow for flexibility and creativity in the overall site design and layout. As part of the PUD standards, the Applicant has prepared this Pattern Book to describe the architectural design features that guide the design and development of the new residential structures to be constructed on each of the approved lots.

The purpose of this Pattern Book is to act as an illustrative guide on how the PUD standards will be applied.

This Pattern Book shall address the architectural design criteria contained in the Sherwood Zoning and Development Code (section 16.40.020(G) “Architectural Pattern Book”).

***Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in Section 16.90.020(G) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:***

- a. Illustrative areas within the development application covered by the pattern book.***
- b. An explanation of how the pattern book is organized, and how it is to be used.***
- c. Define specific standards for architecture, color, texture, materials, and other design elements.***
- d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.***
- e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:***
  - (1) Massing, facades, elevations, roof forms, proportions, materials, and color palette.***
  - (2) Architectural relevance or vernacular to the Pacific Northwest.***
  - (3) Doors, windows, siding, and entrances, including sash and trim details.***
  - (4) Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.***
  - (5) A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.020***

The proposed Denali Summit development project has completed its’ pre-app meeting with the City of Sherwood and is preparing the final documents to be submitted for land-use approval, and until such time that the City of Sherwood has approved the application/submittal we will

not be able to complete the exact house plan design(s) and exterior elevation features. Exhibit A2  
the development has been accepted and approved by the City, defining total number of lots  
and lot dimensions, we can proceed with the details of the house design and architectural  
features, utilizing the guidelines defined in this document.

The basis for our house designs will range from a Contemporary to Transitional to Modern to  
Traditional to Early American and Modern Farmhouse styles that will complement the  
surrounding community. We have included, in this submittal, examples of homes styles that we  
believe will meet the demand of the new home market and become an asset to the Sherwood  
community.

### **a. Illustrative Areas**

The Illustrative areas within the development application covered by this Pattern Book are  
focused on the architecture design features that each home will uniquely characterize. Each of  
the 23 house plan designs will be unique to themselves with features that are dissimilar to the  
other designs.

### **b. Organization and Use**

The organization and use of this Pattern Book is broken down in order to address the criteria  
listed in the development code standards.

Through the process of design and development of each of the residential structures this  
criteria shall govern how and where the design features best apply.

The overall design and architecture of the structures are subject to final approval by the  
Architectural Review Committee (ARC), as shall be outlined within the subdivision CCR's. The  
CCR's will be drafted once the development project is approved and all conditions are  
determined.

### **Building Design**

1. All residential structures shall comply with the requirements defined in the CCR's specific to this project.
2. Each structure shall have an individual and distinctive appearance.
3. There shall be no duplicate elevation of a single family home within sight of each other.
4. The mix of housing types shall feature materials that are compatible with the surrounding community and the topography of each lot.
5. Each structure shall be constructed to utilize the characteristics of the lot with the front of the home oriented toward the driveway approach, as shown on the approved design.
6. All new home plans must be drafted and engineered by a qualified person licensed to perform their trade. All engineering shall be stamped and signed by the person(s) performing or inspecting the final engineered plans.
7. The exterior siding shall be comprised of i) composite siding, ii) wood siding, iii) brick, iv) stone, or other materials specifically approved by the ARC.
8. Siding, trim and roof colors will be approved by the ARC with each submittal. No duplication of colors will be allowed, with the exception of roof color.
9. Height of the structure shall comply with existing zoning regulations.

### **Landscaping**

1. Every landscape plan shall have an individual and distinctive design.
2. Landscape with irrigation systems must be completed within 30 days of final inspection (weather permitting)
3. The design and type of plantings are to enhance the building architecture and be consistent with the neighborhood and environment.
4. Extensive use of colored rocks and gravel for ground cover is prohibited.

### c. Design Specifics

The specific standards for architecture, color, texture, materials, and other design elements are illustrated with the following examples.

#### Building Elevations (conceptual)

*Contemporary*



*Transitional*



*Modern*



*Traditional*



*Early American*



*Modern Farmhouse*



The design theme is intended to follow a land use plan that provides for a mix of housing types that are compatible with current trends.

### Siding Materials (examples)

(Not limited to these examples). These are to be used to flow with the style of the home and add character.



*(stained cedar T&G \*vertical or horizontal)*



*(composite lap siding)*



*(staggered composite siding)*



*(stained cedar lap siding)*



*(batt & board)*



*(accent Shingle)*



*(smooth panel)*



*(vertical siding)*

**Masonry Materials** (examples)

Cultured stone/Natural Stone/Brick are versatile materials with many options in order to achieve individuality and uniformity at the same time. There are a multitude of colors and types available to be used to compliment design and color themes. These examples are not intended to dictate exact colors.



**Roofing Material** (examples)

Composition shingles are the most widely used roofing material. The color choices are noted below.

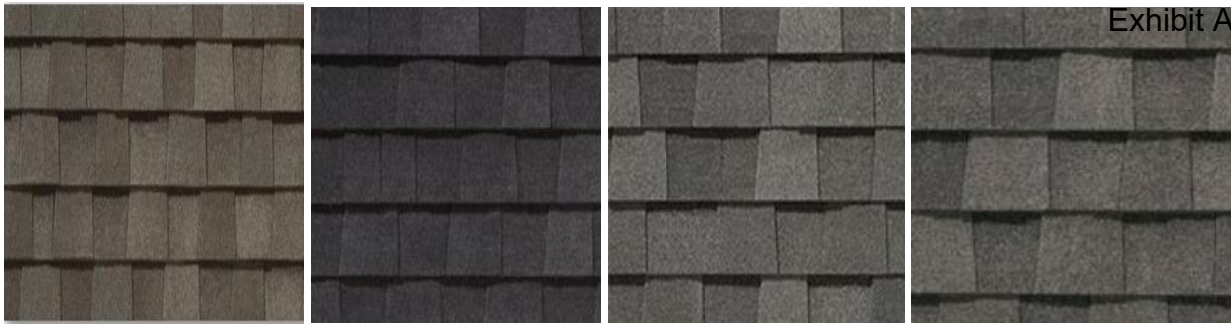
**Weatherwood**

**Black**

**Georgetown Gray**

**Colonial Slate**





### Exterior Lighting (examples)

Examples of exterior lighting that are proposed for exterior use.

Note: Fixture finish color may change based on home style and application. Finish color options include: \*Black, \*Satin Nickel, \*Bronze, \*Chrome



### Windows Styles (examples)

Window frames are a vinyl material. Color options are: \*Almond, \*Clay, \*White, \*Black

PICTURE FRAME

Example of window types  
SLIDER

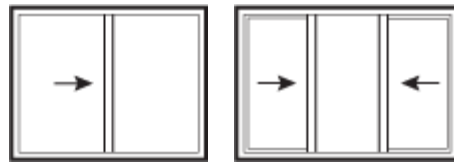
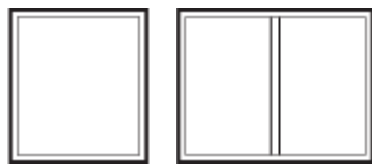
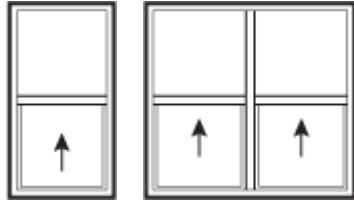
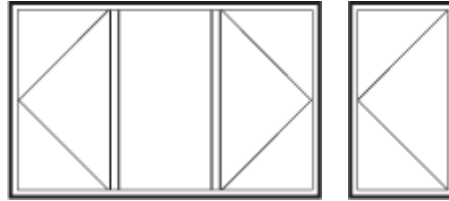


Exhibit A2

**SINGLE HUNG**



**CASEMENT**



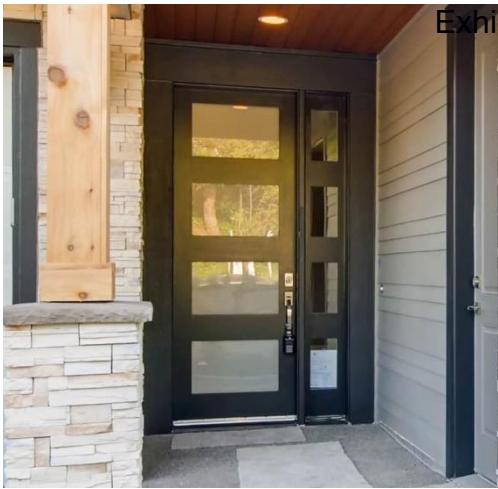
### Overhead Doors (examples)

Door design and style will vary with house type. Below are pictures of different door styles that could apply to the finish house design. Finish paint color will vary with color scheme.



### Entry Doors/Hardware (examples)

Door style



**Exterior Paint (examples)  
Sample Color Palette**

There are no pre-determined exterior color selections made at this time. The following color palette is provided only as examples of color opportunities that would be used in making the selections once the homes designs are completed.

Bohemian Black SW 6988	Ibis White SW 7000	Ceiling Bright White 7007	Eider White SW 7014	Simple White SW 7021
Domino SW 6989	Marshmallow SW 7001	Alabaster SW 7008	Repose Gray SW 7015	Alpaca SW 7022
Caviar SW 6990	Downy SW 7002	Pearly White SW 7009	Mindful Gray SW 7016	Requisite Gray SW 7023
Black Magic SW 6991	Toque White SW 7003	White Duck SW 7010	Dorian Gray SW 7017	Functional Gray SW 7024
Inkwell SW 6992	Snowbound SW 7004	Natural Choise SW 7011	Dovetail SW 7018	Backdrop SW 7025
Black Of Night SW 6993	Pure White SW 7005	Creamy SW 7012	Gauntlet Gray SW 7019	Griffin SW 7026
Greenblack SW 6994	Extra White SW 7006	Ivory Lace SW 7013	Black Fox SW 7020	Well-Bred Brown SW 7027

THE *creativity* EXCHANGE  
*exterior colors*



[www.thecreativityexchange.com](http://www.thecreativityexchange.com)

**Stain Samples (examples)**

\*Used for the cedar siding applications



**d. Checklist**

The following represents an example of the ARC checklist form that will be submitted with each house plan designed specific to each lot. This checklist will be incorporated into the final CCR's for the development.

Denali Summit PUD – Pattern Book

## Architectural Checklist - New Home Construction

Property Owner: \_\_\_\_\_ Phone # \_\_\_\_\_

Lot # \_\_\_\_\_ Property Address \_\_\_\_\_

Contractor Name and Phone Number \_\_\_\_\_

Complete this checklist and submit with full set of plans and samples as necessary. A submitted plan will not be reviewed by ARC until all items required by this form are received. The submittal must be complete and not submitted as "piece-meal".

### CHECKLIST

\_\_\_\_\_ \*One full set of plans to scale (1/4" or 1/8") to include:

Site Plan showing:

- Lot # and house address
- Property corner elevations / contour (topo) lines / easements
- Dimensions for all perimeter boundary lines
- Sq. ft. of lot, sq. ft. of house/garage footprint
- Street Trees, location and type
- Garage and House setback dimensions / Easements
- Finish Floor elevation of Main, Lower, Garage Floor
- Approach and Driveway w/dimensions
- Location of AC units, trash and recycling containers. Must be screened from street view
- Fence location and type, Retaining wall location and type
- Utility meters
- Owner & Contractor name, contact info (phone/email)

Front, Side(s), Rear elevations showing:

- Exterior siding and trim materials
- Window locations, size and operable function
- Decks (include stairs if applicable)
- Note height at highest ridge in relationship to the street

Front and corner (street side) Landscaping Plan showing:

- Street trees, noting size and type
- Yard trees, noting size and type
- Grass planting areas, noting total coverage area
- Shrub planting areas, noting type, number and size
- Show water features
- Note any exterior lighting

### MATERIALS USED

\_\_\_\_\_ 1. Roof material: \*color  Weatherwood  Black  Georgetown Gray  Colonial Slate

\_\_\_\_\_ 2. Building Siding: \*type  Composite Lap,  Cedar Lap,  Cedar T&G  
 Other describe: \_\_\_\_\_

\* On additional page, submit paint or stain colors for each siding type selected

\_\_\_\_\_ 3. Exterior Masonry: \*type  Cultured Stone describe: \_\_\_\_\_  
location: \_\_\_\_\_  
 Natural Stone describe: \_\_\_\_\_



---

### e. Information for Each Building Type

- (1) *Massing, facades, elevations, roof forms, proportions, materials, and color palette.*  
**\* See information provided above**
  
- (2) *Architectural relevance or vernacular to the Pacific Northwest.*  
**\* The architectural relevance of the intended building designs and styles is consistent with the current market trends for our metropolitan area and the Pacific NW. The application of the Contemporary and Traditional designs has been applied in our market for several years and the introduction of the Modern and Modern Farmhouse design has adapted to current market demands.**
  
- (3) *Doors, windows, siding, and entrances, including sash and trim details.*  
**\*See information provided above**
  
- (4) *Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.*  
**\*The specific details of the architectural features will not be determined until the final house plan designs are completed. And the houses cannot be designed until the plat is approved. Examples have been provided above.**
  
- (5) *A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.020*  
**\* A fence plan delineating the length and location of fencing cannot not be created until the house plan/site plans are completed, which first requires acceptance of the project by the city.**

This completes the Architectural Pattern Book for the Denali Summit PUD

AFTER RECORDING RETURN TO:  
 Bradley T. Miller  
 18025 SW Brookman Rd.  
 Sherwood, OR 97140

**DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS,  
 AND RESTRICTIONS FOR DENALI SUMMIT**

**Declarant: Jacob Miller, LLC**

**(Bylaws of Denali Summit Homeowners Association attached as Exhibit "A")**

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**DECLARATION OF PROTECTIVE COVENANTS,  
CONDITIONS, AND RESTRICTIONS  
FOR DENALI SUMMIT**

THIS DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR DENALI SUMMIT ("Declaration") is made by JACOB MILLER, LLC, an Oregon Limited Liability Company ("Declarant").

**Recitals**

This is the Declaration of Protective Covenants, Conditions and Restrictions for Denali Summit. No Lots have been sold to third parties.

Jacob Miller, LLC an Oregon Limited Liability Company, platted the real property known as Denali Summit in the City of Sherwood, Washington County, Oregon. The following real property shall be subject to this Declaration:

Lots 17-25 and 34-41, inclusive, and Tracts A, F, G as shown on the plat map of Denali Summit (the "Property") recorded on \_\_\_\_\_ in Washington County, Oregon, Deed Records as Document No. \_\_\_\_\_.

Tracts A and G are useable common area. Tract F is a private street.

Declarant intends to make Denali Summit as a Class I planned community pursuant to the Oregon Planned Community Act. To establish Denali Summit as a planned community, Declarant desires to impose these mutually beneficial covenants, conditions, restrictions, easements, assessments and liens on the Property, under a comprehensive general plan of improvement and development for the benefit of all Lots and Common Area in Denali Summit. The site underwent remedial clean-up action through the Oregon Department of Environmental Quality ("ODEQ") to ensure any hazardous materials on site did not present a danger to public health or the environment.

Declarant has deemed it desirable for the efficient preservation of the values and amenities in Denali Summit to create a nonprofit corporation, to which will be delegated and assigned the powers and authority to own, maintain and administer the Common Area, to maintain the Commonly Maintained Property, to administer and enforce the covenants, conditions, and restrictions of this Declaration, and to collect and disburse the assessments and charges hereinafter created.

NOW THEREFORE, Declarant declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the Oregon Planned Community Act as may be amended from time to time (ORS 94.550 to 94.783) and subject to the following covenants, conditions, restrictions, easements, charges and liens, which shall run with the land, which shall be binding upon all parties having or acquiring any right, title or interest in the Property or any part thereof, and which shall inure to the benefit of the Association and of each Owner.

**DEFINITIONS**

1.1 "Additional Property" shall mean and refer to any Lots and Common Area Tracts which may be subsequently annexed to Denali Summit and subjected to this Declaration.

1.2 "Architectural Review Committee" or "ARC" shall refer to that committee constituted and acting pursuant to Article 6 of this Declaration.

1.1 "Articles" shall mean the Articles of Incorporation for the nonprofit corporation, Denali Summit Homeowners Association, as filed with the Oregon Secretary of State.

1.2 "Association" shall mean and refer to Denali Summit Homeowners Association, its successors and assigns.

- 1.3 “Board” shall mean the Board of Directors of the Association.
- 1.4 “Bylaws” shall mean and refer to the Bylaws of the Association which shall be recorded in the Washington County, Oregon, deed records.
- 1.5 “Common Area” shall mean and refer to Tracts A, F and G as shown on the recorded Plat of the Property, including any irrigation systems and improvements located thereon and any Common Area created by annexation of Additional Property and designation of all as a portion of such property as common area by a supplemental declaration and plat or by acquisition of any common property by the Association.
- 1.6 “Commonly Maintained Property” shall mean any property owned by a person or entity other than the Association for which the Association has the obligation to maintain, repair and replace. Commonly Maintained Property shall include, but not be limited to, the private driveway access easement located on Tract F and G.
- 1.7 “Declaration” shall mean the covenants, conditions, restrictions, and all other provisions set forth in this Declaration.
- 1.8 “Declarant” shall mean and refer to Jacob Miller, LLC, an Oregon Limited Liability Company, and its successors or assigns, or any successor or assign to all or the remainder of its interest in the Property.
- 1.9 “Denali Summit” shall mean Lots 17-41 of the Property and Tracts as designated on the Plat of Denali Summit, and any Lots or Tracts subsequently annexed to Denali Summit.
- 1.10 “Home” shall mean and refer to any portion of a structure situated on a Lot and designed and intended for use and occupancy as a residence by a single family or household.
- 1.10.1 “Lot” shall mean and refer to each and any of Lots 17-25, AND 34-41, and any additional Lots subsequently annexed to Denali Summit; provided, however, that “Lot” shall not include any Tracts.
- 1.11 “Members” shall mean and refer to the Owners of Lots in Denali Summit.
- 1.12 “Mortgage” means a recorded first mortgage, first trust deed, a first contract of sale that creates a first lien against a Lot, and “mortgagee” means the holder, beneficiary or vendor of such mortgage, trust deed or contract of sale, but only when such holder, beneficiary or vendor notifies the Association in writing of the existence of such mortgage and gives the Association a current name and mailing address.
- 1.13 “Occupant” shall mean and refer to the occupant of a Home, whether such person is an Owner, a lessee or any other person authorized by the Owner to occupy the Home.
- 1.14 “Owner” shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot or a purchaser in possession of a Lot under a land sale contract. The foregoing does not include persons or entities that hold an interest in any Lot merely as security for the performance of an obligation.
- 1.15 “Plat” shall mean and refer to the Plat of Denali Summit recorded in the Plat Records of Washington County, Oregon, and any supplemental plat(s) subsequently recorded annexing additional Lots and Common Area to Denali Summit.
- 1.16 “Property” shall have the meaning attributed to such term in the Recitals of this Declaration and all such Lots and Common Area subsequently annexed to Denali Summit.
- 1.17 “Reserve Account(s)” shall mean and refer to an account set up, if any, by the Board to hold funds for repair, replacement or maintenance of the Common Area and the Commonly Maintained Property.

1.18 "Rules and Regulations" shall mean and refer to the documents containing rules and regulations and policies adopted by the Board or the Architectural Review Committee, as may be from time to time amended.

## **ARTICLE 2**

### **PROPERTY SUBJECT TO THIS DECLARATION**

2.1 Initial Development. The Property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Washington County, Oregon, and described in that certain Plat maps entitled "Denali Summit", filed in the plat records of Washington County, Oregon. The initial development consists of Lots 17 through 25 and 34-41, and Tracts A, F and G. Declarant does not intend to build any Common Area improvements in Denali Summit not described in this Declaration.

2.2 Annexation of Additional Property. Additional Property may be added by Declarant to Denali Summit without the approval of any other Owner or the Association. Additional Property must be annexed by a supplemental declaration not later than twenty (20) years from the date the Declaration is recorded. The annexation of such real property shall be accomplished as follows:

2.2.1 Supplemental Declaration. The Owner or Owners of such real property shall record a supplemental declaration which shall be executed by or bear the approval of Declarant and shall among other things, describe the real property to be annexed, establish land classifications for the Additional Property, establish any additional limitations, uses, restrictions, covenants and conditions which are intended to be applicable to such property, and declare that such property is held and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to this Declaration.

2.2.2 Annexed Property a Part of Denali Summit. The property included in any such annexation shall thereby become a part of Denali Summit and the Association shall accept and exercise administration of any supplemental declaration with respect to such property.

2.2.3 Voting Rights of Annexed Lots. Upon annexation, additional Lots so annexed shall be entitled to voting rights as set forth in Section 7.3 below.

2.2.4 Annexed Lot Owners as Members. After complying with the procedures for annexation and upon conveyance of the first Lot in the annexed property to an Owner, Owners of Lots in the annexed property shall be Members, shall be subject to this Declaration and shall be entitled to the use and enjoyment of all Common Area and Commonly Maintained Property in Denali Summit in the manner and for the purpose for which such Common Areas and/or Commonly Maintained Property are intended to be used and enjoyed. The Association shall reallocate the assessments to assess each Owner of a Lot in Denali Summit as provided in Article 10.

2.3 Amendment. After the conversion of Class B membership to Class A membership, this Article may not be amended without the consent of Declarant as long as the Declarant owns a Lot or has a right to annex Additional Property to Denali Summit.

2.4 Annexation with Approval of Membership. In addition to the rights of Declarant pursuant to Section 2.2, the Association or Declarant may subject any real property to the provisions of this Declaration with the consent of the Owner of such property, the affirmative vote of holders of at least seventy-five percent (75%) of the Class A voting power of the Association, and the written consent of the Class B Member, if any. Such annexation shall be accomplished by filing a supplemental declaration in the official records of Washington County, Oregon describing the property to be annexed and specifically subjecting it to the terms of this Declaration. Any such supplemental declaration shall be signed by the President and Secretary of the Association and by the Owner of the annexed property. Any such annexation shall be effective upon the filing for record of such supplemental declaration, unless otherwise provided therein.

**ARTICLE 3**  
**OWNERSHIP AND EASEMENTS**

3.1 Non-Severability. The interest of each Owner in the use and benefit of the Common Area shall be appurtenant to the Lot owned by the Owner. No Lot shall be conveyed by the Owner separately from the interest in the Common Area. Any conveyance of any Lot shall automatically transfer the right to use the Common Area, subject to restrictions contained in the Declaration and Bylaws, without the necessity of express reference in the instrument of conveyance. There shall be no judicial partition of the Common Area. Each Owner, whether by deed, gift, devise or operation of law, for such Owner's benefit and for the benefit of all other Owners, specifically waives and abandons all rights, interests and causes of action for judicial partition of any interest in the Common Area and agrees that no action for judicial partition shall be instituted, prosecuted or reduced to judgment. Ownership interests in the Common Area and Lots are subject to the easements granted and reserved in this Declaration. Each of the easements granted or reserved herein shall be deemed to be established upon the recordation of this Declaration and shall thenceforth be deemed to be covenants running with the land for the use and benefit of the Owners and their Lots and shall be superior to all other encumbrances applied against or in favor of any portion of Denali Summit.

3.2 Ownership of Lots. Title to each Lot shall be conveyed in fee to an Owner. If more than one person and/or entity owns an undivided interest in the same Lot, such persons and/or entities shall constitute one Owner.

3.3 Ownership of Common Area. Subject to subsection 3.5, title to any Common Area shall be conveyed to the Association.

3.4 Easements. Individual deeds to Lots may, but shall not be required to, set forth the easements specified in this Article.

3.4.1 Easements on Plat. The Common Area and Lots are subject to the easements and rights-of-way shown on the Plat and on any supplemental plat(s).

3.4.2 Easements for Tracts. Subject to the restrictions contained herein, every Owner shall have a non-exclusive right and easement of use and enjoyment in and to Common Area Tract A. Tract F and G are private drives and/or a right of way.

3.4.3 Easements Reserved by Declarant. So long as Declarant owns any Lot, Declarant reserves an easement over, under and across the Common Area and Commonly Maintained Property in order to carry out sales activities necessary or convenient for the sale of Lots. Declarant, for itself and its successors and assigns, hereby retains a right and easement of ingress and egress to, from, over, in, upon, under and across the Common Area and Commonly Maintained Property and the right to store materials thereon and to make such other use thereof as may be reasonably necessary or incident to the construction of the improvements on the Property in such a way as not to interfere unreasonably with the occupancy, use, enjoyment or access to an Owner's Lot by such Owner or such Owner's family, tenants, employees, guests or invitees.

3.4.4 Additional Utility and Drainage Easements. Notwithstanding anything expressed or implied to the contrary, this Declaration shall be subject to all easements granted or acquired by Declarant for the installation and maintenance of utilities and drainage facilities necessary for the development of Denali Summit. No structure, planting or other material that may damage or interfere with the installation or maintenance of utilities, that may change the direction of flow of drainage channels in the easements, or that may obstruct or retard the flow of water through drainage channels in the easement areas shall be placed or permitted to remain within any easement area.

3.4.5 Association's Easements. Declarant grants to the Association and its duly authorized agents and representatives such easements over the Lots and Common Area as are necessary to perform the duties and obligations of the Association, as set forth in this Declaration, the Bylaws, and the Articles, as the same may be amended.

3.4.6 Easement to Governmental Entities. Declarant grants a non-exclusive easement over the Common Area to all governmental and quasi-government entities, agencies, utilities, and their agents for the purposes of performing their duties as utility and service providers.

3.4.7 Perimeter Easement Benefiting Association. Declarant grants to the Association and its duly authorized agents and representatives an easement over that perimeter portion of each Lot that is included within the building setbacks set by applicable ordinances for the purposes of installation, maintenance, repair, and replacement of utilities, communication lines, and drainage. The Board may grant or convey the easements reserved herein to any governmental body or agency and/or any public or private utility company or provider, upon a two-thirds (2/3) vote of the Board members at a duly called and held Board meeting.

3.5 Declarant's Right to Dedicate Common Area and Grant Easements; Board's Authority After Title Transferred to Association. Declarant reserves the right and power to dedicate and/or convey any portion or all of Tracts to any governmental body or agency. Declarant further reserves the right and power to grant an easement over Tracts to any governmental body or agency or any public or private utility company or provider without the approval of any other Owner or the Association. Declarant's rights and power under this Section shall expire as to each Tract when it is conveyed. Thereafter, the Board shall have the same powers reserved to Declarant and may exercise such power upon a two-thirds (2/3rds) or greater vote of the Board members at any duly called and held Board meeting. The provisions of this Section shall control over any provisions to the contrary contained in any other Section of the Declaration.

#### **ARTICLE 4** **USE, MAINTENANCE AND OCCUPANCY; RULES OF CONDUCT**

4.1 Residential Use. Lots shall only be used for residential purposes. Except with the Board's consent no trade, craft, business, profession, commercial or similar activity of any kind shall be conducted on any Lot or in any Home, and no goods, equipment, vehicles, materials or supplies used in connection with any trade, service or business shall be kept or stored on any Lot or in any Home. Nothing in this Section shall be deemed to prohibit (a) activities relating to the sale of residences, (b) the right of Declarant or any contractor or homebuilder to construct residences on any Lot, to store construction materials and equipment on such Lots in the normal course of construction, and to use any residence as a sales office or model home for purposes of sales in Denali Summit, and (c) the right of the Owner of a Lot to maintain such Owner's personal business or professional library, keep such Owner's personal business or professional records or accounts, handle such Owner's personal business or professional telephone calls or confer with business or professional associates, clients or customers in such Owner's residence. The Board shall not approve commercial activities otherwise prohibited by this Section unless the Board determines that only normal residential activities would be observable outside of the residence and that the activities would not be in violation of applicable local government ordinances.

4.2 Construction of Homes. No construction of a Home or any other structure shall occur on a Lot unless the approval of the ARC is first obtained pursuant to Article 6. Consideration such as siting, shape, size, color, design, height, solar access, or material may be taken into account by the ARC in determining whether or not to consent to any proposed work.

4.3 Landscaping. Declarant shall install the front landscaping of each Lot. The Owner shall install the landscaping in the back of their Lot within six (6) months after the sale of a Home from the Declarant and shall be responsible for maintaining the landscaping of their Lot. Each Owner other than Declarant shall obtain the ARC's prior approval of any modification to the front yard landscaping before commencing. No ARC approval shall be required prior to installation of backyard landscaping.

4.4 Maintenance of Lots and Homes. Each Owner shall maintain such Owner's Lot and all improvements thereon in a clean and attractive condition, in good repair and in such fashion as not to create a fire hazard. Such maintenance shall include, without limitation, maintenance of windows, doors, screens, garage doors, accessory buildings, driveways, walks, patios, chimneys, gutter cleaning, landscaping, trees and other exterior improvements and glass surfaces. All repainting or restaining and exterior remodeling shall be subject to prior review and approval by the ARC. Each Owner shall repair damage caused to such Owner's Lot or improvements located thereon by fire, flood, storm, earthquake, riot, vandalism, or other



causes within a reasonable period. Provided, however, the Association shall have such obligation with respect to the Commonly Maintained Property.

4.5 Rental of Homes. An Owner may rent or lease such Owner's Home or a portion thereof, provided that the following conditions are met:

4.5.1 Written Rental Agreements Required. The Owner and the tenant enter into a written rental or lease agreement specifying that (i) the tenant shall be subject to all provisions of the Declaration, Bylaws and Rules and Regulations, and (ii) a failure to comply with any provision of the Declaration, Bylaws and Rules and Regulations shall constitute a default under the rental or lease agreement;

4.6 Animals. No animals, livestock or poultry of any kind, other than a reasonable number of household domestic pets that are not kept, bred or raised for commercial purposes and that are reasonably controlled so as not to be a nuisance, shall be raised, bred, kept or permitted within any Lot. Any Lot Owner who maintains any pet upon any portion of Denali Summit shall be deemed to have agreed to indemnify and hold the Association, each of its members and the Declarant free and harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping or maintaining such pet. Such Owner shall further abide by all governmental sanitary laws and regulations, leash and other local and state laws relating to pets and rules or regulations of the Association created by the Board of Directors. The Board of Directors shall have the right to order any person whose pet is a nuisance to remove such pet from the premises upon the delivery of the third notice in writing of a violation of any rule, regulation or restriction governing pets within Denali Summit. All pets shall be registered and inoculated as required by law.

4.7 Nuisance. No noxious, harmful or offensive activities shall be carried on upon any Lot or Common Area. Nor shall anything be done or placed on any Lot or Common Area that interferes with or jeopardizes the enjoyment of, or that is a source of annoyance to, the Owner or other Occupants. No Owner or Occupant shall cause or permit such Owner's representatives, agents, employees, or family members to cause any nuisance or to make any use or engage in any practice on the Property that is a source of annoyance to other Owners and Occupants or that interferes with other Owners' and Occupants' peaceful possession and proper use of the Property. Owners and Occupants shall exercise extreme care about creating disturbances, making noises or using musical instruments, radios, televisions and amplifiers that may disturb other Owners and Occupants. Owners and Occupants shall keep all parts of their respective Lots in a clean and sanitary condition, free of any accumulation of rubbish, refuse or garbage and free of any fire hazard and shall not cause any accumulation of rubbish, refuse or garbage or any fire hazard on any other part of the Property. Owners and Occupants shall place all of their rubbish, refuse and garbage inside disposal containers. No Owner shall make or permit any use of such Owner's Lot or of the Common Area that will increase the cost of insurance upon the Common Area. No outside burning of leaves, debris, trash, garbage or household refuse shall be permitted. No marijuana plants may be grown, in pots or otherwise, outside of a Home, and no marijuana plants may be placed on the exterior of the Home for any temporary period.

4.8 Improper, Offensive, Illegal or Unlawful Use. No Owner or Occupant shall make any improper, offensive, illegal or unlawful use of any part of the Property. Owners and Occupants shall observe all valid laws, zoning ordinances and regulations of governmental bodies having jurisdiction over the Property. The responsibility for meeting the requirements of governmental bodies for maintenance, modification or repair of the Property shall be carried out and paid for in the same manner as the responsibility for the maintenance and repair of the Property concerned.

4.9 Parking. Boats, trailers, commercial vehicles, mobile homes, campers, and other recreational vehicles or equipment, regardless of weight, shall not be parked on any part of the Common Area, or on any streets on or adjacent to the Property for more than twenty-four (24) hours, including loading or unloading, and may not be parked on any Lot, including the driveway, for more than seven (7) days unless they are fully enclosed in the garage or behind an approved screening system approved by the ARC.

4.10 Vehicles in Disrepair. No Owner shall permit any vehicle that is in a state of disrepair (e.g. including, but not limited to, fails to run, cannot be moved under its own power in current condition, flat tires, unpainted or body parts missing) or that is not currently licensed to be abandoned or to remain parked upon the Common Area or on any street on or adjacent to the Property at any time and may not permit them on a Lot for a period in excess of seven (7) days. A vehicle shall be deemed in a "state of disrepair" when the

Board reasonably determines that its presence offends the occupants of the neighborhood. If an Owner fails to remove such vehicle within five (5) days following the date on which the Association mails or delivers to such Owner a notice directing such removal, the Association may have the vehicle removed from the Property and charge the expense of such removal to the Owner as an assessment, which may be collected and enforced as any other assessments imposed pursuant to the Declaration and Bylaws.

4.11 Signs. No signs shall be erected or maintained on any Lot except that not more than one (1) "For Sale" or "For Rent" sign placed by the Owner or by a licensed real estate agent, not exceeding twenty-four (24) inches high and thirty-six (36) inches long, may be temporarily displayed on any Lot. The restrictions contained in this Section shall not prohibit the temporary placement of "political" signs on any Lot by the Owner or Occupant. Provided, however, political signs shall be removed within three (3) days after the election day pertaining to the subject of the sign. Real estate signs shall be removed within three (3) days after the sale closing date.

4.12 Rubbish and Trash. No Lot or part of the Common Area shall be used as a dumping ground for trash or rubbish of any kind. All garbage and other waste shall be kept in appropriate containers for proper disposal and out of public view. Solid waste, garbage and recycling containers shall be brought to the nearest public road on collection dates. Yard rakings, dirt and other material resulting from landscaping work shall not be dumped onto streets, the Common Area or any other Lots. If an Owner fails to remove any trash, rubbish, garbage, yard rakings or any similar materials from any Lot, any streets or the Common Area where deposited by such Owner or the Occupants of such Owner's Lot after notice has been given by the Board to the Owner, the Association may have such materials removed and charge the expense of such removal to the Owner. Such charge shall constitute an assessment, which may be collected and enforced as any other assessments imposed pursuant to the Declaration and Bylaws.

4.13 Fences and Hedges. No fences or boundary hedges shall be installed or replaced without prior written approval of the ARC.

4.14 Service Facilities. Service facilities (garbage containers, fuel tanks, clotheslines, etc.) shall be screened such that such facilities are not visible at any time from the street. All telephone, electrical, cable television and other utility installations shall be placed underground in conformance with applicable law and subject to approval by the ARC. No on-site storage of gasoline, heating or other fuels or any flammable liquids or gases shall be permitted on any part of a Lot, including any Home, except that up to five (5) gallons of fuel may be stored in each Home for emergency purposes and for the operation of lawn mowers and similar tools or equipment.

4.15 Antennas and Satellite Dishes. Except as otherwise provided by law or this Section, no exterior antennas, satellite dishes, microwave, aerial, tower or other devices for the transmission or reception of television, radio or other forms of sound or electromagnetic radiation shall be erected, constructed or placed on any Common Area or Lot. Exterior satellite dishes with a surface diameter of one (1) meter or less and antennas designed to receive television broadcast signals or multi-channel multi-point distribution (wireless cable), may be placed on an Owner's Home. They shall be screened from neighboring Home to the extent possible. The Board or ARC may adopt reasonable rules and regulations governing the installation, safety, placement and screening of antennas, satellite dishes and other similar devices. This section and any rules adopted hereunder shall not unreasonably delay or increase the cost of installation, maintenance or use, or preclude reception of a signal of acceptable quality.

4.16 Exterior Lighting or Noise-making Devices. Except with the consent of the ARC, no exterior lighting or noise-making devices, other than security and fire alarms, shall be installed or maintained on any Home.

4.17 Basketball Hoops. No Owner may install a permanent basketball hoop on any Lot without the ARC's prior approval. The ARC may, in its discretion, prohibit such basketball hoops.

4.18 Grades, Slopes and Drainage. There shall be no interference with the established drainage patterns or systems over or through any Lot within Denali Summit so as to affect any other Lot or Common Area or any real property outside Denali Summit unless adequate alternative provision is made for proper drainage and is approved by the ARC. The term "established drainage" shall mean the drainage swales, conduits, inlets and outlets designed and constructed for Denali Summit.

4.19 Damage or Destruction to Home and/or Lot. If all or any portion of a Lot or Home is damaged by fire or other casualty, the Owner shall either (i) restore the damaged improvements or (ii) remove all damaged improvements, including foundations, and leave the Lot in a clean and safe condition. Any restoration proceeding under (i) above must be performed so that the improvements are in substantially the same condition in which they existed prior to the damage, unless the provisions of Article 6 are complied with by the Owner. The Owner must commence such work within sixty (60) days after the damage occurs and must complete the work within six (6) months thereafter.

4.20 Right of Maintenance and Entry by Association. If an Owner fails to perform maintenance and/or repair that such Owner is obligated to perform pursuant to this Declaration, and if the Board determines, after notice, that such maintenance and/or repair is necessary to preserve the attractiveness, quality, nature and/or value of Denali Summit, the Board may cause such maintenance and/or repair to be performed and may enter any such Lot whenever entry is necessary in connection with the performance thereof. An Owner may request, and the Board shall conduct, a hearing on the matter. The Owner's request shall be in writing delivered within five (5) days after receipt of the notice, and the hearing shall be conducted within not less than five (5) days nor more than twenty (20) days after the request for a hearing is received. Entry shall be made with as little inconvenience to an Owner as practicable and only after advance written notice of not less than forty-eight (48) hours, except in emergency situations. The costs of such maintenance and/or repair shall be chargeable to the Owner of the Lot as an assessment, which may be collected and enforced as any other assessments authorized hereunder.

4.21 Association Rules and Regulations. The Board from time to time may adopt, modify or revoke such Rules and Regulations governing the conduct of persons and the operation and use of Lots and the Common Area as it may deem necessary or appropriate to assure the peaceful and orderly use and enjoyment of the Property and the administration and operation of the Association. A copy of the Rules and Regulations, upon adoption, and a copy of each amendment, modification or revocation thereof, shall be delivered by the Board promptly to each Owner and shall be binding upon all Owners and occupants of all Lots upon the date of delivery or actual notice thereof. Subject to approval or consent by the Board, the ARC may adopt rules and regulations pertinent to its functions.

4.22 Ordinances and Regulations. The standards and restrictions set forth in this Article 4 shall be the minimum required. To the extent that local governmental ordinances and regulations are more restrictive or provide for a higher or different standard, such local governmental ordinances and regulations shall prevail.

4.23 Temporary Structures. No structure of a temporary character or any trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot as a residence, either temporarily or permanently.

4.24 Declarant Exemptions. The Declarant shall be exempt from the application of Section 4.11.

4.25 Accessory Buildings. All accessory buildings and structures shall require prior approval of the ARC. All accessory buildings and structures shall be designed, constructed and maintained compatible with the exterior materials, character and style of the Home. The ARC may require the accessory buildings to be painted the same color as the Home.

## **ARTICLE 5**

### **COMMON AREA AND COMMONLY MAINTAINED PROPERTY**

5.1 Use of Common Areas. Use of the Common Area is subject to the provisions of the Declaration, Bylaws, Articles and the Rules and Regulations adopted by the Board. There shall be no obstruction of any part of the Common Area. Nothing shall be stored or kept in the Common Area without the prior written consent of the Board. No Owner shall place or cause to be placed on any portion of the Common Area any trash, structure, equipment, improvement, furniture, package or object of any kind. Common Areas shall be used for no purpose other than what is customary for such areas. No alterations or additions to the Common Area shall be permitted without the prior written consent of the Board. The initial Common Area owned by the Association consists solely of Tracts A, F .and G. Additional Common Area may be created by annexation of Additional Property by a supplemental declaration and plat.

5.2 Maintenance of Common Area and Commonly Maintained Property. The Association shall be responsible for maintenance, repair, replacement, and upkeep of the Common Area (except to the extent such maintenance is done by a government agency) and Commonly Maintained Property. The cost shall be at the equal expense of the Owners of Lots subject to assessment. The Association shall keep the Common Area and Commonly Maintained Property in good condition and repair, provide for all necessary services and cause all acts to be done which may be necessary or proper to assure the maintenance of the Common Area and Commonly Maintained Property.

5.3 Alterations to Common Area. Only the Association or governmental agency have jurisdiction over the area and shall construct, reconstruct, or alter any improvement located on the Common Area. A proposal for any construction of or alteration, maintenance or repair to any such improvement may be made at any Board meeting.

5.4 Funding. Expenditures for alterations, maintenance or repairs to an existing improvement for which a reserve has been collected shall be made from the Reserve Account. The Board may levy a special assessment to fund any construction, alteration, repair or maintenance of the Common Area and Commonly Maintained Property for which no reserve has been collected or for which the Reserve Account is insufficient to cover the cost.

5.5 Condemnation of Common Area. If all or any portion of the Common Area is taken for any public or quasi-public use under any statute, by right of eminent domain or by purchase in lieu of eminent domain, the entire award shall be received by and expended by the Board in a manner that, in the Board's discretion, is in the best interest of the Association and the Owners. The Association shall represent the interest of all Owners in any negotiations, suit, action or settlement in connection with such matters.

5.6 Damage or Destruction of Common Area. If all or any portion of the Common Area or Commonly Maintained Property is damaged or destroyed by an Owner or any of Owner's guests, Occupants, tenants, licensees, agents or members of Owner's family, such Owner hereby authorizes the Association to repair such damage. The Association shall repair the damage and restore the area in workmanlike manner as originally constructed or as may be modified or altered subsequently by the Association in the discretion of the Board. Reasonable costs incurred in connection with affecting such repairs shall become a special assessment upon the Lot and against the Owner who caused or is responsible for such damage.

5.7 Power of Association to Sell, Convey or Grant Security Interest in Common Area. The Association may sell, convey or subject to a security interest any portion of the Common Area pursuant to the processes and limitations set forth in ORS 94.665.

## **ARTICLE 6**

### **ARCHITECTURAL REVIEW COMMITTEE**

6.1 Architectural Review. No improvement shall be commenced, erected, placed or altered on any Lot until the construction plans and specifications showing the nature, shape, heights, materials, colors, and proposed location of the improvement have been submitted to and approved in writing by the ARC. This Article's purpose is to assure quality of workmanship and materials and harmony between exterior design and the existing improvements and landscaping and as to location with respect to topography and finished grade elevations. The ARC shall not be responsible for determining compliance with structural and building codes, solar ordinances, zoning codes or other governmental regulations, all of which are the applicant's responsibility. The procedure and specific requirements for review and approval of construction shall be set forth in design guidelines and standards adopted from time to time by the ARC. The provisions of this Article shall apply in all instances in which this Declaration requires the ARC's consent.

6.2 Architectural Review Committee, Appointment and Removal. Declarant shall act as the ARC until Denali Summit is one hundred percent (100%) built out. After build out, or such earlier time as the Declarant may elect in writing, the Board shall have the right to appoint and remove members of the ARC. After the Board has the right to appoint the members of the ARC, the ARC shall consist of no fewer than three (3) members and no more than five (5) members. The Board may appoint itself as the ARC or any of its members to the ARC. If an ARC has not been appointed, the Board shall serve as the ARC. Homes built by the Declarant shall not require ARC approval.

6.3 Majority Action. Except as otherwise provided in this Declaration, a majority of the members of the ARC shall have the power to act on behalf of the ARC, without the necessity of a meeting and without the necessity of consulting the remaining member or members of the ARC. The ARC may render its decision only by written instrument setting forth the action taken by the members consenting thereto.

6.4 Duties. The ARC shall consider and act upon the proposals and/or plans submitted pursuant to this Article. The ARC, from time to time and at its sole discretion, may adopt architectural rules, regulations and guidelines (“Architectural Standards”).

6.5 ARC Decision. The ARC shall render its written decision approving or denying each application submitted to it within fifteen (15) working days after its receipt of all materials required with respect to such application. If the ARC fails to render such written decision within fifteen (15) days of its receipt of all required materials or request an extension, the application shall be deemed approved. The ARC shall be entitled to request one or more extensions of time, not to exceed thirty (30) days. In the event of such extension requests, if the ARC does not render a written decision within the extension period, the application shall be deemed approved. Provided, however, the applicant may agree to further extensions to allow the applicant to complete or supplement the application.

6.6 ARC Discretion. The ARC, at its sole discretion, may withhold consent to any proposed work if the ARC finds the proposed work would be inappropriate for the particular Lot or incompatible with the design standards that the ARC intends for Denali Summit. The ARC may consider siting, shape, size, color, design, height, view preservation, solar access or other effect on the enjoyment of other Lots or the Common Area, and any other factors that it reasonably believes to be relevant in determining whether or not to consent to any proposed work.

6.7 Nonwaiver. Consent by the ARC to any matter proposed to it or within its jurisdiction shall not be deemed to constitute precedent or waiver impairing its right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.

6.8 Appeal. Once the Board has the right to appoint ARC members, any Owner adversely impacted by action of the ARC may appeal such action to the Board. Such appealing Owner shall submit to the Board a written notice of appeal, setting forth specific objections or mitigating circumstances justifying the appeal, to the Board within ten (10) days after the ARC’s action. The Board shall issue a final, conclusive decision within forty-five (45) days after receipt of such notice, and such decision shall be final and binding upon the appealing Owner and the ARC. Provided, however, the Board shall make reasonable efforts to reach a decision within twenty (20) days. If the Board is serving as the ARC, then such appeal shall be deemed a request for reconsideration.

6.9 Effective Period of Consent. The ARC’s consent to any proposed work shall automatically expire three (3) months after issuance unless construction of the project has been commenced or the Owner has applied for and received an extension of time from the ARC.

6.10 Determination of Compliance. The ARC may inspect, from time to time, all work performed and determine whether it is in substantial compliance with the approval granted. If the ARC finds that the work was not performed in substantial conformance with the approval granted, or if the ARC finds that the approval required was not obtained, the ARC shall notify the Owner in writing of the noncompliance. The notice shall specify the particulars of noncompliance and shall require the Owner to remedy the noncompliance.

6.11 Noncompliance. If the ARC determines that an Owner has not constructed an improvement consistent with the specifications of an ARC approval or an Owner has constructed an improvement without obtaining ARC approval, and the ARC sends a notice of noncompliance to such Owner and such Owner fails to commence diligently remedying such noncompliance in accordance with such notice, then, effective at 5 p.m. on the third (3rd) day after issuance of such notice, the ARC shall provide notice of a hearing to consider the Owner’s continuing noncompliance. The hearing shall be set not more than thirty (30) days from the date on which the notice of noncompliance was issued. At the hearing, if the ARC finds that there is no valid reason for the continuing noncompliance, the ARC shall determine the estimated costs of achieving compliance and may issue a fine against the noncomplying

Owner for such amount. The ARC also shall require the Owner to remedy such noncompliance within ten (10) days after the date of the ARC's determination. If the Owner does not comply with the ARC's ruling within such period or any extension thereof granted by the ARC, at its sole discretion, the ARC may remove the noncomplying improvement, remedy the noncompliance, and/or record a notice of noncompliance in the county deed records. The costs of any such action shall be assessed against the Owner as an assessment either before or after any remedial action is taken.

6.12 Liability. Neither the ARC nor any member thereof shall be liable to any person or entity for any damage, loss or prejudice suffered or claimed on account of any action or failure to act of the ARC or a member thereof, provided only that the ARC or the member has, in accordance with its or his actual knowledge, acted in good faith.

6.13 Estoppel Certificate. Within fifteen (15) working days after the ARC's receipt of a written request from an Owner and the ARC's receipt of payment of a reasonable fee fixed by the ARC to cover costs, the ARC shall provide such Owner with a certificate executed by the Chairperson or other authorized member of the ARC certifying with respect to any Lot owned by the Owner, that, as of the date thereof either (a) all improvements made or done upon such Lot comply with this Declaration, or (b) such improvements do not so comply, in which event, the certificate shall also identify the noncomplying improvements and set forth with particularity the nature of such noncompliance. The Owner and such Owner's heirs, devisees, successors and assigns shall be entitled to rely on the certificate with respect to the matters set forth therein. The certificate shall be conclusive as among Declarant, the ARC, the Association, all Owners, and all persons deriving any interest through any of them.

6.14 Fees. The ARC may charge applicants a reasonable application fee and additional costs incurred or expected to be incurred by the ARC to retain architects, attorneys, engineers and other consultants to advise the ARC concerning any aspect of the applications and/or compliance with any appropriate architectural criteria or standards. Such fees shall be collectible as assessments.

6.15 Declarant and Successor Exempt From ARC. The Declarant or a successor to all of the unsold Lots shall be exempt from the requirement to submit and have plans approved by the ARC.

## **ARTICLE 7**

### **MEMBERSHIP IN THE ASSOCIATION**

7.1 Members. Each Owner shall be a member of the Association. Membership in the Association shall be appurtenant to, and may not be separated from, ownership of any Lot. Transfer of ownership of a Lot shall transfer automatically membership in the Association. Without any other act or acknowledgment, Occupants and Owners shall be governed and controlled by this Declaration, the Articles, Bylaws, and the Rules and Regulations of the Association and any amendments thereof.

7.2 Proxy. Each Owner may cast such Owner's vote in person, by written ballot or pursuant to a proxy executed by such Owner. An Owner may not revoke a proxy given pursuant to this Section except by actual notice of revocation to the person presiding over a meeting of the Association. A proxy shall not be valid if it is undated or purports to be revocable without notice. A proxy shall terminate one (1) year after its date, unless the proxy specifies a shorter term.

7.3 Voting Rights. The Association shall have two (2) classes of voting members:

7.3.1 Class A. Class A members shall be all Owners of Lots other than Declarant, and each Class A member shall be entitled to one (1) vote for each Lot owned with respect to all matters upon which Owners are entitled to vote.

7.3.2 Class B. The Class B member shall be Declarant, its successors and assigns. The Class B member shall have three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership upon the earlier of the following dates (the "Termination Date"):

- (a) Twenty (20) years after the date this Declaration is recorded; and

- (b) At such earlier time as Declarant elects in writing to terminate Class B membership.

After the Termination Date, each Owner, including Declarant, shall be entitled to one (1) vote for each Lot owned with respect to all matters upon which Owners are entitled to vote, and the total number of votes shall be equal to the total number of Lots subject to this Declaration, initially or through annexation.

When more than one (1) person or entity owns a Lot, the vote for such Lot may be cast as they shall determine, but in no event shall fractional voting be allowed. Fractional or split votes shall be disregarded, except for purposes of determining a quorum.

7.4 Procedure. All meetings of the Association, the Board, the ARC, and Association committees shall be conducted with such rules of order as may from time to time be adopted by the Board. Notwithstanding which rule of order is adopted, the President shall be entitled to vote on all matters, not merely to break a tie vote. A tie vote does not constitute a majority or approval of any motion or resolution.

## **ARTICLE 8**

### **DECLARANT CONTROL**

8.1 Interim Board and Officers. Declarant hereby reserves administrative control of the Association. Declarant, in its sole discretion, shall have the right to appoint and remove members of an interim board (the "Interim Board"), which shall manage the affairs of the Association and be invested with all powers and rights of the Board until the Turnover Meeting (as hereinafter defined). The Interim Board shall consist of from one (1) to three (3) members. Notwithstanding the provision of this Section, at the Turnover Meeting, at least one (1) Director shall be elected by Owners other than Declarant, even if Declarant otherwise has voting power to elect all three (3) Directors.

8.2 Turnover Meeting. Declarant shall call a meeting for the purposes of turning over administrative control of the Association from Declarant to the Class A members within sixty (60) days of the earlier of the following dates:

8.2.1 Latest Date. Eighty percent (80%) of the Lots have been sold and conveyed by Declarant to third parties;

8.2.2 Optional Turnover. At such time as Declarant has elected in writing to terminate Class B membership.

Declarant shall give notice of the Turnover Meeting to each Owner as provided in the Bylaws. If Declarant does not call the Turnover Meeting required under this Section, the Transitional Advisory Committee or any Owner may do so.

## **ARTICLE 9**

### **DECLARANT'S SPECIAL RIGHTS**

9.1 General. Declarant is undertaking the work of developing Lots and other improvements within Denali Summit. The completion of the development work and the marketing and sale of the Lots is essential to the establishment and welfare of the Property as a residential community. Until the Homes on all Lots on the Property, including Additional Property that may be annexed, have been constructed, fully completed and sold, with respect to the Common Area and each Lot on the Property, Declarant shall have the special rights set forth in this Article 9.

9.2 Marketing Rights. Declarant shall have the right to maintain a sales office and model on one or more of the Lots which Declarant owns. Declarant and prospective purchasers and their agents shall have the right to use and occupy the sales office and models during reasonable hours any day of the week. Declarant may maintain a reasonable number of "For Sale" signs at reasonable locations on the Property, including, without limitation, on the Common Area.

9.3 Declarant Easements. Declarant reserves easements over the Property as more fully described in Sections 3.4 and 3.5 hereof.

9.4 Additional Improvements. Declarant does not agree to build any improvements not described in this Declaration.

9.5 Control of the ARC. Declarant shall have the right, but not the obligation, to control all aspects of the ARC, including the modification or adoption of the Architectural Standards as described in Article 6 herein.

## **ARTICLE 10**

### **FUNDS AND ASSESSMENTS**

10.1 Purpose of Assessments; Expenses. The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, aesthetics and welfare of the Owners and Occupants of Denali Summit, for the improvement, operation and maintenance of the Common Area and the Commonly Maintained Property, for the payment of obligations of the Association, for the administration and operation of the Association and for property and liability insurance.

10.2 Covenants to Pay. Owners covenant and agree to pay the Association the assessments and any additional charges levied pursuant to this Declaration or the Bylaws. All assessments for operating expenses, repairs and replacement and reserves shall be allocated among the Lots and their Owners as set forth in Section 10.4.2. Provided, however, Lots owned by the Declarant shall not be subject to assessment.

10.2.1 Funds Held in Trust. The assessments collected by the Association shall be held by the Association for and on behalf of each Owner and shall be used solely as set forth in Section 10.1. The assessments are the property of the Association and are not refundable to Owners or Lots. Upon the sale or transfer of any Lot, the Owner's interest in such funds shall be deemed automatically transferred to the successor in interest to such Owner.

10.2.2 Offsets. No offsets against any assessment shall be permitted for any reason, including, without limitation, any claim that the Association is not properly discharging its duties.

10.2.3 Right to Profits. Association profits, if any, shall be the property of the Association and shall be contributed to the Current Operating Account.

10.3 Basis of Assessment; Commencement of Assessments. The Declarant shall pay all common expenses of the Association until the Lots are assessed for common expenses. The amount of the initial annual assessment to Owners other than the Declarant shall be determined by the Declarant. The Declarant shall be exempt from paying any assessments (operating, special and reserve) on all Lots owned by it.

10.3.1 Commencement of Operating Assessments. The date of commencement of the operating assessments shall be determined by the Declarant; however, in no event shall they commence later than the Turnover Meeting; provided, however, the Declarant shall be exempt from paying the operation portion of the assessment on all Lots owned by it.

10.3.2 Commencement of Reserves. The reserve portion of the assessment, if any, shall commence for a Lot from date of transfer of ownership of that Lot from the Declarant to a third party. The Declarant shall be exempt from paying the reserve portion of the assessment on all Lots owned by it.

10.4 Annual Assessments. Annual assessments for each year shall be established when the Board approves the budget for that year. The initial assessment and the implementation thereof shall be determined by the Declarant and shall be prorated on a monthly basis. For prospective purposes, any portion of a month shall count as a full month. Unless otherwise specified by the Board, annual assessments shall be due and payable on the first day of each calendar year during the term of this Declaration.



10.4.1 Budgeting. Regardless of the number of Members or the amount of assets of the Association, each year the Board shall prepare, approve and make available to each Member a pro forma operating statement (budget) containing estimated revenue and expenses. Once assessments begin, the Board shall annually prepare and approve the budget and distribute a copy thereof to each Member, together with written notice of the amount of the annual assessments to be levied against the Owner's Lot, not less than thirty (30) days and not more than ninety (90) days prior to the beginning of the calendar year.

10.4.2 Allocation of Assessments. The total amount in the budget shall be charged equally against all Lots that are subject to assessment.

10.4.3 Nonwaiver of Assessments. If before the expiration of any year the Association fails to fix annual assessments for the next year, the annual assessments established for the preceding year shall continue until a new annual assessment is fixed.

10.5 Special Assessments. The Board and/or the Owners shall have the power to levy special assessments against an Owner or all Owners in the following manner for the following purposes; provided however, the Declarant shall be exempt from special assessments:

10.5.1 Correct Deficit. To correct a deficit in the operating budget, by vote of a majority of the Board;

10.5.2 Special Obligations of an Owner. To collect amounts due to the Association from an Owner for breach of the Owner's obligations under this Declaration, the Bylaws, or the Rules and Regulations, by vote of a majority of the Board;

10.5.3 Repairs. To collect additional amounts necessary to make repairs or renovations to the Common Area or Commonly Maintained Property if sufficient funds are not available from the operating budget or replacement reserve accounts, by vote of a majority of the Board; or

10.5.4 Capital Improvements. To make capital acquisitions, additions or improvements, by vote of at least eighty percent (80%) of all votes allocated to the Lots.

10.6 Accounts.

10.6.1 Types of Accounts. Assessments collected by the Association shall be deposited into at least two (2) separate accounts with a bank, which accounts shall be clearly designated as (i) the Current Operating Account and (ii) the Reserve Account. The Board shall deposit or cause to be deposited those portions of the assessments collected for current maintenance and operation into the Current Operating Account and shall deposit those portions of the assessments collected as reserves for major maintenance, repair, replacement and deferred maintenance of the Common Area and Commonly Maintained Property, if any, into the Reserve Account. In its books and records, the Association shall account separately for operating expenses relating to the Common Area/Commonly Maintained Property and operating expenses relating to all other matters, as well as for necessary reserves relating to the Common Area/Commonly Maintained Property and necessary reserves relating to all other matters.

10.6.2 Reserve Account. Declarant shall establish a Reserve Account, in the name of the Association, which shall be kept separate from all other funds held by the Association. The Association shall pay out of the Reserve Account only those costs that are attributable to the maintenance, repair or replacement of any Common Area property and Commonly Maintained Property that normally requires major maintenance, repair or replacement, in whole or in part, within one (1) to thirty (30) years and not for regular or periodic maintenance and expenses. No funds collected for the Reserve Account may be used for ordinary current maintenance and operation purposes.

10.6.2.1 Calculation of Reserve Assessment; Reserve Study. The reserve assessment is based on the estimated remaining life and current replacement cost of any Common Area property and Commonly Maintained Property which normally requires major maintenance, repair or replacement, in whole or in part, within one (1) to thirty (30) years. Not less often than annually, the Board of Directors shall inventory all items of any Common Area and Commonly Maintained Property and shall estimate the remaining life of each item and the current replacement cost of each of such items. The total

Reserve Account assessment shall be equal to the sum of the estimated major maintenance repair or replacement cost of each item which has an estimated life of greater than one (1) but less than thirty (30) years, divided by the estimated number of years of life for such item. The Board of Directors shall establish a thirty (30)-year plan for maintenance, repair and replacement of any Common Area and Commonly Maintained Property with regular and adequate contributions, adjusted by estimated inflation and interest earned on reserves, to meet the maintenance, repair, and replacement schedule. The Board of Directors shall, within thirty (30) days after conducting the reserve study, provide to every Owner a written summary of the reserve study and of any revisions to the thirty (30)-year plan adopted by the Board of Directors or the Declarant as a result of the reserve study. The reserve account assessment shall be allocated pursuant to Section 10.4.2. The Board of Directors shall annually conduct a reserve study and a maintenance plan for the common elements, or review and update an existing study of any Common Area or Commonly Maintained Property to determine the reserve account requirements.

10.6.2.2 Loan from Reserve Account. After the Turnover Meeting described in Section 8.2, the Board may borrow funds from the Reserve Account to meet high seasonal demands on the Association's regular operating fund or to meet unexpected increases in expenses. Funds borrowed must be repaid later from assessments if the Board has adopted a resolution, which may be an annual continuing resolution, authorizing the borrowing of funds. Not later than the adoption of the budget for the following year, the Board shall adopt by resolution a written payment plan providing for repayment within a reasonable period.

10.6.2.3 Investment of Reserve Account. Nothing in this Section prohibits the prudent investment of Reserve Account funds, subject to any constraints imposed by the Board, the Bylaws, the Rules and Regulations or the Oregon Planned Community Act.

10.6.2.4 Refunds of Assessments. Assessments paid into the Reserve Account are the property of the Association and are not refundable to sellers or Owners of Lots. Sellers or Owners of Lots may treat their outstanding share of the Reserve Account's balance as a separate item in the sales contract providing for the conveyance of their Lot.

10.6.2.5 Reserves on Declarant Owned Lots. If a Lot owned by the Declarant becomes subject to assessment as provided in Section 10.4.2, the Declarant may accrue the reserve portion of the assessment until the Lot is sold to a third party not affiliated with the Declarant.

10.6.3 Current Operating Account. All costs other than those to be paid from the Reserve Account may be paid from the Current Operating Account.

## 10.7 Default in Payment of Assessments; Enforcement of Liens.

10.7.1 Personal Obligation. All assessments properly imposed under this Declaration or the Bylaws shall be the joint and several personal obligation of all Owners of the Lot to which such assessment pertains. In a voluntary conveyance (that is, one other than through foreclosure or a deed in lieu of foreclosure), the grantees shall be jointly and severally liable with the grantors for all Association assessments imposed through the recording date of the instrument effecting the conveyance. A suit for a money judgment may be initiated by the Association to recover such assessments without either waiving or foreclosing the Association's lien.

10.7.2 Association Lien. The Association shall have a lien against each Lot for any assessment (of any type provided for by this Declaration or the Bylaws) or installment thereof that is delinquent. The Association's lien shall accumulate all future assessments or installments, reimbursement assessments, interest, late fees, penalties, fines, attorneys' fees (whether or not suit or action is instituted), actual administrative costs, and other appropriate costs properly chargeable to an Owner by the Association, until such amounts are fully paid. Recording of the Declaration constitutes record notice and perfection of the lien. Said lien may be foreclosed at any time pursuant to the Planned Community Act. The Association shall record a notice of a claim of lien for assessments and other charges in the deed records of Washington County, Oregon, before any suit to foreclose may be filed. The lien of the Association shall be superior to all other liens and encumbrances except property taxes and assessments, any first mortgage, deed of trust or land sale contract recorded before the Association's notice of lien.

10.7.3 Interest; Fines; Late Fees; Penalties. The Board, in its reasonable discretion, may from time to time adopt resolutions to set the rate of interest and to impose late fees, fines and penalties on delinquent assessments or for violations of the provisions of this Declaration, the Bylaws, Architectural Standards and the Rules and Regulations adopted by the Board or the ARC. The adoption of such impositions shall be communicated to all Owners in writing before the effective date by a notice mailed to the assessment billing address of such Owners or transmitted electronically to the Owners as permitted by the Planned Community Act. Such impositions shall be considered assessments that are lienable and collectible in the same manner as any other assessments; provided, however, that fines or penalties for violation of this Declaration, the Bylaws or any rule and regulation, other than late fees, fines or interest arising from an Owner's failure to pay regular or special assessments may not be imposed against an Owner or such Owner's Lot until such Owner is given an opportunity for a hearing as elsewhere provided herein.

10.7.4 Acceleration of Assessments. If an Owner is delinquent in payment of any assessment or installment on any assessment, the Association, upon not less than ten (10) days' written notice to the Owner, may accelerate the due date of the full annual assessment for that calendar year and all future installments of any special assessments.

10.7.5 Association's Right to Rents; Receiver. In any foreclosure suit by the Association with respect to such lien, the Association shall be entitled to collect reasonable rent from the defaulting Owner for the use of such Owner's Lot or shall be entitled to the appointment of a receiver.

10.8 Statement of Assessments.

10.8.1 The Association shall provide, within ten (10) business days of receipt of a written request from an Owner, a written statement that provides:

10.8.1.1 The amount of assessments due from the Owner and unpaid at the time the request was received, including:

- (a) Regular and special assessments;
- (b) Fines and other charges;
- (c) Accrued interest; and
- (d) Late payment charges.

10.8.1.2 The percentage rate at which interest accrues on assessments that are not paid when due.

10.8.1.3 The percentage rate used to calculate the charges for late payment or the amount of a fixed charge for late payment.

10.8.2 The Association is not required to comply with Section 10.8.1 if the Association has commenced litigation by filing a complaint against the Owner and the litigation is pending when the statement would otherwise be due.

**ARTICLE 11**  
**GENERAL PROVISIONS**

11.1 Records. The Board shall preserve and maintain minutes of the meetings of the Association, the Board and any committees. The Board also shall keep detailed and accurate financial records, including individual assessment accounts of Owners, the balance sheet, and income and expense statements. Individual assessment accounts shall designate the name and address of the Owner or Owners of the Lot, the amount of each assessment as it becomes due, the amounts paid upon the account, and the balance due on the assessments. The minutes of the Association, the Board and Board committees, and the Association's financial records shall be maintained in the state of Oregon and reasonably available for review and copying by the Owners. A reasonable charge may be imposed by the Association for providing copies.

11.2 Delegation to a Master Association. The Association may, pursuant to a resolution adopted by the Board, delegate any of the powers of the Association under the Planned Community Act, the Declaration and/or Bylaws to a master association and the master association may exercise such power. The Association may contract with the master association to perform any obligations or duties of the Association, the cost of which shall be charged to the Association.

11.3 Indemnification of Directors, Officers, Employees and Agents. The Association shall indemnify any Director, officer, employee or agent who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by the Association) by reason of the fact that such person is or was a Director, officer, employee or agent of the Association or is or was serving at the request of the Association as a Director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by said person in connection with such suit, action or proceeding if such person acted in good faith and in a manner that such person reasonably believed to be in, or not opposed to, the best interest of the Association, and, with respect to any criminal action or proceedings, had no reasonable cause to believe that such person's conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or with a plea of nolo contendere or its equivalent, shall not of itself create a presumption that a person did not act in good faith and in a manner which such person reasonably believed to be in, or not opposed to, the best interest of the Association, and, with respect to any criminal action or proceedings, had reasonable cause to believe that such person's conduct was unlawful. Payment under this clause may be made during the pendency of such claim, action, suit or proceeding as and when incurred, subject only to the right of the Association to reimbursement of such payment from such person, should it be proven at a later time that such person had no right to such payments. All persons who are ultimately held liable for their actions on behalf of the Association as a Director, officer, employee or agent shall have a right of contribution over and against all other Directors, officers, employees or agents and members of the Association who participated with or benefited from the acts which created said liability.

11.2 Enforcement; Attorneys' Fees. The Association, the Owners, the Declarant and any mortgagee holding an interest on a Lot shall have the right to enforce all of the covenants, conditions, restrictions, reservations, easements, liens and charges now or hereinafter imposed by any of the provisions of this Declaration as may appertain specifically to such parties or Owners by any proceeding at law or in equity. Failure by either the Association or by any Owner or mortgagee to enforce any covenant, condition or restriction herein contained shall in no event be deemed a waiver of their right to do so thereafter. In the event suit or action is commenced to enforce the terms and provisions of this Declaration (including without limitations, for the collection of assessments), the prevailing party shall be entitled to its actual administrative costs incurred because of a matter or event which is the subject of the suit or action, attorneys' fees and costs in such suit or action to be fixed by the trial court, and in the event of an appeal, the cost of the appeal, together with reasonable attorneys' fees, to be set by the appellate court. In addition thereto, the Association shall be entitled to its reasonable attorneys' fees and costs incurred in any enforcement activity or to collect delinquent assessments, together with the Association's actual administrative costs, whether or not suit or action is filed.

11.3 Construction Defect Claim Procedure. No litigation shall be commenced against the Declarant, contractor or builder of the Home or any Owner of a Lot in respect to any alleged defect in a Home or on any Common Area except in compliance with the process set forth in ORS 701.560 to 701.595 and ORS 701.605.

11.4 Severability. Invalidation of any one of these covenants, conditions or restrictions by judgment or court order shall not affect the other provisions hereof and the same shall remain in full force and effect.

11.5 Duration. The covenants, conditions and restrictions of this Declaration shall run with and bind the land for a term of thirty-five (35) years from the date of this Declaration being recorded, after which time they shall be automatically extended for successive periods of ten (10) years, unless rescinded by a vote of at least ninety percent (90%) of the Owners and ninety percent (90%) of the first mortgagees; provided, however, that amendments that do not constitute rescission of the planned community may be adopted as provided in Section 11.7.

11.6 Amendment. Except as otherwise provided in Section 11.6 or ORS 94.590, and the restrictions set forth elsewhere herein, this Declaration may be amended at any time by an instrument approved by not less than seventy-five percent (75%) of the total votes of members that are eligible to vote. Any amendment must be executed, recorded and certified as provided by law; provided, however, that no amendment of this Declaration shall effect an amendment of the Bylaws or Articles without compliance with the provisions of such documents, and the Oregon Nonprofit Corporation Act and that no amendment affecting the general plan of development or any other right of Declarant herein contained may be effected without the express written consent of Declarant or its successors and assigns, including, without limitation, amendment of this Section.

11.7 Release of Right of Control. Declarant may give up its right of control in writing at any time by notice to the Association.

11.8 Unilateral Amendment by Declarant. In addition to all other special rights of Declarant provided in this Declaration, Declarant may amend this Declaration in order to comply with the requirements of the Federal Housing Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Mortgage Loan Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon, or any other state in which the Lots are marketed and sold, or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon, or such other state, the approval of which entity is required in order for it to insure, guarantee or provide financing in connection with development of the Property and sale of Lots. Prior to the Turnover Meeting, no such amendment shall require notice to or approval by any Class A member.

11.9 Resolution of Document Conflicts. In the event of a conflict among any of the provisions in the documents governing Denali Summit, such conflict shall be resolved by looking to the following documents in the order shown below:

- (a) Declaration;
- (b) Articles;
- (c) Bylaws;
- (d) Rules and Regulations.

IN WITNESS WHEREOF, Declarant has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

JACOB MILLER, LLC, an Oregon Limited Liability Company

By: \_\_\_\_\_  
Jacob P. Miller, Owner

STATE OF OREGON )  
 ) ss. \_\_\_\_\_, 2019  
County of \_\_\_\_\_)

Personally appeared before me the above-named Jacob P. Miller who, being duly sworn, did say that he is the Owner of Jacob Miller, LLC,, and that the foregoing instrument was signed in behalf of said corporation by authority of its board of directors; and acknowledged said instrument to be its voluntary act and deed.

\_\_\_\_\_  
Notary Public for Oregon

AFTER RECORDING, RETURN TO:

Karna R. Gustafson  
Landye Bennett Blumstein, LLP  
3600 Wells Fargo Center  
1300 SW Fifth Avenue  
Portland, Oregon 97201

**SUPPLEMENTAL DECLARATION**

**FOR DENALI**

**ANNEXING DENALI SUMMIT**

THIS SUPPLEMENTAL DECLARATION FOR DENALI SUMMIT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by J.T. Roth Construction, Inc., an Oregon corporation (the "Declarant"), with reference to the following facts:

A. By document entitled Declaration of Covenants, Conditions, and Restrictions for Denali recorded on May 1, 2019, Instrument No. 2019-026203 in the Official Records of Washington County, Oregon, the Declarant created the first phase of Denali ("Original Declaration"). The Amended and Restated Declaration of Covenants, Conditions and Restrictions for Denali recorded on March 19, 2020, Instrument No. 2020-023343 in the Official Records of Washington County, Oregon, superceded and replaced the Original Declaration. The Supplemental Declaration for Denali Annexing Denali Meadows recorded on \_\_\_\_\_, Instrument No. \_\_\_\_\_ in the Official Records of Washington County, Oregon (collectively, the "Declaration").

B. Section 2.2 of the Declaration provides that Declarant may annex additional property to Denali and thereby make such property subject to the Declaration.

C. Denali Summit, the third phase of development, consists of Lots \_\_\_\_\_ and Common Area Tracts \_\_\_\_\_. Tracts \_\_\_\_\_ are not Common Area.

D. Tracts \_\_\_\_\_ will be owned and maintained by the Association. Tract \_\_\_ contains a water quality facility which will be conveyed to the City of Sherwood. Tract \_\_\_\_\_ is a private street owned and maintained by the Association.

DECLARANT DECLARES that pursuant to the terms of the Declaration, Declarant, as owner of the real property described in Exhibit "A" attached hereto, hereby annexes such real property to the planned development described in the Declaration. The annexed property shall hereafter be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to the terms, provisions, covenants, conditions, restrictions, and easements of the Declaration, including subsequent amendments thereto.

IN WITNESS WHEREOF, Declarant has executed this Supplemental Declaration on the date set forth above.

J. T. ROTH CONSTRUCTION, INC.  
an Oregon corporation

By: \_\_\_\_\_  
J. T. Roth, Jr., President

STATE OF OREGON             )  
  ) ss. \_\_\_\_\_, 2020  
County of \_\_\_\_\_)

Personally appeared before me the above-named J. T. Roth, Jr. who, being duly sworn, did say that he is the President of J. T. Roth Construction, Inc., an Oregon corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its board of directors; and acknowledged said instrument to be its voluntary act and deed.

\_\_\_\_\_  
Notary Public for Oregon

AFTER RECORDING RETURN TO:  
Karna R. Gustafson  
Landye Bennett Blumstein LLP  
1300 SW Fifth Avenue, Suite 3600  
Portland, OR 97201

Washington County, Oregon **2020-023343**  
D-R/BAM  
Stn=6 M FERNANDES 03/19/2020 09:18:04 AM  
\$145.00 \$5.00 \$11.00 \$5.00 \$60.00 **\$226.00**

I, Margaret Garza, Interim Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Margaret Garza, Interim Director of Assessment and Taxation, Ex-Officio

**AMENDED AND RESTATED  
DECLARATION OF  
PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR DENALI**

**Declarant: J. T. Roth Construction, Inc.**

**(Bylaws of Denali Homeowners Association attached as Exhibit "A")**

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This instrument filed for record by LEX Fidelity National Title as an accommodation only. It has not been examined as to its execution or as to its effect upon the title.

# 3240 ACCO -



AFTER RECORDING RETURN TO:  
Karna R. Gustafson  
Landye Bennett Blumstein LLP  
1300 SW Fifth Avenue, Suite 3600  
Portland, OR 97201

This instrument filed for record by LEX  
Fidelity National Title as an accommodation  
only. It has not been examined as to its  
execution or as to its effect upon the title.

# 3240 ACCO -

**AMENDED AND RESTATED  
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**AMENDED AND RESTATED DECLARATION  
OF PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR DENALI**

THIS AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR DENALI (“Declaration”) is made by J. T. Roth Construction, Inc., an Oregon corporation (“Declarant”).

**Recitals**

This Amended and Restated Declaration of Protective Covenants, Conditions and Restrictions for Denali supercedes and replaces the original Declaration recorded on May 1, 2019 in the Washington County Deed Records as Document No. 2019-026203. No Lots have been sold to third parties.

J.T. Roth Construction, Inc., an Oregon corporation, platted the real property known as Denali in the City of Sherwood, Washington County, Oregon. The following real property shall be subject to this Declaration:

Lots 1-7, inclusive, and Tracts A-E as shown on the plat map of Denali (the “Property”) recorded on May 1, 2019 in Washington County, Oregon, Deed Records as Document No. 2019-026199.

Tracts A, D and E are useable common area. Tract C is non-useable common area. Tract B is a water quality facility and not common area. The purpose and function of Track E is a consolidation of contaminated soils with concentrations at or below the applicable risk levels (ARL’s”).

The site underwent remedial clean-up action through the Oregon Department of Environmental Quality (“ODEQ”) to ensure any hazardous materials on site did not present a danger to public health or the environment. As a part of the remedial clean-up action, contaminated soil was removed off-site, and a Soil Cover (“SC”) was constructed on Tract E. Any activities that could potentially affect the integrity of the cover on Track E cannot be conducted without express approval of ODEQ.

Declarant intends to make Denali as a Class I planned community pursuant to the Oregon Planned Community Act. To establish Denali as a planned community, Declarant desires to impose these mutually beneficial covenants, conditions, restrictions, easements, assessments and liens on the Property, under a comprehensive general plan of improvement and development for the benefit of all Lots and Common Area in Denali.

Declarant has deemed it desirable for the efficient preservation of the values and amenities in Denali to create a nonprofit corporation, to which will be delegated and assigned the powers and authority to own, maintain and administer the Common Area, to maintain the Commonly Maintained Property, to administer and enforce the covenants, conditions, and restrictions of this Declaration, and to collect and disburse the assessments and charges hereinafter created.

NOW THEREFORE, Declarant declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the Oregon Planned Community Act as may be amended from time to time (ORS 94.550 to 94.783) and subject to the following covenants, conditions, restrictions, easements, charges and liens, which shall run with the land, which shall be binding upon all parties having or acquiring any right, title or interest in the Property or any part thereof, and which shall inure to the benefit of the Association and of each Owner.

## **ARTICLE 1**

### **DEFINITIONS**

1.1 “Additional Property” shall mean and refer to any Lots and Common Area Tracts which may be subsequently annexed to Denali and subjected to this Declaration.

1.2 “Architectural Review Committee” or “ARC” shall refer to that committee constituted and acting pursuant to Article 6 of this Declaration.

1.3 “Articles” shall mean the Articles of Incorporation for the nonprofit corporation, Denali Homeowners Association, as filed with the Oregon Secretary of State.

1.4 “Association” shall mean and refer to Denali Homeowners Association, its successors and assigns.

1.5 “Board” shall mean the Board of Directors of the Association.

1.6 “Bylaws” shall mean and refer to the Bylaws of the Association which shall be recorded in the Washington County, Oregon, deed records.

1.7 “Common Area” shall mean and refer to Tracts A, C, D and E as shown on the recorded Plat of the Property, including any irrigation systems and improvements located thereon and any Common Area created by annexation of Additional Property and designation of all as a portion of such property as common area by a supplemental declaration and plat or by acquisition of any common property by the Association.

1.8 “Commonly Maintained Property” shall mean any property owned by a person or entity other than the Association for which the Association has the obligation to maintain, repair and replace. Commonly Maintained Property shall include, but not be limited to, the private driveway access easement located on Lot 2 serving Lots 1-3.

1.9 “Declaration” shall mean the covenants, conditions, restrictions, and all other provisions set forth in this Declaration.

1.10 “Declarant” shall mean and refer to J. T. Roth Construction, Inc., an Oregon corporation, and its successors or assigns, or any successor or assign to all or the remainder of its interest in the Property.

1.10 “Denali” shall mean Lots 1-7 of the Property and Tracts as designated on the Plat of Denali, and any Lots or Tracts subsequently annexed to Denali.

1.11 “Home” shall mean and refer to any portion of a structure situated on a Lot and designed and intended for use and occupancy as a residence by a single family or household.

1.12 “Lot” shall mean and refer to each and any of Lots 1-7, and any additional Lots subsequently annexed to Denali; provided, however, that “Lot” shall not include any Tracts.

1.13 “Members” shall mean and refer to the Owners of Lots in Denali.

1.14 “Mortgage” means a recorded first mortgage, first trust deed, a first contract of sale that creates a first lien against a Lot, and “mortgagee” means the holder, beneficiary or vendor of such mortgage, trust deed or contract of sale, but only when such holder, beneficiary or vendor notifies the Association in writing of the existence of such mortgage and gives the Association a current name and mailing address.

1.15 “Occupant” shall mean and refer to the occupant of a Home, whether such person is an Owner, a lessee or any other person authorized by the Owner to occupy the Home.

1.16 “Owner” shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot or a purchaser in possession of a Lot under a land sale contract. The foregoing does not include persons or entities that hold an interest in any Lot merely as security for the performance of an obligation.

1.17 “Plat” shall mean and refer to the Plat of Denali recorded in the Plat Records of Washington County, Oregon, and any supplemental plat(s) subsequently recorded annexing additional Lots and Common Area to Denali.

1.18 “Property” shall have the meaning attributed to such term in the Recitals of this Declaration and all such Lots and Common Area subsequently annexed to Denali.

1.19 “Reserve Account(s)” shall mean and refer to an account set up, if any, by the Board to hold funds for repair, replacement or maintenance of the Common Area and the Commonly Maintained Property.

1.20 “Rules and Regulations” shall mean and refer to the documents containing rules and regulations and policies adopted by the Board or the Architectural Review Committee, as may be from time to time amended.

## **ARTICLE 2**

### **PROPERTY SUBJECT TO THIS DECLARATION**

2.1 Initial Development. The Property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Washington County, Oregon, and described in that certain Plat maps entitled “Denali”, filed in the plat records of Washington County, Oregon. The initial development consists of Lots 1 through 7 and Tracts A through E. Declarant does not intend to build any Common Area improvements in Denali not described in this Declaration.

2.2 Annexation of Additional Property. Additional Property may be added by Declarant to Denali without the approval of any other Owner or the Association. Additional

Property must be annexed by a supplemental declaration not later than twenty (20) years from the date the Declaration is recorded. The annexation of such real property shall be accomplished as follows:

2.2.1 Supplemental Declaration. The Owner or Owners of such real property shall record a supplemental declaration which shall be executed by or bear the approval of Declarant and shall among other things, describe the real property to be annexed, establish land classifications for the Additional Property, establish any additional limitations, uses, restrictions, covenants and conditions which are intended to be applicable to such property, and declare that such property is held and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to this Declaration.

2.2.2 Annexed Property a Part of Denali. The property included in any such annexation shall thereby become a part of Denali and the Association shall accept and exercise administration of any supplemental declaration with respect to such property.

2.2.3 Voting Rights of Annexed Lots. Upon annexation, additional Lots so annexed shall be entitled to voting rights as set forth in Section 7.3 below.

2.2.4 Annexed Lot Owners as Members. After complying with the procedures for annexation and upon conveyance of the first Lot in the annexed property to an Owner, Owners of Lots in the annexed property shall be Members, shall be subject to this Declaration and shall be entitled to the use and enjoyment of all Common Area and Commonly Maintained Property in Denali in the manner and for the purpose for which such Common Areas and/or Commonly Maintained Property are intended to be used and enjoyed. The Association shall reallocate the assessments to assess each Owner of a Lot in Denali as provided in Article 10.

2.3 Amendment. After the conversion of Class B membership to Class A membership, this Article may not be amended without the consent of Declarant as long as the Declarant owns a Lot or has a right to annex Additional Property to Denali.

2.4 Annexation with Approval of Membership. In addition to the rights of Declarant pursuant to Section 2.2, the Association or Declarant may subject any real property to the provisions of this Declaration with the consent of the Owner of such property, the affirmative vote of holders of at least seventy-five percent (75%) of the Class A voting power of the Association, and the written consent of the Class B Member, if any. Such annexation shall be accomplished by filing a supplemental declaration in the official records of Washington County, Oregon describing the property to be annexed and specifically subjecting it to the terms of this Declaration. Any such supplemental declaration shall be signed by the President and Secretary of the Association and by the Owner of the annexed property. Any such annexation shall be effective upon the filing for record of such supplemental declaration, unless otherwise provided therein.

### **ARTICLE 3**

#### **OWNERSHIP AND EASEMENTS**

3.1 Non-Severability. The interest of each Owner in the use and benefit of the Common Area shall be appurtenant to the Lot owned by the Owner. No Lot shall be conveyed



by the Owner separately from the interest in the Common Area. Any conveyance of any Lot shall automatically transfer the right to use the Common Area, subject to restrictions contained in the Declaration and Bylaws, without the necessity of express reference in the instrument of conveyance. There shall be no judicial partition of the Common Area. Each Owner, whether by deed, gift, devise or operation of law, for such Owner's benefit and for the benefit of all other Owners, specifically waives and abandons all rights, interests and causes of action for judicial partition of any interest in the Common Area and agrees that no action for judicial partition shall be instituted, prosecuted or reduced to judgment. Ownership interests in the Common Area and Lots are subject to the easements granted and reserved in this Declaration. Each of the easements granted or reserved herein shall be deemed to be established upon the recordation of this Declaration and shall thenceforth be deemed to be covenants running with the land for the use and benefit of the Owners and their Lots and shall be superior to all other encumbrances applied against or in favor of any portion of Denali.

3.2 Ownership of Lots. Title to each Lot shall be conveyed in fee to an Owner. If more than one person and/or entity owns an undivided interest in the same Lot, such persons and/or entities shall constitute one Owner.

3.3 Ownership of Common Area. Subject to subsection 3.5, title to any Common Area shall be conveyed to the Association.

3.4 Easements. Individual deeds to Lots may, but shall not be required to, set forth the easements specified in this Article.

3.4.1 Easements on Plat. The Common Area and Lots are subject to the easements and rights-of-way shown on the Plat and on any supplemental plat(s).

3.4.2 Easements for Tracts. Subject to the restrictions contained herein, every Owner shall have a non-exclusive right and easement of use and enjoyment in and to Common Area Tracts A and D, which shall be appurtenant to and shall pass with the title to every Lot. Tract B is a water quality facility which will eventually be conveyed to a governmental entity having jurisdiction over the area. There shall be no access to Tract B except by the Association's designated representatives or a governmental agency having jurisdiction over the area. Tract C is a storm water easement, and Tract E is an open space. There shall be no access to Tract C except by the Association, the Association's designated representatives or a governmental agency having jurisdiction over the area.

3.4.3 Easements Reserved by Declarant. So long as Declarant owns any Lot, Declarant reserves an easement over, under and across the Common Area and Commonly Maintained Property in order to carry out sales activities necessary or convenient for the sale of Lots. Declarant, for itself and its successors and assigns, hereby retains a right and easement of ingress and egress to, from, over, in, upon, under and across the Common Area and Commonly Maintained Property and the right to store materials thereon and to make such other use thereof as may be reasonably necessary or incident to the construction of the improvements on the Property in such a way as not to interfere unreasonably with the occupancy, use, enjoyment or access to an Owner's Lot by such Owner or such Owner's family, tenants, employees, guests or invitees.

3.4.4 Additional Utility and Drainage Easements. Notwithstanding anything expressed or implied to the contrary, this Declaration shall be subject to all easements granted or acquired by Declarant for the installation and maintenance of utilities and drainage facilities necessary for the development of Denali. No structure, planting or other material that may damage or interfere with the installation or maintenance of utilities, that may change the direction of flow of drainage channels in the easements, or that may obstruct or retard the flow of water through drainage channels in the easement areas shall be placed or permitted to remain within any easement area.

3.4.5 Association's Easements. Declarant grants to the Association and its duly authorized agents and representatives such easements over the Lots and Common Area as are necessary to perform the duties and obligations of the Association, as set forth in this Declaration, the Bylaws, and the Articles, as the same may be amended.

3.4.6 Easement to Governmental Entities. Declarant grants a non-exclusive easement over the Common Area to all governmental and quasi-government entities, agencies, utilities, and their agents for the purposes of performing their duties as utility and service providers.

3.4.7 Perimeter Easement Benefiting Association. Declarant grants to the Association and its duly authorized agents and representatives an easement over that perimeter portion of each Lot that is included within the building setbacks set by applicable ordinances for the purposes of installation, maintenance, repair, and replacement of utilities, communication lines, and drainage. The Board may grant or convey the easements reserved herein to any governmental body or agency and/or any public or private utility company or provider, upon a two-thirds (2/3) vote of the Board members at a duly called and held Board meeting.

3.5 Declarant's Right to Dedicate Common Area and Grant Easements; Board's Authority After Title Transferred to Association. Declarant reserves the right and power to dedicate and/or convey any portion or all of Tracts to any governmental body or agency. Declarant further reserves the right and power to grant an easement over Tracts to any governmental body or agency or any public or private utility company or provider without the approval of any other Owner or the Association. Declarant's rights and power under this Section shall expire as to each Tract when it is conveyed. Thereafter, the Board shall have the same powers reserved to Declarant and may exercise such power upon a two-thirds (2/3rds) or greater vote of the Board members at any duly called and held Board meeting. The provisions of this Section shall control over any provisions to the contrary contained in any other Section of the Declaration.

## **ARTICLE 4**

### **USE, MAINTENANCE AND OCCUPANCY; RULES OF CONDUCT**

4.1 Residential Use. Lots shall only be used for residential purposes. Except with the Board's consent no trade, craft, business, profession, commercial or similar activity of any kind shall be conducted on any Lot or in any Home, and no goods, equipment, vehicles, materials or supplies used in connection with any trade, service or business shall be kept or stored on any Lot or in any Home. Nothing in this Section shall be deemed to prohibit (a) activities relating to the sale of residences, (b) the right of Declarant or any contractor or homebuilder to construct

residences on any Lot, to store construction materials and equipment on such Lots in the normal course of construction, and to use any residence as a sales office or model home for purposes of sales in Denali, and (c) the right of the Owner of a Lot to maintain such Owner's personal business or professional library, keep such Owner's personal business or professional records or accounts, handle such Owner's personal business or professional telephone calls or confer with business or professional associates, clients or customers in such Owner's residence. The Board shall not approve commercial activities otherwise prohibited by this Section unless the Board determines that only normal residential activities would be observable outside of the residence and that the activities would not be in violation of applicable local government ordinances.

4.2 Construction of Homes. No construction of a Home or any other structure shall occur on a Lot unless the approval of the ARC is first obtained pursuant to Article 6. Consideration such as siting, shape, size, color, design, height, solar access, or material may be taken into account by the ARC in determining whether or not to consent to any proposed work.

4.3 Landscaping. Declarant shall install the front landscaping of each Lot. The Owner shall install the landscaping in the back of their Lot within six (6) months after the sale of a Home from the Declarant and shall be responsible for maintaining the landscaping of their Lot. Each Owner other than Declarant shall obtain the ARC's prior approval of any modification to the front yard landscaping before commencing. No ARC approval shall be required prior to installation of backyard landscaping.

4.3.1 Landscape Trees. Any landscape tree planted on Lot(s) 2, 3, 4, 5 shall be limited to a maximum of 15 feet in height.

4.4 Maintenance of Lots and Homes. Each Owner shall maintain such Owner's Lot and all improvements thereon in a clean and attractive condition, in good repair and in such fashion as not to create a fire hazard. Such maintenance shall include, without limitation, maintenance of windows, doors, screens, garage doors, accessory buildings, driveways, walks, patios, chimneys, gutter cleaning, landscaping, trees and other exterior improvements and glass surfaces. All repainting or restaining and exterior remodeling shall be subject to prior review and approval by the ARC. Each Owner shall repair damage caused to such Owner's Lot or improvements located thereon by fire, flood, storm, earthquake, riot, vandalism, or other causes within a reasonable period. Provided, however, the Association shall have such obligation with respect to the Commonly Maintained Property.

4.5 Rental of Homes. An Owner may rent or lease such Owner's Home or a portion thereof, provided that the following conditions are met:

4.5.1 Written Rental Agreements Required. The Owner and the tenant enter into a written rental or lease agreement specifying that (i) the tenant shall be subject to all provisions of the Declaration, Bylaws and Rules and Regulations, and (ii) a failure to comply with any provision of the Declaration, Bylaws and Rules and Regulations shall constitute a default under the rental or lease agreement;

4.5.2 Minimum Rental Period. The period of the rental or lease is not less than ninety (90) days;

4.5.3 Tenant Must be Given Documents. The Owner gives each tenant a copy of the Declaration, Bylaws and Rules and Regulations.

4.6 Animals. No animals, livestock or poultry of any kind, other than a reasonable number of household domestic pets that are not kept, bred or raised for commercial purposes and that are reasonably controlled so as not to be a nuisance, shall be raised, bred, kept or permitted within any Lot. Any Lot Owner who maintains any pet upon any portion of Denali shall be deemed to have agreed to indemnify and hold the Association, each of its members and the Declarant free and harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping or maintaining such pet. Such Owner shall further abide by all governmental sanitary laws and regulations, leash and other local and state laws relating to pets and rules or regulations of the Association created by the Board of Directors. The Board of Directors shall have the right to order any person whose pet is a nuisance to remove such pet from the premises upon the delivery of the third notice in writing of a violation of any rule, regulation or restriction governing pets within Denali. All pets shall be registered and inoculated as required by law.

4.7 Nuisance. No noxious, harmful or offensive activities shall be carried on upon any Lot or Common Area. Nor shall anything be done or placed on any Lot or Common Area that interferes with or jeopardizes the enjoyment of, or that is a source of annoyance to, the Owner or other Occupants. No Owner or Occupant shall cause or permit such Owner's representatives, agents, employees, or family members to cause any nuisance or to make any use or engage in any practice on the Property that is a source of annoyance to other Owners and Occupants or that interferes with other Owners' and Occupants' peaceful possession and proper use of the Property. Owners and Occupants shall exercise extreme care about creating disturbances, making noises or using musical instruments, radios, televisions and amplifiers that may disturb other Owners and Occupants. Owners and Occupants shall keep all parts of their respective Lots in a clean and sanitary condition, free of any accumulation of rubbish, refuse or garbage and free of any fire hazard and shall not cause any accumulation of rubbish, refuse or garbage or any fire hazard on any other part of the Property. Owners and Occupants shall place all of their rubbish, refuse and garbage inside disposal containers. No Owner shall make or permit any use of such Owner's Lot or of the Common Area that will increase the cost of insurance upon the Common Area. No outside burning of leaves, debris, trash, garbage or household refuse shall be permitted. No marijuana plants may be grown, in pots or otherwise, outside of a Home, and no marijuana plants may be placed on the exterior of the Home for any temporary period.

4.8 Improper, Offensive, Illegal or Unlawful Use. No Owner or Occupant shall make any improper, offensive, illegal or unlawful use of any part of the Property. Owners and Occupants shall observe all valid laws, zoning ordinances and regulations of governmental bodies having jurisdiction over the Property. The responsibility for meeting the requirements of governmental bodies for maintenance, modification or repair of the Property shall be carried out and paid for in the same manner as the responsibility for the maintenance and repair of the Property concerned.

4.9 Parking. Boats, trailers, commercial vehicles, mobile homes, campers, and other recreational vehicles or equipment, regardless of weight, shall not be parked on any part of the Common Area, or on any streets on or adjacent to the Property for more than twenty-four (24)

hours, including loading or unloading, and may not be parked on any Lot, including the driveway, for more than seven (7) days unless they are fully enclosed in the garage.

4.10 Vehicles in Disrepair. No Owner shall permit any vehicle that is in a state of disrepair (e.g. including, but not limited to, fails to run, cannot be moved under its own power in current condition, flat tires, unpainted or body parts missing) or that is not currently licensed to be abandoned or to remain parked upon the Common Area or on any street on or adjacent to the Property at any time and may not permit them on a Lot for a period in excess of seven (7) days. A vehicle shall be deemed in a “state of disrepair” when the Board reasonably determines that its presence offends the occupants of the neighborhood. If an Owner fails to remove such vehicle within five (5) days following the date on which the Association mails or delivers to such Owner a notice directing such removal, the Association may have the vehicle removed from the Property and charge the expense of such removal to the Owner as an assessment, which may be collected and enforced as any other assessments imposed pursuant to the Declaration and Bylaws.

4.11 Signs. No signs shall be erected or maintained on any Lot except that not more than one (1) “For Sale” or “For Rent” sign placed by the Owner or by a licensed real estate agent, not exceeding twenty-four (24) inches high and thirty-six (36) inches long, may be temporarily displayed on any Lot. The restrictions contained in this Section shall not prohibit the temporary placement of “political” signs on any Lot by the Owner or Occupant. Provided, however, political signs shall be removed within three (3) days after the election day pertaining to the subject of the sign. Real estate signs shall be removed within three (3) days after the sale closing date.

4.12 Rubbish and Trash. No Lot or part of the Common Area shall be used as a dumping ground for trash or rubbish of any kind. All garbage and other waste shall be kept in appropriate containers for proper disposal and out of public view. Solid waste, garbage and recycling containers shall be brought to the nearest public road on collection dates. Yard rakings, dirt and other material resulting from landscaping work shall not be dumped onto streets, the Common Area or any other Lots. If an Owner fails to remove any trash, rubbish, garbage, yard rakings or any similar materials from any Lot, any streets or the Common Area where deposited by such Owner or the Occupants of such Owner’s Lot after notice has been given by the Board to the Owner, the Association may have such materials removed and charge the expense of such removal to the Owner. Such charge shall constitute an assessment, which may be collected and enforced as any other assessments imposed pursuant to the Declaration and Bylaws.

4.13 Fences and Hedges. No fences or boundary hedges shall be installed or replaced without prior written approval of the ARC.

4.14 Service Facilities. Service facilities (garbage containers, fuel tanks, clotheslines, etc.) shall be screened such that such facilities are not visible at any time from the street. All telephone, electrical, cable television and other utility installations shall be placed underground in conformance with applicable law and subject to approval by the ARC. No on-site storage of gasoline, heating or other fuels or any flammable liquids or gases shall be permitted on any part of a Lot, including any Home, except that up to five (5) gallons of fuel may be stored in each

Home for emergency purposes and for the operation of lawn mowers and similar tools or equipment.

4.15 Antennas and Satellite Dishes. Except as otherwise provided by law or this Section, no exterior antennas, satellite dishes, microwave, aerial, tower or other devices for the transmission or reception of television, radio or other forms of sound or electromagnetic radiation shall be erected, constructed or placed on any Common Area or Lot. Exterior satellite dishes with a surface diameter of one (1) meter or less and antennas designed to receive television broadcast signals or multi-channel multi-point distribution (wireless cable), may be placed on an Owner's Home. They shall be screened from neighboring Home to the extent possible. The Board or ARC may adopt reasonable rules and regulations governing the installation, safety, placement and screening of antennas, satellite dishes and other similar devices. This section and any rules adopted hereunder shall not unreasonably delay or increase the cost of installation, maintenance or use, or preclude reception of a signal of acceptable quality.

4.16 Exterior Lighting or Noise-making Devices. Except with the consent of the ARC, no exterior lighting or noise-making devices, other than security and fire alarms, shall be installed or maintained on any Home.

4.17 Basketball Hoops. No Owner may install a permanent basketball hoop on any Lot without the ARC's prior approval. The ARC may, in its discretion, prohibit such basketball hoops.

4.18 Grades, Slopes and Drainage. There shall be no interference with the established drainage patterns or systems over or through any Lot within Denali so as to affect any other Lot or Common Area or any real property outside Denali unless adequate alternative provision is made for proper drainage and is approved by the ARC. The term "established drainage" shall mean the drainage swales, conduits, inlets and outlets designed and constructed for Denali.

4.19 Damage or Destruction to Home and/or Lot. If all or any portion of a Lot or Home is damaged by fire or other casualty, the Owner shall either (i) restore the damaged improvements or (ii) remove all damaged improvements, including foundations, and leave the Lot in a clean and safe condition. Any restoration proceeding under (i) above must be performed so that the improvements are in substantially the same condition in which they existed prior to the damage, unless the provisions of Article 6 are complied with by the Owner. The Owner must commence such work within sixty (60) days after the damage occurs and must complete the work within six (6) months thereafter.

4.20 Right of Maintenance and Entry by Association. If an Owner fails to perform maintenance and/or repair that such Owner is obligated to perform pursuant to this Declaration, and if the Board determines, after notice, that such maintenance and/or repair is necessary to preserve the attractiveness, quality, nature and/or value of Denali, the Board may cause such maintenance and/or repair to be performed and may enter any such Lot whenever entry is necessary in connection with the performance thereof. An Owner may request, and the Board shall conduct, a hearing on the matter. The Owner's request shall be in writing delivered within five (5) days after receipt of the notice, and the hearing shall be conducted within not less than five (5) days nor more than twenty (20) days after the request for a hearing is received. Entry

shall be made with as little inconvenience to an Owner as practicable and only after advance written notice of not less than forty-eight (48) hours, except in emergency situations. The costs of such maintenance and/or repair shall be chargeable to the Owner of the Lot as an assessment, which may be collected and enforced as any other assessments authorized hereunder.

4.21 Association Rules and Regulations. The Board from time to time may adopt, modify or revoke such Rules and Regulations governing the conduct of persons and the operation and use of Lots and the Common Area as it may deem necessary or appropriate to assure the peaceful and orderly use and enjoyment of the Property and the administration and operation of the Association. A copy of the Rules and Regulations, upon adoption, and a copy of each amendment, modification or revocation thereof, shall be delivered by the Board promptly to each Owner and shall be binding upon all Owners and occupants of all Lots upon the date of delivery or actual notice thereof. Subject to approval or consent by the Board, the ARC may adopt rules and regulations pertinent to its functions.

4.22 Ordinances and Regulations. The standards and restrictions set forth in this Article 4 shall be the minimum required. To the extent that local governmental ordinances and regulations are more restrictive or provide for a higher or different standard, such local governmental ordinances and regulations shall prevail.

4.23 Temporary Structures. No structure of a temporary character or any trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot as a residence, either temporarily or permanently.

4.24 Declarant Exemptions. The Declarant shall be exempt from the application of Section 4.11.

4.25 Accessory Buildings. All accessory buildings and structures shall require prior approval of the ARC. All accessory buildings and structures shall be designed, constructed and maintained compatible with the exterior materials, character and style of the Home. The ARC may require the accessory buildings to be painted the same color as the Home.

## **ARTICLE 5**

### **COMMON AREA AND COMMONLY MAINTAINED PROPERTY**

5.1 Use of Common Areas. Use of the Common Area is subject to the provisions of the Declaration, Bylaws, Articles and the Rules and Regulations adopted by the Board. There shall be no obstruction of any part of the Common Area. Nothing shall be stored or kept in the Common Area without the prior written consent of the Board. No Owner shall place or cause to be placed on any portion of the Common Area any trash, structure, equipment, improvement, furniture, package or object of any kind. Common Areas shall be used for no purpose other than what is customary for such areas. No alterations or additions to the Common Area shall be permitted without the prior written consent of the Board. The initial Common Area owned by the Association consists solely of Tracts A, C, D and E. Tracts A, D and E are useable open space. Tract C is a sewer easement and not useable. Tract B is a water quality facility and not Common Area. There shall be no access to Tract C, except for maintenance purposes by persons designated by the Association or by governmental entities having jurisdiction. Additional

Common Area may be created by annexation of Additional Property by a supplemental declaration and plat.

5.2 Maintenance of Common Area and Commonly Maintained Property. The Association shall be responsible for maintenance, repair, replacement, and upkeep of the Common Area (except to the extent such maintenance is done by a government agency) and Commonly Maintained Property. The cost shall be at the equal expense of the Owners of Lots subject to assessment. The Association shall keep the Common Area and Commonly Maintained Property in good condition and repair, provide for all necessary services and cause all acts to be done which may be necessary or proper to assure the maintenance of the Common Area and Commonly Maintained Property.

5.3 Alterations to Common Area. Only the Association or governmental agency have jurisdiction over the area and shall construct, reconstruct, or alter any improvement located on the Common Area. A proposal for any construction of or alteration, maintenance or repair to any such improvement may be made at any Board meeting.

5.4 Funding. Expenditures for alterations, maintenance or repairs to an existing improvement for which a reserve has been collected shall be made from the Reserve Account. The Board may levy a special assessment to fund any construction, alteration, repair or maintenance of the Common Area and Commonly Maintained Property for which no reserve has been collected or for which the Reserve Account is insufficient to cover the cost.

5.5 Condemnation of Common Area. If all or any portion of the Common Area is taken for any public or quasi-public use under any statute, by right of eminent domain or by purchase in lieu of eminent domain, the entire award shall be received by and expended by the Board in a manner that, in the Board's discretion, is in the best interest of the Association and the Owners. The Association shall represent the interest of all Owners in any negotiations, suit, action or settlement in connection with such matters.

5.6 Damage or Destruction of Common Area. If all or any portion of the Common Area or Commonly Maintained Property is damaged or destroyed by an Owner or any of Owner's guests, Occupants, tenants, licensees, agents or members of Owner's family, such Owner hereby authorizes the Association to repair such damage. The Association shall repair the damage and restore the area in workmanlike manner as originally constructed or as may be modified or altered subsequently by the Association in the discretion of the Board. Reasonable costs incurred in connection with affecting such repairs shall become a special assessment upon the Lot and against the Owner who caused or is responsible for such damage.

5.7 Power of Association to Sell, Convey or Grant Security Interest in Common Area. The Association may sell, convey or subject to a security interest any portion of the Common Area pursuant to the processes and limitations set forth in ORS 94.665.

## **ARTICLE 6**

### **ARCHITECTURAL REVIEW COMMITTEE**

6.1 Architectural Review. No improvement shall be commenced, erected, placed or altered on any Lot until the construction plans and specifications showing the nature, shape,



heights, materials, colors, and proposed location of the improvement have been submitted to and approved in writing by the ARC. This Article's purpose is to assure quality of workmanship and materials and harmony between exterior design and the existing improvements and landscaping and as to location with respect to topography and finished grade elevations. The ARC shall not be responsible for determining compliance with structural and building codes, solar ordinances, zoning codes or other governmental regulations, all of which are the applicant's responsibility. The procedure and specific requirements for review and approval of construction shall be set forth in design guidelines and standards adopted from time to time by the ARC. The provisions of this Article shall apply in all instances in which this Declaration requires the ARC's consent.

6.2 Architectural Review Committee, Appointment and Removal. Declarant shall act as the ARC until Denali is one hundred percent (100%) built out. After build out, or such earlier time as the Declarant may elect in writing, the Board shall have the right to appoint and remove members of the ARC. After the Board has the right to appoint the members of the ARC, the ARC shall consist of no fewer than three (3) members and no more than five (5) members. The Board may appoint itself as the ARC or any of its members to the ARC. If an ARC has not been appointed, the Board shall serve as the ARC. Homes built by the Declarant shall not require ARC approval.

6.3 Majority Action. Except as otherwise provided in this Declaration, a majority of the members of the ARC shall have the power to act on behalf of the ARC, without the necessity of a meeting and without the necessity of consulting the remaining member or members of the ARC. The ARC may render its decision only by written instrument setting forth the action taken by the members consenting thereto.

6.4 Duties. The ARC shall consider and act upon the proposals and/or plans submitted pursuant to this Article. The ARC, from time to time and at its sole discretion, may adopt architectural rules, regulations and guidelines ("Architectural Standards").

6.5 ARC Decision. The ARC shall render its written decision approving or denying each application submitted to it within fifteen (15) working days after its receipt of all materials required with respect to such application. If the ARC fails to render such written decision within fifteen (15) days of its receipt of all required materials or request an extension, the application shall be deemed approved. The ARC shall be entitled to request one or more extensions of time, not to exceed thirty (30) days. In the event of such extension requests, if the ARC does not render a written decision within the extension period, the application shall be deemed approved. Provided, however, the applicant may agree to further extensions to allow the applicant to complete or supplement the application.

6.6 ARC Discretion. The ARC, at its sole discretion, may withhold consent to any proposed work if the ARC finds the proposed work would be inappropriate for the particular Lot or incompatible with the design standards that the ARC intends for Denali. The ARC may consider siting, shape, size, color, design, height, view preservation, solar access or other effect on the enjoyment of other Lots or the Common Area, and any other factors that it reasonably believes to be relevant in determining whether or not to consent to any proposed work.

6.7 Nonwaiver. Consent by the ARC to any matter proposed to it or within its jurisdiction shall not be deemed to constitute precedent or waiver impairing its right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.

6.8 Appeal. Once the Board has the right to appoint ARC members, any Owner adversely impacted by action of the ARC may appeal such action to the Board. Such appealing Owner shall submit to the Board a written notice of appeal, setting forth specific objections or mitigating circumstances justifying the appeal, to the Board within ten (10) days after the ARC's action. The Board shall issue a final, conclusive decision within forty-five (45) days after receipt of such notice, and such decision shall be final and binding upon the appealing Owner and the ARC. Provided, however, the Board shall make reasonable efforts to reach a decision within twenty (20) days. If the Board is serving as the ARC, then such appeal shall be deemed a request for reconsideration.

6.9 Effective Period of Consent. The ARC's consent to any proposed work shall automatically expire three (3) months after issuance unless construction of the project has been commenced or the Owner has applied for and received an extension of time from the ARC.

6.10 Determination of Compliance. The ARC may inspect, from time to time, all work performed and determine whether it is in substantial compliance with the approval granted. If the ARC finds that the work was not performed in substantial conformance with the approval granted, or if the ARC finds that the approval required was not obtained, the ARC shall notify the Owner in writing of the noncompliance. The notice shall specify the particulars of noncompliance and shall require the Owner to remedy the noncompliance.

6.11 Noncompliance. If the ARC determines that an Owner has not constructed an improvement consistent with the specifications of an ARC approval or an Owner has constructed an improvement without obtaining ARC approval, and the ARC sends a notice of noncompliance to such Owner and such Owner fails to commence diligently remedying such noncompliance in accordance with such notice, then, effective at 5 p.m. on the third (3rd) day after issuance of such notice, the ARC shall provide notice of a hearing to consider the Owner's continuing noncompliance. The hearing shall be set not more than thirty (30) days from the date on which the notice of noncompliance was issued. At the hearing, if the ARC finds that there is no valid reason for the continuing noncompliance, the ARC shall determine the estimated costs of achieving compliance and may issue a fine against the noncomplying Owner for such amount. The ARC also shall require the Owner to remedy such noncompliance within ten (10) days after the date of the ARC's determination. If the Owner does not comply with the ARC's ruling within such period or any extension thereof granted by the ARC, at its sole discretion, the ARC may remove the noncomplying improvement, remedy the noncompliance, and/or record a notice of noncompliance in the county deed records. The costs of any such action shall be assessed against the Owner as an assessment either before or after any remedial action is taken.

6.12 Liability. Neither the ARC nor any member thereof shall be liable to any person or entity for any damage, loss or prejudice suffered or claimed on account of any action or failure to act of the ARC or a member thereof, provided only that the ARC or the member has, in accordance with its or his actual knowledge, acted in good faith.

6.13 Estoppel Certificate. Within fifteen (15) working days after the ARC's receipt of a written request from an Owner and the ARC's receipt of payment of a reasonable fee fixed by the ARC to cover costs, the ARC shall provide such Owner with a certificate executed by the Chairperson or other authorized member of the ARC certifying with respect to any Lot owned by the Owner, that, as of the date thereof either (a) all improvements made or done upon such Lot comply with this Declaration, or (b) such improvements do not so comply, in which event, the certificate shall also identify the noncomplying improvements and set forth with particularity the nature of such noncompliance. The Owner and such Owner's heirs, devisees, successors and assigns shall be entitled to rely on the certificate with respect to the matters set forth therein. The certificate shall be conclusive as among Declarant, the ARC, the Association, all Owners, and all persons deriving any interest through any of them.

6.14 Fees. The ARC may charge applicants a reasonable application fee and additional costs incurred or expected to be incurred by the ARC to retain architects, attorneys, engineers and other consultants to advise the ARC concerning any aspect of the applications and/or compliance with any appropriate architectural criteria or standards. Such fees shall be collectible as assessments.

6.15 Declarant and Successor Exempt From ARC. The Declarant or a successor to all of the unsold Lots shall be exempt from the requirement to submit and have plans approved by the ARC.

## **ARTICLE 7**

### **MEMBERSHIP IN THE ASSOCIATION**

7.1 Members. Each Owner shall be a member of the Association. Membership in the Association shall be appurtenant to, and may not be separated from, ownership of any Lot. Transfer of ownership of a Lot shall transfer automatically membership in the Association. Without any other act or acknowledgment, Occupants and Owners shall be governed and controlled by this Declaration, the Articles, Bylaws, and the Rules and Regulations of the Association and any amendments thereof.

7.2 Proxy. Each Owner may cast such Owner's vote in person, by written ballot or pursuant to a proxy executed by such Owner. An Owner may not revoke a proxy given pursuant to this Section except by actual notice of revocation to the person presiding over a meeting of the Association. A proxy shall not be valid if it is undated or purports to be revocable without notice. A proxy shall terminate one (1) year after its date, unless the proxy specifies a shorter term.

7.3 Voting Rights. The Association shall have two (2) classes of voting members:

7.3.1 Class A. Class A members shall be all Owners of Lots other than Declarant, and each Class A member shall be entitled to one (1) vote for each Lot owned with respect to all matters upon which Owners are entitled to vote.

7.3.2 Class B. The Class B member shall be Declarant, its successors and assigns. The Class B member shall have three (3) votes for each Lot owned. The Class B

membership shall cease and be converted to Class A membership upon the earlier of the following dates (the "Termination Date"):

- (a) Twenty (20) years after the date this Declaration is recorded; and
- (b) At such earlier time as Declarant elects in writing to terminate Class B membership.

After the Termination Date, each Owner, including Declarant, shall be entitled to one (1) vote for each Lot owned with respect to all matters upon which Owners are entitled to vote, and the total number of votes shall be equal to the total number of Lots subject to this Declaration, initially or through annexation.

When more than one (1) person or entity owns a Lot, the vote for such Lot may be cast as they shall determine, but in no event shall fractional voting be allowed. Fractional or split votes shall be disregarded, except for purposes of determining a quorum.

7.4 Procedure. All meetings of the Association, the Board, the ARC, and Association committees shall be conducted with such rules of order as may from time to time be adopted by the Board. Notwithstanding which rule of order is adopted, the President shall be entitled to vote on all matters, not merely to break a tie vote. A tie vote does not constitute a majority or approval of any motion or resolution.

## **ARTICLE 8**

### **DECLARANT CONTROL**

8.1 Interim Board and Officers. Declarant hereby reserves administrative control of the Association. Declarant, in its sole discretion, shall have the right to appoint and remove members of an interim board (the "Interim Board"), which shall manage the affairs of the Association and be invested with all powers and rights of the Board until the Turnover Meeting (as hereinafter defined). The Interim Board shall consist of from one (1) to three (3) members. Notwithstanding the provision of this Section, at the Turnover Meeting, at least one (1) Director shall be elected by Owners other than Declarant, even if Declarant otherwise has voting power to elect all three (3) Directors.

8.2 Turnover Meeting. Declarant shall call a meeting for the purposes of turning over administrative control of the Association from Declarant to the Class A members within sixty (60) days of the earlier of the following dates:

8.2.1 Latest Date. Eighty percent (80%) of the Lots have been sold and conveyed by Declarant to third parties;

8.2.2 Optional Turnover. At such time as Declarant has elected in writing to terminate Class B membership.

Declarant shall give notice of the Turnover Meeting to each Owner as provided in the Bylaws. If Declarant does not call the Turnover Meeting required under this Section, the Transitional Advisory Committee or any Owner may do so.

**ARTICLE 9**  
**DECLARANT'S SPECIAL RIGHTS**

9.1 General. Declarant is undertaking the work of developing Lots and other improvements within Denali. The completion of the development work and the marketing and sale of the Lots is essential to the establishment and welfare of the Property as a residential community. Until the Homes on all Lots on the Property, including Additional Property that may be annexed, have been constructed, fully completed and sold, with respect to the Common Area and each Lot on the Property, Declarant shall have the special rights set forth in this Article 9.

9.2 Marketing Rights. Declarant shall have the right to maintain a sales office and model on one or more of the Lots which Declarant owns. Declarant and prospective purchasers and their agents shall have the right to use and occupy the sales office and models during reasonable hours any day of the week. Declarant may maintain a reasonable number of "For Sale" signs at reasonable locations on the Property, including, without limitation, on the Common Area.

9.3 Declarant Easements. Declarant reserves easements over the Property as more fully described in Sections 3.4 and 3.5 hereof.

9.4 Additional Improvements. Declarant does not agree to build any improvements not described in this Declaration.

9.5 Control of the ARC. Declarant shall have the right, but not the obligation, to control all aspects of the ARC, including the modification or adoption of the Architectural Standards as described in Article 6 herein.

**ARTICLE 10**  
**FUNDS AND ASSESSMENTS**

10.1 Purpose of Assessments; Expenses. The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, aesthetics and welfare of the Owners and Occupants of Denali, for the improvement, operation and maintenance of the Common Area and the Commonly Maintained Property, for the payment of obligations of the Association, for the administration and operation of the Association and for property and liability insurance.

10.2 Covenants to Pay. Owners covenant and agree to pay the Association the assessments and any additional charges levied pursuant to this Declaration or the Bylaws. All assessments for operating expenses, repairs and replacement and reserves shall be allocated among the Lots and their Owners as set forth in Section 10.4.2. Provided, however, Lots owned by the Declarant shall not be subject to assessment.

10.2.1 Funds Held in Trust. The assessments collected by the Association shall be held by the Association for and on behalf of each Owner and shall be used solely as set forth in Section 10.1. The assessments are the property of the Association and are not refundable to

Owners or Lots. Upon the sale or transfer of any Lot, the Owner's interest in such funds shall be deemed automatically transferred to the successor in interest to such Owner.

10.2.2 Offsets. No offsets against any assessment shall be permitted for any reason, including, without limitation, any claim that the Association is not properly discharging its duties.

10.2.3 Right to Profits. Association profits, if any, shall be the property of the Association and shall be contributed to the Current Operating Account.

10.3 Basis of Assessment; Commencement of Assessments. The Declarant shall pay all common expenses of the Association until the Lots are assessed for common expenses. The amount of the initial annual assessment to Owners other than the Declarant shall be determined by the Declarant. The Declarant shall be exempt from paying any assessments (operating, special and reserve) on all Lots owned by it.

10.3.1 Commencement of Operating Assessments. The date of commencement of the operating assessments shall be determined by the Declarant; however, in no event shall they commence later than the Turnover Meeting; provided, however, the Declarant shall be exempt from paying the operation portion of the assessment on all Lots owned by it.

10.3.2 Commencement of Reserves. The reserve portion of the assessment, if any, shall commence for a Lot from date of transfer of ownership of that Lot from the Declarant to a third party. The Declarant shall be exempt from paying the reserve portion of the assessment on all Lots owned by it.

10.4 Annual Assessments. Annual assessments for each year shall be established when the Board approves the budget for that year. The initial assessment and the implementation thereof shall be determined by the Declarant and shall be prorated on a monthly basis. For prospective purposes, any portion of a month shall count as a full month. Unless otherwise specified by the Board, annual assessments shall be due and payable on the first day of each calendar year during the term of this Declaration.

10.4.1 Budgeting. Regardless of the number of Members or the amount of assets of the Association, each year the Board shall prepare, approve and make available to each Member a pro forma operating statement (budget) containing estimated revenue and expenses. Once assessments begin, the Board shall annually prepare and approve the budget and distribute a copy thereof to each Member, together with written notice of the amount of the annual assessments to be levied against the Owner's Lot, not less than thirty (30) days and not more than ninety (90) days prior to the beginning of the calendar year.

10.4.2 Allocation of Assessments. The total amount in the budget shall be charged equally against all Lots that are subject to assessment.

10.4.3 Nonwaiver of Assessments. If before the expiration of any year the Association fails to fix annual assessments for the next year, the annual assessments established for the preceding year shall continue until a new annual assessment is fixed.

10.5 Special Assessments. The Board and/or the Owners shall have the power to levy special assessments against an Owner or all Owners in the following manner for the following purposes; provided however, the Declarant shall be exempt from special assessments:

10.5.1 Correct Deficit. To correct a deficit in the operating budget, by vote of a majority of the Board;

10.5.2 Special Obligations of an Owner. To collect amounts due to the Association from an Owner for breach of the Owner's obligations under this Declaration, the Bylaws, or the Rules and Regulations, by vote of a majority of the Board;

10.5.3 Repairs. To collect additional amounts necessary to make repairs or renovations to the Common Area or Commonly Maintained Property if sufficient funds are not available from the operating budget or replacement reserve accounts, by vote of a majority of the Board; or

10.5.4 Capital Improvements. To make capital acquisitions, additions or improvements, by vote of at least eighty percent (80%) of all votes allocated to the Lots.

10.6 Accounts.

10.6.1 Types of Accounts. Assessments collected by the Association shall be deposited into at least two (2) separate accounts with a bank, which accounts shall be clearly designated as (i) the Current Operating Account and (ii) the Reserve Account. The Board shall deposit or cause to be deposited those portions of the assessments collected for current maintenance and operation into the Current Operating Account and shall deposit those portions of the assessments collected as reserves for major maintenance, repair, replacement and deferred maintenance of the Common Area and Commonly Maintained Property, if any, into the Reserve Account. In its books and records, the Association shall account separately for operating expenses relating to the Common Area/Commonly Maintained Property and operating expenses relating to all other matters, as well as for necessary reserves relating to the Common Area/Commonly Maintained Property and necessary reserves relating to all other matters.

10.6.2 Reserve Account. Declarant shall establish a Reserve Account, in the name of the Association, which shall be kept separate from all other funds held by the Association. The Association shall pay out of the Reserve Account only those costs that are attributable to the maintenance, repair or replacement of any Common Area property and Commonly Maintained Property that normally requires major maintenance, repair or replacement, in whole or in part, within one (1) to thirty (30) years and not for regular or periodic maintenance and expenses. No funds collected for the Reserve Account may be used for ordinary current maintenance and operation purposes.

10.6.2.1 Calculation of Reserve Assessment; Reserve Study. The reserve assessment is based on the estimated remaining life and current replacement cost of any Common Area property and Commonly Maintained Property which normally requires major maintenance, repair or replacement, in whole or in part, within one (1) to thirty (30) years. Not less often than annually, the Board of Directors shall inventory all items of any Common Area and Commonly Maintained Property and shall estimate the remaining life of each item and the

current replacement cost of each of such items. The total Reserve Account assessment shall be equal to the sum of the estimated major maintenance repair or replacement cost of each item which has an estimated life of greater than one (1) but less than thirty (30) years, divided by the estimated number of years of life for such item. The Board of Directors shall establish a thirty (30)-year plan for maintenance, repair and replacement of any Common Area and Commonly Maintained Property with regular and adequate contributions, adjusted by estimated inflation and interest earned on reserves, to meet the maintenance, repair, and replacement schedule. The Board of Directors shall, within thirty (30) days after conducting the reserve study, provide to every Owner a written summary of the reserve study and of any revisions to the thirty (30)-year plan adopted by the Board of Directors or the Declarant as a result of the reserve study. The reserve account assessment shall be allocated pursuant to Section 10.4.2. The Board of Directors shall annually conduct a reserve study and a maintenance plan for the common elements, or review and update an existing study of any Common Area or Commonly Maintained Property to determine the reserve account requirements.

10.6.2.2 Loan from Reserve Account. After the Turnover Meeting described in Section 8.2, the Board may borrow funds from the Reserve Account to meet high seasonal demands on the Association's regular operating fund or to meet unexpected increases in expenses. Funds borrowed must be repaid later from assessments if the Board has adopted a resolution, which may be an annual continuing resolution, authorizing the borrowing of funds. Not later than the adoption of the budget for the following year, the Board shall adopt by resolution a written payment plan providing for repayment within a reasonable period.

10.6.2.3 Investment of Reserve Account. Nothing in this Section prohibits the prudent investment of Reserve Account funds, subject to any constraints imposed by the Board, the Bylaws, the Rules and Regulations or the Oregon Planned Community Act.

10.6.2.4 Refunds of Assessments. Assessments paid into the Reserve Account are the property of the Association and are not refundable to sellers or Owners of Lots. Sellers or Owners of Lots may treat their outstanding share of the Reserve Account's balance as a separate item in the sales contract providing for the conveyance of their Lot.

10.6.2.5 Reserves on Declarant Owned Lots. If a Lot owned by the Declarant becomes subject to assessment as provided in Section 10.4.2, the Declarant may accrue the reserve portion of the assessment until the Lot is sold to a third party not affiliated with the Declarant.

10.6.3 Current Operating Account. All costs other than those to be paid from the Reserve Account may be paid from the Current Operating Account.

## 10.7 Default in Payment of Assessments; Enforcement of Liens.

10.7.1 Personal Obligation. All assessments properly imposed under this Declaration or the Bylaws shall be the joint and several personal obligation of all Owners of the Lot to which such assessment pertains. In a voluntary conveyance (that is, one other than through foreclosure or a deed in lieu of foreclosure), the grantees shall be jointly and severally liable with the grantors for all Association assessments imposed through the recording date of the



instrument effecting the conveyance. A suit for a money judgment may be initiated by the Association to recover such assessments without either waiving or foreclosing the Association's lien.

10.7.2 Association Lien. The Association shall have a lien against each Lot for any assessment (of any type provided for by this Declaration or the Bylaws) or installment thereof that is delinquent. The Association's lien shall accumulate all future assessments or installments, reimbursement assessments, interest, late fees, penalties, fines, attorneys' fees (whether or not suit or action is instituted), actual administrative costs, and other appropriate costs properly chargeable to an Owner by the Association, until such amounts are fully paid. Recording of the Declaration constitutes record notice and perfection of the lien. Said lien may be foreclosed at any time pursuant to the Planned Community Act. The Association shall record a notice of a claim of lien for assessments and other charges in the deed records of Washington County, Oregon, before any suit to foreclose may be filed. The lien of the Association shall be superior to all other liens and encumbrances except property taxes and assessments, any first mortgage, deed of trust or land sale contract recorded before the Association's notice of lien.

10.7.3 Interest; Fines; Late Fees; Penalties. The Board, in its reasonable discretion, may from time to time adopt resolutions to set the rate of interest and to impose late fees, fines and penalties on delinquent assessments or for violations of the provisions of this Declaration, the Bylaws, Architectural Standards and the Rules and Regulations adopted by the Board or the ARC. The adoption of such impositions shall be communicated to all Owners in writing before the effective date by a notice mailed to the assessment billing address of such Owners or transmitted electronically to the Owners as permitted by the Planned Community Act. Such impositions shall be considered assessments that are lienable and collectible in the same manner as any other assessments; provided, however, that fines or penalties for violation of this Declaration, the Bylaws or any rule and regulation, other than late fees, fines or interest arising from an Owner's failure to pay regular or special assessments may not be imposed against an Owner or such Owner's Lot until such Owner is given an opportunity for a hearing as elsewhere provided herein.

10.7.4 Acceleration of Assessments. If an Owner is delinquent in payment of any assessment or installment on any assessment, the Association, upon not less than ten (10) days' written notice to the Owner, may accelerate the due date of the full annual assessment for that calendar year and all future installments of any special assessments.

10.7.5 Association's Right to Rents; Receiver. In any foreclosure suit by the Association with respect to such lien, the Association shall be entitled to collect reasonable rent from the defaulting Owner for the use of such Owner's Lot or shall be entitled to the appointment of a receiver.

## 10.8 Statement of Assessments.

10.8.1 The Association shall provide, within ten (10) business days of receipt of a written request from an Owner, a written statement that provides:

10.8.1.1 The amount of assessments due from the Owner and unpaid at the time the request was received, including:

- (a) Regular and special assessments;
- (b) Fines and other charges;
- (c) Accrued interest; and
- (d) Late payment charges.

10.8.1.2 The percentage rate at which interest accrues on assessments that are not paid when due.

10.8.1.3 The percentage rate used to calculate the charges for late payment or the amount of a fixed charge for late payment.

10.8.2 The Association is not required to comply with Section 10.8.1 if the Association has commenced litigation by filing a complaint against the Owner and the litigation is pending when the statement would otherwise be due.

## **ARTICLE 11**

### **GENERAL PROVISIONS**

11.1 Records. The Board shall preserve and maintain minutes of the meetings of the Association, the Board and any committees. The Board also shall keep detailed and accurate financial records, including individual assessment accounts of Owners, the balance sheet, and income and expense statements. Individual assessment accounts shall designate the name and address of the Owner or Owners of the Lot, the amount of each assessment as it becomes due, the amounts paid upon the account, and the balance due on the assessments. The minutes of the Association, the Board and Board committees, and the Association's financial records shall be maintained in the state of Oregon and reasonably available for review and copying by the Owners. A reasonable charge may be imposed by the Association for providing copies.

11.2 Delegation to a Master Association. The Association may, pursuant to a resolution adopted by the Board, delegate any of the powers of the Association under the Planned Community Act, the Declaration and/or Bylaws to a master association and the master association may exercise such power. The Association may contract with the master association to perform any obligations or duties of the Association, the cost of which shall be charged to the Association.

11.3 Indemnification of Directors, Officers, Employees and Agents. The Association shall indemnify any Director, officer, employee or agent who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by the Association) by reason of the fact that such person is or was a Director, officer, employee or agent of the Association or is or was serving at the request of the Association as a Director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by said person in connection with such suit, action or proceeding if such person acted in good faith and in a manner that such person reasonably believed to be in, or not opposed to, the best interest of the Association, and, with respect to any criminal action or

proceedings, had no reasonable cause to believe that such person's conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or with a plea of nolo contendere or its equivalent, shall not of itself create a presumption that a person did not act in good faith and in a manner which such person reasonably believed to be in, or not opposed to, the best interest of the Association, and, with respect to any criminal action or proceedings, had reasonable cause to believe that such person's conduct was unlawful. Payment under this clause may be made during the pendency of such claim, action, suit or proceeding as and when incurred, subject only to the right of the Association to reimbursement of such payment from such person, should it be proven at a later time that such person had no right to such payments. All persons who are ultimately held liable for their actions on behalf of the Association as a Director, officer, employee or agent shall have a right of contribution over and against all other Directors, officers, employees or agents and members of the Association who participated with or benefited from the acts which created said liability.

11.4 Enforcement; Attorneys' Fees. The Association, the Owners, the Declarant and any mortgagee holding an interest on a Lot shall have the right to enforce all of the covenants, conditions, restrictions, reservations, easements, liens and charges now or hereinafter imposed by any of the provisions of this Declaration as may appertain specifically to such parties or Owners by any proceeding at law or in equity. Failure by either the Association or by any Owner or mortgagee to enforce any covenant, condition or restriction herein contained shall in no event be deemed a waiver of their right to do so thereafter. In the event suit or action is commenced to enforce the terms and provisions of this Declaration (including without limitations, for the collection of assessments), the prevailing party shall be entitled to its actual administrative costs incurred because of a matter or event which is the subject of the suit or action, attorneys' fees and costs in such suit or action to be fixed by the trial court, and in the event of an appeal, the cost of the appeal, together with reasonable attorneys' fees, to be set by the appellate court. In addition thereto, the Association shall be entitled to its reasonable attorneys' fees and costs incurred in any enforcement activity or to collect delinquent assessments, together with the Association's actual administrative costs, whether or not suit or action is filed.

11.5 Construction Defect Claim Procedure. No litigation shall be commenced against the Declarant, contractor or builder of the Home or any Owner of a Lot in respect to any alleged defect in a Home or on any Common Area except in compliance with the process set forth in ORS 701.560 to 701.595 and ORS 701.605.

11.6 Severability. Invalidation of any one of these covenants, conditions or restrictions by judgment or court order shall not affect the other provisions hereof and the same shall remain in full force and effect.

11.7 Duration. The covenants, conditions and restrictions of this Declaration shall run with and bind the land for a term of thirty-five (35) years from the date of this Declaration being recorded, after which time they shall be automatically extended for successive periods of ten (10) years, unless rescinded by a vote of at least ninety percent (90%) of the Owners and ninety percent (90%) of the first mortgagees; provided, however, that amendments that do not constitute rescission of the planned community may be adopted as provided in Section 11.7.

11.8 Amendment. Except as otherwise provided in Section 11.6 or ORS 94.590, and the restrictions set forth elsewhere herein, this Declaration may be amended at any time by an

instrument approved by not less than seventy-five percent (75%) of the total votes of members that are eligible to vote. Any amendment must be executed, recorded and certified as provided by law; provided, however, that no amendment of this Declaration shall effect an amendment of the Bylaws or Articles without compliance with the provisions of such documents, and the Oregon Nonprofit Corporation Act and that no amendment affecting the general plan of development or any other right of Declarant herein contained may be effected without the express written consent of Declarant or its successors and assigns, including, without limitation, amendment of this Section.

11.9 Release of Right of Control. Declarant may give up its right of control in writing at any time by notice to the Association.

11.10 Unilateral Amendment by Declarant. In addition to all other special rights of Declarant provided in this Declaration, Declarant may amend this Declaration in order to comply with the requirements of the Federal Housing Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Mortgage Loan Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon, or any other state in which the Lots are marketed and sold, or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon, or such other state, the approval of which entity is required in order for it to insure, guarantee or provide financing in connection with development of the Property and sale of Lots. Prior to the Turnover Meeting, no such amendment shall require notice to or approval by any Class A member.

11.11 Resolution of Document Conflicts. In the event of a conflict among any of the provisions in the documents governing Denali, such conflict shall be resolved by looking to the following documents in the order shown below:

- (a) Declaration;
- (b) Articles;
- (c) Bylaws;
- (d) Rules and Regulations.

IN WITNESS WHEREOF, Declarant has executed this instrument this 18 day of MARCH, 2020.

J. T. ROTH CONSTRUCTION, INC.  
an Oregon corporation



By: [Signature]  
J. T. Roth, Jr., President

STATE OF OREGON )  
County of Washington ) ss.

3-18, 2020

Personally appeared before me the above-named J. T. Roth, Jr. who, being duly sworn, did say that he is the President of J. T. Roth Construction, Inc., an Oregon corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its board of directors; and acknowledged said instrument to be its voluntary act and deed.

  
\_\_\_\_\_  
Notary Public for Oregon

# EMERIO *Design*

CIVIL ENGINEERS & PLANNERS

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**DATE:** 7-10-2020

**REVISED:** 9-1-2020

**PROPERTY OWNERS/**

**DEVELOPER:** Dennis and Paula Yuzon – 2S133CB00100 (Owner)  
23120 SW Murdock Road  
Sherwood, OR

Jacob Miller – 2S133CB00200 (Owner/Developer)  
23008 SW Murdock Road  
Sherwood, OR

J.T. Roth Construction, Inc. - 2S133CB00100 (Developer)  
Attn: Tim Roth  
12600 SW 72<sup>nd</sup>, Suite 200  
Portland, OR 97223

**CIVIL ENGINEER,  
PLANNING &  
SURVEYOR:**

Emerio Design, LLC  
Attn: Steve Miller  
6445 SW Fallbrook Pl., Suite 100  
Beaverton, OR 97008  
Cell: (541) 318-7487  
E-mail: [stevem@emeriodesign.com](mailto:stevem@emeriodesign.com)

**REQUEST:** 41-Lot residential subdivision in the VLDR Planned Unit Development (PUD) Zone. The proposed “**Denali Summit PUD**” will be developed pursuant to the City of Sherwood Land Use and Development Code requirements.

**SITE**

**LOCATION:** 23008 SW Murdock Road and 23120 SW Murdock Road

**ZONING:** VLDR, Very Low Density Residential

**TOTAL**

**SITE SIZE:** 15.07 Acres / 656,580 Square Feet

**LEGAL DESCRIPTION:** Tax Map 2S133CB, Tax Lots 100 and 200

**LIST OF EXHIBITS:**

- 1 - Vicinity Map and Washington Co Assessor Map
  - 2 – Detailed Development Plan and Landscape Plans
  - 3 – Drainage Report
  - 4 – Pre-Application Notes
  - 5 – Denali Summit PUD Architectural Pattern Books
  - 6 – Clean Water Services Service Provider Letters
  - 7 – Neighborhood Meeting Notices and Notes
  - 8 – Title Report
  - 9 – Geotechnical Report
- 

**I. INTRODUCTION**

**Background Information:** The subject site consists of two (2) tax lots totaling approximately 15.07 acres in size. Together the site area is generally square in shape with a flagpole along the northwest leading out to Murdock Road. The site is currently developed with two single-family dwellings, one on each tax lot, as well as a swimming pool on Tax lot 100 and an accessory structure on tax lot 200. The site area is vegetated with a mix of trees, shrubs, and grass fields, and has an undulating topography.

With this proposal, the applicant is proposing to develop the site into a 41-lot residential subdivision/planned development for single-family detached residential dwellings. The subject site area is part of the SE Sherwood Master Plan, which was approved in concept by the Planning Commission via resolution in 2006. Although not formally adopted and incorporated into the Comprehensive Plan nor adopted by the City Council, it does provide guidance for development and the intention of the community and surrounding property owners for the area. The subject site has an underlying zoning district of Very Low Density Residential (VLDR) and will be developed utilizing the requirements of the VLDR zoning district in conjunction with the recommendations and guidelines of the SE Sherwood Master Plan, including the allowed density of four dwelling units per net buildable acre, which will be discussed later in this narrative. As part of the planned unit development (PUD), the applicant is requesting a modification to the front yard setback for all lots, street side yard setback for the corner lots, and the rear yard setback for Lots 11 and 12. The Applicant is requesting that the front yard setback be 15-feet for the house and 20 feet for the garage, a street side yard setback

of 15 feet for lots 3, 19, 20, 29, 30, 36 and 37, and a rear yard setback of 15-feet for Lots 11 and 12. In addition, the Applicant is also request a modification to the 530-foot block length standard, as well as the number of lots served by a private street.

The site was part of the “Ken Foster Farm” site, originally about 40 acres and was used for farming. It was subdivided approximately twenty years ago, a portion of which is this 15.07-acre site. It is known that portions of the larger Ken Foster Farm site had been used for discarding animal hides and carcasses that were remnants from the local tanner operation in the city. As part of the Department of Environmental Quality (DEQ) investigation of the Tannery site on SW Oregon Street, it was discovered that the soil on the Ken Foster Farm site was contaminated. The property to the northeast, Ironwood Subdivision, was in development when the issue became known which required significant soil removal and oversight from the Department of Environmental Quality (DEQ).

An excerpt from the Department of Environmental Quality Technical memorandum dated July 13, 2005 describes that from 1962 to 1971, tannery wastes from the Frontier Leather Company were applied by Mr. Foster to several areas of pastureland. Liquid sludge from the tannery’s primary wastewater settling tanks was also distributed on the site.

DEQ entered the Ken Foster Farm site into the Environmental Cleanup Site Information Database in 2000 and completed a Preliminary Assessment (PA) in 2004, funded by cooperative grant funds from the Environmental Protection Agency (EPA) Region 10.

The developers are responsible for completing clean-up of all known contamination on the site. The developer(s)/owner is actively working with DEQ at the time of this application submittal to finalize the clean-up of the contamination. All approvals from DEQ shall be received prior to the developers proceeding with any development of the subject site area.

## **II. CONFORMANCE WITH CITY OF SHERWOOD CODE APPROVAL CRITERIA**

### **SHERWOOD MUNICIPAL CODE (Code) TITLE 16 – ZONING AND COMMUNITY DEVELOPMENT CODE**

<b><i>Division I</i></b>	<b>GENERAL PROVISIONS</b>
<b><i>Chapter 16.04</i></b>	<b>ESTABLISHMENT OF ZONING DISTRICTS</b>



**RESPONSE:** The subject site area is identified on the City of Sherwood's (City) Official Zoning Map as being in the Very Low Density Residential (VLDR) zoning district within the SE Sherwood Plan, noting that the SE Sherwood Plan has never been officially adopted by the City.

**Division II                    LAND USE AND DEVELOPMENT**

**Chapter 16.12                RESIDENTIAL LAND USE DISTRICTS**

**16.12.010 – Purpose and Density Requirements**

**A. Very Low Density Residential (VLDR)**

**1. Standard Density**

***The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas that warrant preservation but are otherwise deemed suitable for limited development. Standard density in the VLDR zone is 0.7 to 1 dwelling unit per acre.***

**RESPONSE:** The subject site is going to be developed as a Planned Unit Development; therefore, the standard density is not applicable to this project.

**2. VLDR Planned Unit Development Density Standards**

***Property in the VLDR zone that is developed through the Planned Unit Development (PUD) process under Chapter 16.40, if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, may develop to a density of 1.4 to 2.0 dwelling units per net buildable acre under the following conditions:***

- a. The minimum lot size is not less than 10,000 square feet;***
- b. The following areas are dedicated to the public or preserved as common open space: floodplains under Section 16.134.020 (Special Resource Zones); natural resources areas as shown on the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan; and wetlands defined and regulated under current Federal regulation and Division VIII of this Code; and***
- c. The higher density development will better preserve natural resources as compared to one (1) unit per acre.***

**RESPONSE:** The subject site is going to be developed as a Planned Unit Development; however, the subject properties are part of the Southeast Sherwood Master Plan and will be developed as a Southeast Sherwood Master Planned Unit Development which has different standards and are discussed below.

**3. Southeast Sherwood Master Planned Unit Development**

- a. ***Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre.***

**RESPONSE:** The proposed project will be a planned unit development in the Southeast Sherwood Master Planned Unit Development area and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan. Accordingly, the maximum density allowed is four (4) dwelling units per net buildable acre. Density calculations will be given in detail later in this narrative. A complete discussion of Chapter 16.40 will also take place later in this narrative.

- b. ***Development under Section 16.12.010.A.3 must generally follow the development pattern shown as Alternative B/C in the SE Sherwood Master Plan (2006) and address the following factors:***

- (1) ***Varied lot sizes are allowed with a minimum lot area of 10,000 square feet if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, roadways or open space.***

**RESPONSE:** Proposed lots are sized as follows: Lot 1 – 12,475 square feet; Lot 2 – 10,024 square feet; Lot 3 – 10,248 square feet; Lot 4 – 10,058 square feet; Lot 5 – 13,229 square feet; Lot 6 – Lot 11,278 square feet; Lot 7 – 10,176 square feet; Lot 8 – 10,221 square feet; Lot 9 – 10,221 square feet; Lot 10 – 10,242 square feet; Lot 11 – 13,673 square feet; Lot 12 – 11,420 square feet; Lot 13 – 10,097 square feet; Lot 14 10,275 square feet; Lot 15 10,275 square feet; Lot 16 11, 061 square feet; Lot 17 10, 454 square feet; Lot 18 10, 018 square feet; Lot 19 10,527 square feet; Lot 20 10,153 square feet; Lot 21 10,026 square feet, Lot 22 10,741 square feet; Lot 23 10,892 square feet; Lot 24 11,184 square feet; Lot 25 10,044 square feet; Lot 26 10, 092 square feet; Lot 27 10,036 square feet; Lot 28 20,886 square feet; Lot 29 10,041 square feet; Lot 30 10,437 square feet; Lot 31 10,004 square feet; Lot 32 12,555 square feet Lot 33 11,652 square feet; Lot 34 19,766 square feet; Lot 35 10,037 square feet; Lot 36 10,098 square feet; Lot 37 10,102 square feet; Lot 38 10,044 square feet; Lot 39 10,006 square feet; Lot 40 10,030 square feet; and Lot 41 10,006 square feet. All lots either meet or exceed the 10,000-square foot minimum. Buffering, therefore, is not necessary as all lots meet or exceed the minimum 10,000-square footage requirement. It is also noted that a water quality tract (i.e. Tract B) located at the southeast corner and landscaped usable open space along the west (i.e. Tract A) and east (i.e. Tract C) of the subject site all act as buffers to adjacent developed properties.

- (2) ***The open space areas as required by Chapter 16.40 (Planned Unit Development), where feasible, should include parks and pathways that are***

**located within the general vicinity of Alternative B/C in the SE Sherwood Master Plan.**

**RESPONSE:** Open space requirements are addressed later in this narrative. Proposed Tracts A, C, and G will provide usable open space areas for the PUD and will be dedicated as Tracts A, C, and G usable open space. Tract A has been located to abut with the Denali Meadows open space tract to help facilitate pedestrian connectivity to the east as intended in the SE Sherwood Master Plan.

In response to the incomplete letter the Applicant received from the City dated August 12, 2020, the Applicant was asked to address the proposed alignment of the new public street and its potential impact on the neighboring property to the north (i.e. Tax Lot: 2S133BC01700 / Moser Delores a & Leroy J – 11.63 acres) as it relates to open space areas in the Alternative B/C in the SE Sherwood Master Plan.

The Alternative B/C in the SE Sherwood Master Plan, which was not formally adopted by City Council, shows a looping street alignment on the Yuzon property (i.e. Tax Lot: 2S133CB00100) in the general location as proposed by the Applicant. As part of this proposal, the Applicant is proposing to stub the new public street at the northern property boundary of the Yuzon property so it can be extended into the Moser when that property redevelops. In addition, the Applicant has provided a “shadow plat” of the Moser property to show how the street can be extended to facilitate the development of the Moser property.

When the SE Sherwood Master Plan was initiated by the City, the Moser property contained a large grove of trees in the northeast corner of the property that was identified on the Alternative B/C in the SE Sherwood Master Plan as open space. However, the large grove of trees in the northeast corner of Moser property that was identified on Alternative B/C in the SE Sherwood Master Plan as open space has since been cleared (see Google aerial photo below dated 5/8/2019).

**Google aerial photo of Moser property dated 5/8/2019**



Since the grove of trees identified as open space on the Alternative B/C have been removed from the Moser property, the Applicant's proposed alignment of the new public street will not adversely impact the future redevelopment of the Moser property.

**(3) *There is a pedestrian-friendly transportation system that links the site with nearby residential developments, schools, parks, commercial areas and other destinations.***

**RESPONSE:** The subject property is surrounded by different levels of residential development, with the developments to the south and west being more densely developed than lands to the north and east. There are no schools, parks or commercial areas nearby which need to be linked with the subject site. The proposed development will link with the surrounding residential sites via installation of a sidewalk along the north side of SW Ironwood Ln., as well as along both sides of the proposed street running north/south through the site. A pedestrian connection will also be provided between Tracts E and F. With the construction of these features, pedestrian connectivity will be provided along SW Ironwood Ln., as well as within the interior of the project by the proposed road and pedestrian easement and will allow for future connectivity with the redevelopment of the surrounding parcel to the north.

**(4) *The unique environmental opportunities and constraints identified in the SE Sherwood Master Plan.***

**RESPONSE:** Pursuant to the SE Sherwood Master Plan, the subject site does not contain any unique environmental opportunities and/or constraints. The above criterion does not apply to the applicant's proposal because there are no unique environmental opportunities and constraints identified in the SE Sherwood Master Plan on the site.

**(5) *The view corridors identified in the SE Sherwood Master Plan.***

**RESPONSE:** The subject property does not have any identified view corridors depicted on the SE Sherwood Master Plan, therefore, this criterion does not apply to the applicant's request.

***(6) The housing design types that are compatible with both surrounding and existing development.***

**RESPONSE:** The proposed housing design types as discussed in the two (2) submitted PUD Architectural Pattern Books are Prairie, Modern and Craftsman style, similar and compatible with, the existing houses in the adjacent subdivision and existing/surrounding developments.

***c. A density transfer under Chapter 16.40.050.C.2. is not permitted for development under this Section 16.12.010.A.3.***

**RESPONSE:** No density transfers are required or being requested for this project.

***d. The Planning Commission will consider the specific housing design types identified and the preservation of the identified view corridors at the time of final development review to ensure compatibility with the existing and surrounding development.***

**RESPONSE:** The developer acknowledges that specific housing design types identified in this application will have to be identified again for final review as part of the final development review process. The subject site does not have any identified view corridors on the SE Sherwood Master Plan.

**16.12.020 – Allowed Residential Land Uses**

***A. Residential Land Uses***

**RESPONSE:** This project proposes single-family detached dwellings. Single-family detached dwellings are listed as a permitted use in the VLDR zone as per the table in 16.12.020.

**16.12.030 – Residential Land Use Development Standards**

***A. Generally***

***No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by the 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.**

**B. Development Standards**

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

**C. Development Standards per Residential Zone**

**RESPONSE:** The table lists the minimum lot area for single-family detached dwellings in the VLDR-PUD zone as 10,000 square feet. This project proposes forty-one (41) lots, all at 10,000 square feet or larger in area as illustrated on the submitted plan set. This standard has been met.

The table lists the minimum lot width at the front property line as 25 feet in the VLDR-PUD zone. Except for lot 34, which will be developed as a flag lot with 13.25 feet of frontage, all other proposed lots exceed the minimum lot width requirement of the VLDR-PUD code. The City’s development code does not clearly specify a minimum lot width for a “flag lot”; however, Section 16.68.050 - Yard Requirements for Infill Development, does note that a flag lot “are those that have less that twenty-five (25) feet of street frontage. In an effort to adequately address the lot frontage for Lot 34, the Applicant is requesting a reduced lot width for Lot 34 as an exception allowed through the PUD process. Front lot line dimensions are noted on Sheet 3 of the submitted plan set.

There isn’t a requirement for a minimum lot width at the building line in the VLDR-PUD zone. There isn’t a requirement for a minimum lot depth in the VLDR-PUD zone.

Maximum height is 30 feet or 2 stories. Future building heights will be reviewed for compliance during the building permit process.

Setbacks in the VLDR-PUD zone for a single-family detached dwelling are as follows as per the table in 16.12.030:

	<b>Required</b>	<b>Provided</b>
<b>Front:</b>	20 feet	15 feet for house
<b>Face of garage:</b>	20 feet	20 feet face of garage
<b>Interior side:</b>	5 feet	5 feet

**Corner lot street side:** 20 feet 15 feet for all corner lots: 3, 19, 20, 29, 30, 36 and 37  
**Rear:** 20 feet 20 feet, except Lots 11 and 12, which will be 15-feet

All setbacks will be reviewed for compliance during the building permit process.

As part of this planned unit development, the applicant is requesting a modification of the front setback, street side yard setback, and the rear yard setback. Specifically, the Applicant is requesting the following: Front yard setback: 15-foot front yard setback for the house (20-feet for the garage as required by code); Street side yard setback: 15-foot for lots 3, 19, 20, 29, 30, 36 and 37; Rear yard setback: 15-foot for Lots 11 and 12.

#### **16.12.040 – Community Design**

**For standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII, IX.**

**RESPONSE:** The relevant sections of Divisions V, VIII and IX are addressed in this narrative and application package.

#### **16.12.050 – Flood Plain**

**Except as otherwise provided, Section 16.134.020 shall apply.**

**RESPONSE:** The subject site is not located within a flood plain; neither this section nor Section 16.134.020 apply to this development.

### **Chapter 16.40 PLANNED UNIT DEVELOPMENT (PUD)**

#### **16.40.020 Preliminary Development Plan**

##### **A. Generally**

**A PUD Preliminary Development Plan shall be submitted for review and approval in accordance with Chapter 16.72. PUDs shall be considered: a) on sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of: natural features such as floodplains, wetlands, and extreme topography, or man-made features, such as parcel configuration and surrounding development; b) on parcels of land within the Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or c) in other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.**

**RESPONSE:** In this case, the site is unusually limited in development potential because of the cost of cleanup of contaminated soils due to dumping of tannery waste on the site of the former Ken Foster Farms. Development as proposed facilitates the complete remediation of contaminated soils on this portion of the former KFF site, which is of great public benefit as lead and other harmful toxins have been detected in soils within the boundaries of the former KFF property. There is further public benefit with the development in this site as it implements the street system envisioned in the Sherwood Transportation System Plan and the SE Sherwood Master Plan for this region of the city. The number of lots proposed makes it feasible to develop the property considering the cleanup and infrastructure costs, thereby ensuring that the potential public health hazard is eliminated, and that vehicular and pedestrian connectivity and circulation is provided.

The only variations being sought are setback adjustments of the front, street side yard setback for Lots 3, 19, 20, 29, 30, 36 and 37, and rear yard setback for Lots 11 and 12. Specifically, the Applicant is requesting the following: Front yard setback: 15-foot front yard setback for the house and 20-feet for the garage; Street side yard setback: 15-feet for lots 3, 19, 20, 29, 30, 36 and 37; Rear yard setback: 15-feet for Lots 11 and 12.

#### **B. Content**

**The Preliminary Development Plan application shall include the following documentation:**

- 1. Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and features, private and public facilities including but not limited to utilities, streets, parks, and buildings, historic and cultural resources, property boundaries, lot lines, and lot dimensions and area.**

**RESPONSE:** An Existing Conditions Map, which is Sheet 2 of the plan set, has been included with this application submittal.

- 2. Listing of all property owners adjacent to the PUD as per Section 16.72.020, including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.**

**RESPONSE:** The application package includes the names and addresses of nearby property owners, as well as the names and addresses of the owners of the subject site, applicants and consultants.

- 3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation...**

**RESPONSE:** The required items are shown on the submitted plans.



- 4. Narrative describing: the intent of the PUD and how general PUD standards as per this Chapter are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.**

**RESPONSE:** This narrative includes the necessary information.

- 5. If the PUD involves the subdivision of land, the proposal must also include a preliminary subdivision plat and meet all requirements of Chapter 16.120. The preliminary subdivision will be processed concurrently with the PUD.**

**RESPONSE:** Sheet 3 of the submitted plan set is the Preliminary Plat for the proposed subdivision of land.

- 6. Architectural Pattern Book: A compendium of architectural elevations, details and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in...**

**RESPONSE:** Architectural Pattern Books are included with the application package and includes all the required information.

#### **C. Commission Review**

**The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:**

- 1. The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020.A.**

**RESPONSE:** The proposed development complies with the standards of the Development Code, which implements the Comprehensive Plan. The proposal is eligible for PUD consideration per 16.40.20.A in that it is unusually limited in development potential by the financial burden of cleaning up contaminated soils in addition to infrastructure costs which further limits the amount of space available for development. There is great public benefit to facilitating the complete remediation of the contaminated soils on this part of the former Ken Foster Farms site, as well as the proposed improvements along the north side of SW Ironwood Ln. and the proposed north/south street as designated in the Sherwood Transportation System Plan and the SE Sherwood Master Plan.

- 2. The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity...**

**RESPONSE:** The buildable area of the site is 535,016 square feet and 15% of the buildable area is 80,252 square feet. Tracts A, C and G have been designated as usable open space tracts comprising 80,167 square feet. Even though the proposed open space is 85 square feet short of the required 15%, the Applicant has developed two (2) other parcels in the SE Sherwood Mater Plan area (i.e. Denali and Denali Meadows PUD's) and together they exceeded the required open space by 12,134 square feet. As the sole developer of the SE Sherwood Master Plan area, the Applicant's PUD proposals for all 4 properties exceeds the 15% open space requirement for the developed land by 12,049 square feet.

Tract A will run along the sites new public Rd. frontage and provide for pedestrian connectivity between the proposed public street and SW Murdock Road via the Denali Meadows PUD.

Tract C contains 61,292 square feet of open-space and will provide expanded open-space as contemplated in the SE Sherwood Master Plan.

Tracts A, C and G will be conveyed by title to the homeowners' association for maintenance and management. Tracts A, C, and G, as the designated usable open space, total 80,167 square feet, which together with the other lands developed by the Applicant in the SE Sherwood Master Plan area, exceeds the minimum requirement for all developed land by of 12,049 square feet.

- 3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.**

**RESPONSE:** All standards of the underlying zoning district are being met as part of this application, except for a modification to the front yard setback, street side yard setback, and rear yard setback for Lot 1. Specifically, the Applicant is requesting the following: Front yard setback: 15-foot front yard setback for the house and 20-feet for the garage; Street side yard setback: 15-feet for lots 3, 19, 20, 29, 30, 36 and 37; Rear yard setback: 15-feet for Lots 11 and 12.

Due to the topography, geography, and the fact that future right-of-way will be dedicated creating future corner lots, the applicant would like to have the flexibility to place the houses as close to the front and street as possible to avoid grading and site

disturbance in those areas that have constraints. The setback modification request provides flexibility to place the houses and driveways on the lots in the flattest areas possible, some of which are right at the street.

- 4. That the proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatments, vernacular, and scale subject to review and approval in Subsection (B)(6).**

**RESPONSE:** The proposed project (residential detached dwellings) is in harmony with the surrounding area as the proposed lots are comparable in size and use to the existing development (also residential detached dwellings) to the south and west and to future development as outlined in the SE Sherwood Master Plan. Conceptual architectural treatments are included with this application as Exhibit B showing prairie, craftsman and modern styles similar with the surrounding area. Proposed houses will meet the minimum side and rear setback and maximum height requirements (and, therefore be of a similar scale) of the adjacent developments that have been constructed in the VLDR zone.

- 5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.**

**RESPONSE:** Tracts A, C, D, E, F, and G will be dedicated to the homeowners' association for maintenance, preservation and management. These tracts will be developed by the applicant as part of the subdivision site development.

- 6. That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.**

**RESPONSE:** Due to the costs of cleanup of contaminated soils, it is not financially feasible to develop the site at the density of the VLDR zoning district. Development through the planned unit development process in the SE Sherwood Master Plan allows a density of four dwelling units per net acre which will facilitate complete remediation of contaminated soils on this portion of the former Ken Foster Farms site. Without SE Sherwood Master Plan PUD approval, complete cleanup of the site may be left undone or as a burden for the taxpayers to fund. Additionally, the proposed development will extend a sidewalk along the sites SW Ironwood Ln. frontage, underground any existing overhead utility lines along SW Ironwood Ln., and provide for future connectivity opportunities to the north of the site as shown in the SE Sherwood Master Plan and the Sherwood Transportation System Plan.

- 7. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.**

**RESPONSE:** The proposed project will be completed in one phase. The developer intends to begin final engineering drawings upon receipt of preliminary approval so that site development will be substantially completed within one year from date of preliminary approval.

**8. That adequate public facilities and services are available or are made available by the construction of the project.**

**RESPONSE:** Water, sanitary sewer and storm sewer are available to serve the development and will be extended through the site with the development of the proposed north/south public street. Utilities for Lots 34 – 41 will be extended from the new public street that is part of the Denali Meadows subdivision. These lots will also take access from the new public street as well. The remaining lots will access onto the proposed north/south public street, which will connect to SW Ironwood Ln., both of which will provide for public access.

**9. That the general objectives of the PUD concept and the specific objectives of the various categories of the PUDs described in this Chapter have been met.**

**RESPONSE:** This narrative describes how the objectives of this Chapter have been met in concert with the submitted plan set and attached exhibits.

**10. The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in Section 16.40.050(C)(3).**

**RESPONSE:** The subject site is approximately 15.07 gross acres which qualifies it for a PUD outright. However, because the site is zoned VLDR zone, it is considered within "natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development," according to the purpose statement of the VLDR zone. The subject site has undulating topography, several rock outcroppings and is limited in regard to gaining access to SW Murdock Rd., all of which make the property unusually constrained. Additional acreage to the north is not able to be added to the proposal as the surrounding property is in private ownership and the owners were not willing to sell at this time. Also, as previously discussed, the site has contaminated soils which are highly expensive to remediate.

**16.40.050 Residential PUD**

**A. Permitted Uses**

**The following uses are permitted outright in Residential PUD when approved as part of a Final Development Plan:**

1. **Varied housing types**
2. **Related NC uses which are designed and located so as to...**
3. **All other uses permitted within the underlying zoning district in which the PUD is located.**

**RESPONSE:** The project proposes single-family detached dwellings which are a permitted use in the underlying zoning district VLDR. No other uses are proposed as part of this development.

#### **B. Conditional Uses**

**RESPONSE:** No conditional uses are proposed as part of this project.

#### **C. Development Standards**

##### **1. Density**

**The number of dwelling units permitted in a Residential PUD is the same as that allowed in the underlying zoning district, except as provided in Sections 16.40.40.D and 16.40.050.C.2.**

**RESPONSE:** Chapter 16.10 of the Code defines density as “the intensity of residential land uses per acre, stated as the number of dwelling units per net buildable acre. Net buildable acre means an area measuring 43,560 square feet after excluding present and future rights-of-way and environmentally constrained areas.” Net buildable acre is further defined separately as “an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses.” The subject property has an underlying zoning district of VLDR which is unique in that there is a special density allowance permitting a greater density (two units) that what would be allowed in the underlying zoning designation (one unit) if the applicant requests development as a Planned Unit Development (PUD).

It is even further unique in that property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four dwelling units per net buildable acre. The effect of the special density allowance, using the SE Sherwood Master Plan, grants four units per acre rather than the underlying zoning density of up to one unit per acre.

The gross and net square footages are shown below.

LOT 1	12,475 Sq. Ft.
LOT 2	10,024 Sq. Ft.
LOT 3	10,248 Sq. Ft.
LOT 4	10,058 Sq. Ft.
LOT 5	13,229 Sq. Ft.
LOT 6	11,278 Sq. Ft.
LOT 7	10,176 Sq. Ft.
LOT 8	10,221 Sq. Ft.
LOT 9	10,221 Sq. Ft.
LOT 10	10,242 Sq. Ft.
LOT 11	13,673 Sq. Ft.
LOT 12	11,420 Sq. Ft.
LOT 13	10,097 Sq. Ft.
LOT 14	10,275 Sq. Ft.
LOT 15	10,275 Sq. Ft.
LOT 16	11,061 Sq. Ft.
LOT 17	10,454 Sq. Ft.
LOT 18	10,018 Sq. Ft.
LOT 19	10,572 Sq. Ft.
LOT 20	10,153 Sq. Ft.
LOT 21	10,026 Sq. Ft.
LOT 22	10,741 Sq. Ft.
LOT 23	10,892 Sq. Ft.
LOT 24	11,184 Sq. Ft.
LOT 25	10,044 Sq. Ft.
LOT 26	10,092 Sq. Ft.
LOT 27	10,036 Sq. Ft.
LOT 28	20,886 Sq. Ft.
LOT 29	10,041 Sq. Ft.
LOT 30	10,437 Sq. Ft.
LOT 31	10,004 Sq. Ft.
LOT 32	12,555 Sq. Ft.
LOT 33	11,652 Sq. Ft.
LOT 34	19,766 Sq. Ft.
LOT 35	10,037 Sq. Ft.
LOT 36	10,098 Sq. Ft.
LOT 37	10,102 Sq. Ft.
LOT 38	10,044 Sq. Ft.
LOT 39	10,006 Sq. Ft.
LOT 40	10,030 Sq. Ft.
LOT 41	10,006 Sq. Ft.

SW Ironwood Ln. right-of-way	38 Sq. Ft.
Public Street right-of-way	64,223 Sq. Ft.
Public Street #2 right-of-way	4,411 Sq. Ft.
Future St. right-of-way	6,033 Sq. Ft.
Tract A usable open space	11,132 Sq. Ft.
Tract B water quality	27,899 Sq. Ft.
Tract C usable open space	61,292 Sq. Ft.
Tract D private street	7,581 Sq. Ft.
Tract E private street	5,214 Sq. Ft.
Tract F private street	6,164 Sq. Ft.
<u>Tract G Usable Open Space</u>	<u>7,743 Sq. Ft.</u>
Gross Square Footage =	656,580 Sq. Ft.

Deductions from Gross Square Footage:

Right-of-way (SW Ironwood Ln, Public St. 1 & 2, and Future ROW) =	74,705 Sq. Ft.
Private Streets (Tracts D - F) =	18,960 Sq. Ft.
<u>Water quality tract (Tract B) =</u>	<u>27,899 Sq. Ft.</u>
Total =	121,564 Sq. Ft in Deductions

Gross Square Footage	656,580 Sq. Ft.
<u>-Deductions</u>	<u>121,564 Sq. Ft</u>
Net Square Footage =	535,016 Sq. Ft. or 12.28 Net Acres

In this case, there are 12.28 net buildable acres because of right-of-way dedication and water quality tract areas are all excluded in the overall calculation of net buildable acreage. Calculating net density under the special density allowance of four (4) units per acre provides for up to 49 units (12.28 net acres x 4 units = 49.12). Tracts A, B, C, D, E, F, and G are not developable due to the irregular shape of the subject parcel, the requirement of open space and the requirement for a water quality treatment area.

## **2. Density Transfer**

**RESPONSE:** No density transfers are proposed, nor are they allowed under Section 16.12.010.A.3.

## **3. Minimum Lot Size**

**RESPONSE:** The minimum lot size of the underlying zoning district of VLDR is 10,000 square feet when in a PUD. All proposed lots are 10,000 square feet or greater in size.

### **Division III**

### **ADMINISTRATIVE PROCEDURES**

**Chapter 16.70 GENERAL PROVISIONS****16.70.010 – Pre-Application Conference**

**RESPONSE:** A pre-application conference for this project was held on January 23, 2020. The planning staff contacts at the meeting were Erika Palmer, Joy Chang, and Eric Rutledge. A copy of the notes from the pre-application conference have been included in this submittal package.

**16.70.020 – Neighborhood Meeting**

**RESPONSE:** Neighborhood Meetings for this project were held on February 11, 2020 and June 2, 2020. The Neighborhood Meeting Sign-in Sheets, the Affidavits of Mailing and a summary of the meeting notes have been included with this application packet.

**16.70.030 – Application Requirements****A. Form**

**RESPONSE:** The required Application for Land Use Action has been obtained from the City and is herewith included in this submittal. The original signatures of the property owner/legal representative/applicant are contained on the submitted application.

**B. Copies**

**RESPONSE:** This application package includes one complete electronic copy of the full application packet via a CD, and three complete application packet sets. Additional required copies will be submitted when the application is deemed complete by City staff.

**C. Content**

**RESPONSE:** The appropriate fee check for the application has been submitted with this application package. The required Neighborhood Meeting materials are included as an attachment to this package. A Tax Map obtained from the Washington County Assessor's website is attached and also included with the submittal are the following items: three sets of mailing labels for property owners of record within 1,000 of the subject site; a Vicinity Map which is depicted on the Existing Conditions Map; the narrative; three copies of a current preliminary title report; the Existing Conditions Map identified as Sheet 2 of the plan drawing set; and the Preliminary Plat identified as Sheet 3, CWS Service Provider Letters, as well as a geotechnical report for the site. Lastly, the



applicant has been working with the DEQ on the Remedial Action Work Plan addressing the environmental clean-up of the site. Although this Work Plan has not yet been 100% signed off on by DEQ, the applicant is working very closely with DEQ and it is believed that DEQ sign off is eminent.

**DIVISION IV                    PLANNING PROCEDURES**

<b>Chapter 16.80</b>	<b>PLAN AMENDMENTS</b>
<b>Chapter 16.82</b>	<b>CONDITIONAL USES</b>
<b>Chapter 16.84</b>	<b>VARIANCES</b>
<b>Chapter 16.86</b>	<b>TEMPORARY USES</b>

**RESPONSE:** This application is not requesting any plan amendments, conditional uses, temporary uses or variances. A modification from the required 20-foot front and street side setback to 15 feet and 10 feet, respectively, is being requested through the planned unit development process.

**DIVISION V                    COMMUNITY DESIGN**

**Chapter 16.90                SITE PLANNING**

**16.90.020 – Site Plan Review**

**A. Site Plan Review Required**

***Site Plan review is required prior to any substantial change to a site or use that does not meet the criteria of a minor or major modification, issuance of buildings permits for a new building or structure...***

**RESPONSE:** This application is for approval of a new Subdivision/Planned Unit Development which will divide the existing site into eleven lots, thus representing a substantial change to the subject property and therefore requiring Site Plan Review.

**D. Required Findings**

***No site plan approval will be granted unless each of the following is found:***

- 1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.***

**RESPONSE:** Divisions I through IX of the Code, as applicable, have been addressed throughout this narrative under the appropriate division, chapter and section headings.

- 2. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.**

**RESPONSE:** Water, sewer and storm lines will be extended through the site via the proposed public street, and/or increased in size as necessary, to accommodate the forty-one (41) new residential building lots. Power and communications lines will also be extended from what is existing to the residential building lots. Sheet 7 identifies proposed utility lines for the project. The site is currently served by the City's public safety agencies, which will continue to serve the eleven new detached dwellings. The development is proposing landscaped open space for use by the future residents. The Preliminary Plat (Sheet 3) illustrates these areas and Sheets 9 and 10 provide the landscaping plan and details for the open space areas. Solid waste and recyclable items will be disposed of in individual residential bins that will be rolled to the curbside of the proposed public street for weekly removal by the local waste and recycling service.

- 3. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.**

**RESPONSE:** The new residential building lots will be owned and maintained by individual homeowners. The extension of the new public street to and through the site will be dedicated as right-of-way to be maintained by the City. Tracts A, C and G within the development will be dedicated to the homeowners' association for maintenance, preservation and management. The water quality tract (i.e. Tract B) and will be dedicated to the City for ownership and maintenance. Detailed CC&R's will be provided with the Final Development Plan review.

- 4. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code.**

**RESPONSE:** The subject property does not contain any significant natural features, such as natural drainage ways, wetland, or environmentally sensitive land, requiring preservation. With that being said, the applicant will be preserving, to the extent possible, existing pine trees and vegetation within Tracts A and C. Existing vegetation and trees elsewhere on the subject site, outside of Tracts A and C, will be removed as necessary to accommodate infrastructure development and construction of the new houses and driveways.

5. ***For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.***

**RESPONSE:** The proposed development of forty-one (41) single-family residential building lots will not generate more than 400 average daily trips because two (2) of the proposed lots will contain the existing dwellings, thus a traffic impact analysis is not required and one has not been provided.

6. ***The proposed commercial, multi-family, institutional or mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards include the following:***

**RESPONSE:** These standards are not applicable as the project is not commercial, multi-family, institutional or mixed used. Rather, the proposed project is for single-family residential detached dwellings.

## **Chapter 16.92 LANDSCAPING**

### **16.92.010 – Landscaping Plan Required**

**RESPONSE:** This development requires a site plan, and thus a landscaping plan is also required pursuant to Section 16.92.010. The required Landscaping Plan has been included as Sheets 10 and 11 of the submitted plan set.

### **16.92.20 – Landscaping Materials**

#### **A. Type of Landscaping**

***Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this Chapter. Plants may be selected from the City’s “Suggested Plant Lists for Required Landscaping Manual” or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.***

#### **1. Ground Cover Plants**

- a. ***All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.***

- b. Ground cover plants other than grasses must be at least four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.**

**RESPONSE:** Sheet 15 shows all proposed landscaped area as being covered with a combination of trees, shrubs, grasses, groundcovers and lawn. Mulch is not being used as a substitute for ground cover. As noted on Sheet 15, ground cover plants are either 4" pots at 12" on center or one-gallon pots at two feet on center. The ground cover requirements have been met with the proposed plan. It has been noted on Sheet 15 that selected ground cover will be planted at a density to cover the entire intended area within three years of planting.

## **2. Shrubs**

- a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.**
- b. Shrubs must be at least the one-gallon container size at the time of planting.**

**RESPONSE:** Sheet 15 shows a variety of shrubs to be planted on the site in the proposed landscaped areas. Shrubs at time of planting range in size from two-gallon to five-gallon pots, all of which exceed the minimum planting requirement stated in the Code. It has been noted on Sheet 15 that all shrubs will be at full-growth within three years of planting.

## **3. Trees**

- a. Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.**
- b. Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.**

**RESPONSE:** Sheet 15 shows a variety of trees to be planted on the site. The proposed trees range in height at time of planting from between six feet to 12 feet with calipers ranging between two inches to three inches. All trees will be fully branched at the time of planting, which has been noted on Sheet 15.

## **B. Plant Material Selection and Preparation**

- 1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.**
- 2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required,**

**spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.**

**RESPONSE:** Plants shown on the submitted plan have been selected appropriate to the site based upon hardiness, exposure to the elements and slope and contours of the site. Notes indicate that all planting areas will have a minimum of 6" workable topsoil and to fill as necessary; to amend all topsoil with 2" of compost; and to spread at a minimum two-inch depth aged compost mulch in all planted areas.

### **C. Existing Vegetation**

- 1. All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per this section shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Review Authority, in addition to complying with the provisions of Section 16.142 (Parks, Trees and Open Space) and Chapter 16.144 (Wetland, Habitat, and Natural Resources).**
- 2. Existing vegetation, except those plants on the Nuisance Plants list as identified in the "Suggested Plant Lists for Required Landscaping Manual" may be used to meet the landscape standards, if protected and maintained during the construction phase of the development.**
  - a. If existing trees are used, each tree six (6) inches or less in diameter counts as one (1) medium tree.**
  - b. Each tree that is more than six (6) inches and up to nine (9) inches in diameter counts as two (2) medium trees.**
  - c. Each additional three (3) inch diameter increment above nine (9) inches counts as an additional medium tree.**

**RESPONSE:** Existing trees and vegetation are shown on Sheet 2 of the submitted plan set. None of the existing trees and vegetation are being used to meet the landscape standards. Tract A will preserve some existing trees and all existing trees and vegetation within Tract C will remain undisturbed and preserved.

### **D. Non-Vegetative Features**

- 1. Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas.**
- 2. Impervious paving shall not be counted toward the minimum landscaping requirements unless adjacent to at least one (1) landscape strip and serves as a pedestrian pathway.**
- 3. Artificial plants are prohibited in any required landscaped area.**

**RESPONSE:** Artificial plants are not proposed. The only impervious paving in the landscaping area will be the proposed pedestrian pathways which have been

counted toward the minimum landscaping requirement since they are adjacent to landscaping strips and serve as pedestrian pathways within Tract C.

### **16.92.30 – Site Area Landscaping and Perimeter Screening Standards**

**RESPONSE:** This project does not have any perimeter screening and buffering requirements as it is a residential zone surrounded by other residential zones. No parking lots are being provided as part of this single-family residential subdivision, so parking area landscaping requirements are not applicable. There will be no centralized waste and recycling bin storage areas so enclosures, screening or landscaping for such areas is not applicable.

### **16.92.040 – Installation and Maintenance Standards**

#### **A. Installation**

**All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.**

#### **B. Maintenance and Mitigation of Landscaped Areas**

- 1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portion of the property not being developed.**
- 2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.**
- 3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with...**

**RESPONSE:** The homeowners' association will be responsible for maintenance and preservation of the landscaped areas contained within Tracts A, C, and G. Landscaping on individual lots will be the responsibility of the individual lot owner.

#### **C. Irrigation**

**The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas must provide an irrigation system, as stated in Option 1, 2, or 3.**

- 1. Option 1: A permanent built-in irrigation system with an automatic controller installed.**
- 2. Option 2: An irrigation system designed and certified by a licensed landscape architect or other qualified professional as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The system does not have to be permanent if the plants chosen can survive independently once established.**
- 3. Option 3: Irrigation by hand.**

**RESPONSE:** Landscaped areas within the tracts shall be equipped with an irrigation system.

**D. Deferral of Improvements**

**Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to one hundred twenty-five (125) percent of the cost of the landscaping is filed with the City...**

**RESPONSE:** The applicant intends to install all landscaping prior to issuance of occupancy permits. Should this become impossible due to plant availability and/or weather, the required security will be filed with the City in accordance with the Code.

**Chapter 16.94 OFF-STREET PARKING AND LOADING**

**RESPONSE:** The proposed development is for forty-one (41) single-family residential detached dwellings. No multi-family or attached housing is proposed. No commercial, institutional or industrial uses are proposed. No surface parking lots are proposed. All off-street parking requirements for individual dwellings will be met through the individual driveway on each lot. Each lot's driveway will provide the one required off-street parking space as noted in Table 1 of Chapter 16.94. Driveways will be completed as part of the building permit process for each house. Bicycle parking is not required for single-family detached dwellings.

**Chapter 16.96 ON-SITE CIRCULATION**

**RESPONSE:** The Cover Sheet, which is Sheet 1 of the submitted plan set, shows a complete on-site circulation system. Public sidewalks for pedestrian circulation are being installed on both sides of the proposed public street and along the north side of SW Ironwood Land. In addition, a pedestrian connection will be made in Tract A to link with the open space in the Denali Meadows subdivision, as well as a pedestrian easement between Tracts E and F to provided connectivity along the northern boundary of the site.

The proposed public street will be extended through the subject property as part of this development and stubbed at the northern boundary of the site in order to provide for a future connection to the future right-of-way along the northern boundary when adjacent parcels redevelop. In this way, vehicular connectivity and circulation will be provided for the area and will meet the requirements of the SE Sherwood Master Plan.

**Chapter 16.98 ON-SITE STORAGE**

**RESPONSE:** There will be no material storage or hazardous materials stored as part of the proposed development. No outdoor storage areas for either equipment or recreational vehicles are proposed as part of the overall development either. Should individual property owners wish to store recreational vehicles on their individual lots, applicable and appropriate permits would be obtained by individual lot owners as necessary. Common trash enclosures are not proposed as each house will utilize residential trash and recycling bins and will roll them to the curb each week for weekly disposal. No outdoor sales, food vendors, etc. will be allowed to set up displays or merchandise in the development.

**Chapter 16.100 PERMANENT SIGNS**

**RESPONSE:** No permanent signage is proposed as part of this application.

**DIVISION VI PUBLIC INFRASTRUCTURE**

**Chapter 16.106 TRANSPORTATION FACILITIES**

**RESPONSE:** The site currently has frontage along SW Ironwood Ln. The proposed PUD has been designed to take access from SW Ironwood Ln. Required improvements will be made to SW Ironwood Ln. along the site's frontages, which will improve pedestrian access and provide better visibility along the corridor. The proposed development will ultimately connect with SW Ironwood Ln. to the south, as well as a future public street to the north when parcels to the north redevelop. With the develop of the parcels north of the site, the full transportation system envisioned with the SE Sherwood Master Plan will be realized. Street lighting will be installed as necessary to meet current city standards. Sheets 5 and 6 of the submitted plan set shows the proposed improvements to SW Ironwood Ln., as well as the design of the new north/south public street.

**16.106.040 - Design**

**N. Private Streets**

- 1. The construction of a private street serving a single-family residential development is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).**
- 2. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan.**



3. ***A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.***
4. ***A private street shall also be signed differently from public streets and include the words "Private Street".***

**RESPONSE:** As part of this PUD proposal, the Applicant is proposing three (3) short private streets (i.e. Tracts D, E, and F). Through the PUD process, the Applicant is requesting a design modification to allow for up to six (6) lots to be served by a private street. These short private streets are necessary due to the sloping and rocky topography of the site.

The proposed private streets will be owned and maintained by the Homeowners Association (HOA) and recorded as Tracts on the final plat. In addition, the proposed private streets will be distinguished from the public street by being narrower in width, signed differently, and include the words "Private Street", as required by the above criterion. Lastly, "No Parking" signs will be included on one side of each proposed private street in order to maintain a travel land for emergency vehicles.

#### **Chapter 16.110      SANITARY SEWERS**

**RESPONSE:** Sheet 13 shows a proposed sanitary sewer main to be constructed within the extension of the new public street. It will connect to an existing sewer manhole in SW Ironwood Lane. Each of the lots will have an individual sewer lateral connecting from the proposed sewer main in the new public street.

#### **Chapter 16.112      WATER SUPPLY**

**RESPONSE:** Currently an eight-inch diameter public water main exists within SW Ironwood Land adjacent to the southern edge of the subject property. Interconnection of the existing water main line and those extended into the development will take place as part of this development. The proposed interconnection is shown on Sheet 8 of the submitted plan set along with individual water meters to each of the new lots.

#### **Chapter 16.114      STORM WATER**

**RESPONSE:** Sheet 13 of the submitted plan set shows a proposed water quality facility along the southeastern edge of the development. The proposed water quality facility will be built to Clean Water Services standards. All required water quality manholes will be installed to Clean Water Services standards. A new storm drain line will be installed

in the proposed public street as part of its extension and will connect with the existing storm manholes located in the surrounding area. All storm laterals for the individual lots will connect to the new storm lines, which will in turn connect with the proposed water quality tract.

**Chapter 16.116 FIRE PROTECTION**

**RESPONSE:** Sheet 13 of the submitted plan set shows the installation of three (3) new fire hydrants along the proposed public street. One hydrant will be located at the intersection of SW Ironwood Ln. and the new public street, one at the bend in the street between Lots 12 and 13, and one at the north end of the project between Lots 6 and 7. The proposed fire hydrant locations will provide a water supply for fire protection within 500 feet of all proposed residential structures within the development.

**Chapter 16.118 PUBLIC AND PRIVATE UTILITIES**

**RESPONSE:** All applicable utility lines will be extended from their existing locations on the subject property, adjacent to the subject property or in existing or proposed right-of-way to each of the new residential lots. An eight-foot wide public utilities easement is provided along the front line of each proposed lot and is depicted on Sheet 3. No private utilities easements are proposed.

**Division VII LAND DIVISIONS, SUBDIVISION, PARTITIONS, LOT LINE...**

**Chapter 16.120 SUBDIVISIONS**

**16.120.020 – General Subdivision Provisions**

- A. Approval of a subdivision occurs through a two-step process: the preliminary plat and the final plat.**
  - 1. The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and**
  - 2. The final plat shall reflect all conditions of approval of the preliminary plat.**
- B. All subdivision proposals shall conform to all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.**
- C. Future re-division**  
**When subdividing tracts into large lots, the Approval Authority shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this Division.**
- D. Future Partitioning**  
**When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to**

**allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.**

**E. Lot averaging**

**Lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district subject to the following regulations:**

- 1. The average lot area for all lots is not less than allowed by the underlying zoning district.**
- 2. No lot created under this provision shall be less than 90% of the minimum lot size allowed in the underlying zoning district.**
- 3. The maximum lot size cannot be greater than 10% of the minimum lot size.**

**F. Required Setbacks**

**All required building setback lines as established by this Code, shall be shown in the preliminary subdivision plat.**

**G. Property Sales**

**No property shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to this Code.**

**RESPONSE:** This application represents the applicant's request for preliminary plat approval. The applicant acknowledges that the final plat will reflect all conditions of approval of this preliminary plat. The licensed land surveyor who will prepare the final plat will ensure that it conforms to all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions. None of the lots are large enough to be re-divided or partitioned since the minimum lot size is 40,000 square feet without a planned unit development. Lot averaging is not applicable as all lots meet the minimum lot size of 10,000 square feet in a planned unit development. Yard setbacks are stated in this narrative and are also illustrated on each of the lots on all applicable plan sheets. None of the proposed lots will be disposed of, transferred or sold until required subdivision approvals have been obtained.

**16.120.030 – Approval Procedure-Preliminary Plat**

**A. Approval Authority**

- 1. The approving authority for preliminary and final plats of subdivisions shall be in accordance with Section 16.72.010 of this Code.**
  - a. A subdivision application for 4-10 lots will follow a Type II review process.**
  - b. A subdivision application for 11-50 lots will follow a Type III review process.**
  - c. A subdivision application for over 50 lots will follow a Type IV review process.**

**RESPONSE:** The proposal is for forty-one lots; therefore, the subdivision application is being processed as a Type III review.

2. **Approval of subdivisions is required in accordance with this Code before a plat for any such subdivision may be filed or recorded with County. Appeals to a decision may be filed pursuant to Chapter 16.76**

**RESPONSE:** Preliminary plat approval shall be received prior to proceeding to the filing or recording of the final plat.

**B. Phased Development**

1. **The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat.**
2. **The criteria for approving a phased subdivision review proposal are**
3. **The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.**

**RESPONSE:** No phasing is proposed for this forty-one lot development. The subdivision is proposed to be developed in one phase.

**16.120.40 – Approval Criteria: Preliminary Plat**

- 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.**

**RESPONSE:** Sheets 5, 6 and 7 of the submitted plan set show the street plan, profile and section for SW Ironwood Ln. and the proposed new public street, respectively. The plan, profile and section for each of these, as illustrated, conforms to the required City widths, alignments, grades and other standards.

- 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.**

**RESPONSE:** Three private streets are proposed as part of this application in Tracts D, E, and F. This has been noted on the submitted plan set.

- 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).**

**RESPONSE:** As previously stated in this narrative, the subject property is in the VLDR zoning district. The zoning district standards were addressed at the beginning of this

narrative. The remainder of this narrative addresses the applicable provisions of Divisions IV, VI, VIII and IX as well as showing compliance with Chapter 16.128.

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

**RESPONSE:** Water and sewer will be provided to each lot via water and sewer mains in the proposed private street. Sheet 13 of the submitted plan set shows sewer, water and storm for each lot as well as identifying proposed locations for water meters. Other public utility lines will be run through the identified public utility easements as necessary.

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

**RESPONSE:** The property owner of the subject parcel does not own any additional, contiguous property.

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

**RESPONSE:** The proposed north/south public street will provide for the future development of adjoining lands to the north consistent with the SE Sherwood Master Plan. Sheet 14 of the submitted plan set shows an aerial photo with a redevelopment plan for the parcel located immediately east of the subject site.

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

**RESPONSE:** Sheet 2 shows existing trees and vegetation. A mature grove of pine trees and vegetation located within Tract A will remain undisturbed and preserved as part of the PUD.

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

**Response:** Sheet 3 of the submitted plan set is the Preliminary Plat. Each lot is clearly numbered, and the setbacks are shown on each lot. The proposed right-of-way dedication along SW Ironwood Ln. is shown as well as the right-of-way dedication for the new public street. An eight-foot wide public utility easement is shown along the frontage of each lot.

- I. A minimum of five percent (5%) open space has been provided per Section 16.44.010.B.8 (Townhome-Standards) or Section 16.142.030 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.***

**RESPONSE:** This application is for a PUD which requires a minimum of 15% open space. For this project that equates to 67,506 square feet of open space which has been exceeded as has been previously discussed in this narrative.

## **Chapter 16.128 LAND DIVISION DESIGN STANDARDS**

### **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...***

##### **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.**

**RESPONSE:** The proposed development consists of a single block, that being the proposed new north/south public street. The extension of the proposed public street from the south to the north will allow for it to connect with SW Ironwood Ln. to the south and a future public street to the north when properties to the north redevelop. Additionally, Tracts C, E, and F will provide connectivity links for pedestrians to help minimize out of distance travel when traveling to the west. Specifically, Tract C will have a pedestrian trail that connects with the open space and trails in the recently approved Denali Meadows PUD. This will allow pedestrians to have convenient access to SW Murdock Road without having to walk down to SW Ironwood Ln. before being able to travel to the west. The proposed pedestrian connections will provide a mid-block pedestrian connection to SW Murdock Road.

With the proposed pedestrian connections in the open space (i.e. Tract A) and private streets (i.e. Tracts E and F), the block length between these connections is approximately 728+/- feet long along the propose new public street. The pedestrian connection created between the private streets (i.e. Tracts E and F) is approximately 560 feet in length. The block length created by the pedestrian connections in the open space (i.e. Tract A) is approximately 238 feet in length. Lastly, the block length along SW Ironwood Ln. between the new proposed public street and the new public street

being constructed in the Denali Meadows PUD is approximately 530+/- feet in length. Because some of the proposed block lengths exceed the minimum block length of 530 feet, the Applicant is seeking approval of a Design Modification through the PUD process for the proposed block lengths. The increased block lengths are necessary due to the sites undulating topography, retention of the existing dwellings on both parcels, and the sites rocky terrain.

Sidewalks are being provided on both sides of the proposed public street, as well as along the north side of SW Ironwood Lane. A soft trail (i.e. wood chip) will be provided in Tract A, and a paved pedestrian connection will be made between Tracts E and F. Bollards will be placed in Tracts E and F to prevent motor vehicles from using the pedestrian connections.

- 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.***

**RESPONSE:** An eight-foot wide public utility easement is being provided along the front of each of the lots.

**C. *Drainages***

***Where a subdivision is traversed by a watercourse...***

**RESPONSE:** The subject property does not contain any watercourses.

**16.128.020 – *Pedestrian and Bicycle Ways***

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

**RESPONSE:** The proposed development does not contain any cul-de-sacs or any unusually long or oddly shaped blocks. Additionally, sidewalks and asphalt-paved pathways are being provided throughout the development as explained previously in this narrative to provide pedestrian and bicycle connectivity.

**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...***

**B. Access**

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

**C. Double Frontage**

*Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads...*

**D. Side Lot Lines.** *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.***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 ½) feet horizontally to one (1) foot vertically.*
- 2. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.*

**RESPONSE:** The lots have been designed to comply with the lot size requirements of the underlying zoning district. Except for lots 1, 2, 28 – 34, and 39 – 41, which will have frontage on the private streets located in Tracts D, E, and F, all lots front the proposed public street or the public street in Denali Meadows. Except for Lot 30, which will have frontage on Tracts D and E, the development does not contain any double frontage or reversed frontage lots. To the extent practicable, the side lots lines run at right angles to proposed public street in all instances. Cut and fill slopes do not exceed the Code standards for the building sites as shown on Sheet 4.

**Division VIII ENVIRONMENTAL RESOURCES****Chapter 16.134 FLOODPLAIN (FP) OVERLAY**

**RESPONSE:** The subject property is not in a floodplain overlay.

**Chapter 16.138 MINERAL RESOURCES**

**RESPONSE:** This application does not propose any mineral resource activities, just single-family residential dwellings.

**Chapter 16.140 SOLID WASTE FACILITIES**

This application is not for any type of solid waste facility.

**Chapter 16.142 PARKS, TREES AND OPEN SPACES****16.142.30 – 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.**

**RESPONSE:** Tracts A, C, and G provided the required usable open space, neither of which are required sensitive areas or buffers. The site does not contain any required visual corridors. Neither of the open space tracts include any required yards or setbacks. Landscaping is shown on either side of the path to provide an attractive and comfortable walking experience for residents of the area. Tract C will provide a quiet and meditative resting area for residents of the area.

- 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.**

**RESPONSE:** The project is not proposing any enhanced streetscapes.

- 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...**
  - 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.**

**RESPONSE:** The open space Tracts A, C, and G will be conveyed by conveying title to a homeowners’ association that will be established as part of this project, with the City retaining the development rights to the open space. The terms of the title conveyance will include provisions for maintenance and property tax payment suitable to the City. Tract B will be conveyed 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.**

**RESPONSE:** Chapter 16.10 of the Code defines density as “the intensity of residential land uses per acre, stated as the number of dwelling units per net buildable acre. Net buildable acre means an area measuring 43,560 square feet after excluding present and future rights-of-way and environmentally constrained areas.” Net buildable acre is further defined separately as “an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses.” The subject property has an underlying zoning district of VLDR which is unique in that there is a special density allowance permitting a greater density (two units) that what would be allowed in the underlying zoning designation (one unit) if the applicant requests development as a planned unit development.

It is even further unique in that property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four dwelling units per net buildable acre. The effect of the special density allowance, using the SE Sherwood Master Plan, grants four units per acre rather than the underlying zoning density of up to one unit per acre.

The gross and net square footages are shown below.

LOT 1	12,475 Sq. Ft.
LOT 2	10,024 Sq. Ft.
LOT 3	10,248 Sq. Ft.
LOT 4	10,058 Sq. Ft.
LOT 5	13,229 Sq. Ft.
LOT 6	11,278 Sq. Ft.
LOT 7	10,176 Sq. Ft.
LOT 8	10,221 Sq. Ft.
LOT 9	10,221 Sq. Ft.
LOT 10	10,242 Sq. Ft.
LOT 11	13,673 Sq. Ft.
LOT 12	11,420 Sq. Ft.
LOT 13	10,097 Sq. Ft.
LOT 14	10,275 Sq. Ft.
LOT 15	10,275 Sq. Ft.
LOT 16	11,061 Sq. Ft.
LOT 17	10,454 Sq. Ft.

LOT 18	10,018 Sq. Ft.
LOT 19	10,572 Sq. Ft.
LOT 20	10,153 Sq. Ft.
LOT 21	10,026 Sq. Ft.
LOT 22	10,741 Sq. Ft.
LOT 23	10,892 Sq. Ft.
LOT 24	11,184 Sq. Ft.
LOT 25	10,044 Sq. Ft.
LOT 26	10,092 Sq. Ft.
LOT 27	10,036 Sq. Ft.
LOT 28	20,886 Sq. Ft.
LOT 29	10,041 Sq. Ft.
LOT 30	10,437 Sq. Ft.
LOT 31	10,004 Sq. Ft.
LOT 32	12,555 Sq. Ft.
LOT 33	11,652 Sq. Ft.
LOT 34	19,766 Sq. Ft.
LOT 35	10,037 Sq. Ft.
LOT 36	10,098 Sq. Ft.
LOT 37	10,102 Sq. Ft.
LOT 38	10,044 Sq. Ft.
LOT 39	10,006 Sq. Ft.
LOT 40	10,030 Sq. Ft.
LOT 41	10,006 Sq. Ft.
SW Ironwood Ln. right-of-way	38 Sq. Ft.
Public Street right-of-way	64,223 Sq. Ft.
Public Street #2 right-of-way	4,411 Sq. Ft.
Future St. right-of-way	6,033 Sq. Ft.
Tract A usable open space	11,132 Sq. Ft.
Tract B water quality	27,899 Sq. Ft.
Tract C usable open space	61,292 Sq. Ft.
Tract D private street	7,581 Sq. Ft.
Tract E private street	5,214 Sq. Ft.
Tract F private street	6,164 Sq. Ft.
<u>Tract G Usable Open Space</u>	<u>7,743 Sq. Ft.</u>
Gross Square Footage =	656,580 Sq. Ft.

Deductions from Gross Square Footage:

Right-of-way (SW Ironwood Ln, Public St. 1 & 2, and Future ROW) =	74,705 Sq. Ft.
Private Streets (Tracts D - F) =	18,960 Sq. Ft.
Water quality tract (Tract B) =	27,899 Sq. Ft.

Total =	121,564 Sq. Ft in Deductions
Gross Square Footage	656,580 Sq. Ft.
-Deductions	<u>121,564 Sq. Ft</u>
Net Square Footage =	535,016 Sq. Ft. or 12.28 Net Acres

In this case, there are 12.28 net buildable acres because of right-of-way dedication and the water quality tract areas are all excluded in the overall calculation of net buildable acreage. Calculating net density under the special density allowance of four (4) units per acre provides for up to 49 units (12.28 net acres x 4 units = 49.12). Tracts A, B, C, D, E, F, and G are not developable due to the irregular shape of the subject parcel, the requirement of open space and the requirement for a water quality treatment area.

**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.**

**RESPONSE:** The subject site does not contain, nor is it adjacent to, any areas identified as “parks” on the Acquisition Map or the Sherwood Parks and Recreation Board. This standard, therefore, does not apply to this development.

**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.**

**RESPONSE:** The applicant does not elect to convey off-site park/open space as part of this project.

**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.**

**RESPONSE:** The proposed project is for a one-phase subdivision consisting of eleven lots.

**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 Recreations System Development Methodology Report.**

**RESPONSE:** The applicant will apply any eligible or available SDCs credits resulting from this development at the time of building permit applications.

#### **16.142.040 – Visual Corridors**

**RESPONSE:** The subject site, while located outside of the Old Town Overlay, does have minimum frontage on an arterial street designated on Figure 8-1 of the Transportation System Plan (i.e. SW Murdock Road). All requirements for an arterial street will be observed as part of the development of the PUD. A portion of the sites frontage along SW Murdock Rd. will be dedicated as public right-of-way for the future extension of Upper Roy, and a 15-foot landscaped visual corridor will not be provided as required by the City's development code since right-of-way will be dedicated.

#### **16.142.050 – Park Reservation**

**RESPONSE:** The subject property is not part of any area designated on the Natural Resources and Recreation Plan Map; therefore, this subsection is not applicable to this application.

#### **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 approval. The City shall be subject to the same...**

- 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.**

**RESPONSE:** Required street trees will be planted within the newly installed planter strips for both SW Ironwood Ln. and the proposed new public street within the development. Sheet 16 also show the required street trees.

- 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.**

**RESPONSE:** As noted on Sheet 16 the street trees shall have a minimum trunk diameter of two caliper inches, measured six inches above the soil line, and a minimum height of six 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.**

**RESPONSE:** Two different street trees from those listed in 16.142.080 of the Code will be planted alternately in the planter strips along both the east side of SW Murdock Rd. and along both sides of the proposed north/south public street.

**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.**

**RESPONSE:** Sheet 16 of the submitted plan set shows the proposed planting of one street tree, spaced every 40 feet, in the planter strips along the north side of SW Ironwood Ln. and along both sides of the proposed north/south public street.

**B. Removal and Replacement of Street Trees**

**RESPONSE:** There will be no removal of any existing Street Trees as part of this project.

### 16.142.070 – Trees on Property Subject to Certain Land Use Applications

#### A. Generally

*The purpose of this Section is to establish...*

#### 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.**

**RESPONSE:** This application includes a Type II subdivision land use review. All existing trees and vegetation will remain to the extent possible, noting that areas disturbed for infrastructure development and construction of houses and driveways will need to be cleared of existing vegetation and trees.

Section 16.142.070.D.2 requires that 40% of the property be covered in tree canopy. The gross acreage is 15.07 acres (656,580 Sq. Ft.) which yields 6.02 acres (262,632 sq. ft.) of tree canopy. The project will be planting over 50 street trees, preserving existing mature pine trees in open space areas, and providing new landscaping in the open space areas consistent with the requirements for open space. A detailed landscape plan will be submitted with the Final Development Plan demonstrating compliance with this criterion.

**Total Mature Canopy: 103,699 square feet**

### Chapter 16.144 WETLAND, HABITAT AND NATURAL AREAS

#### 16.144.020 - Standards

**RESPONSE:** Pursuant to the City's Wetland Inventory, the Comprehensive Plan Natural Resource Inventory, and the Regionally Significant Fish and Wildlife Habitat Area map adopted by Metro, the subject site does not contain any wetlands, but does have some upland habitat along the sites northern and eastern property boundaries. This designation is due to the location of the Tualatin River National Wildlife Refuge, which is located east of the site outside of the City Limits. The properties that are located inside of the City Limits, including the subject site, that abut the Tualatin River National Wildlife Refuge had all significant vegetation removed due to urbanization. As such, there is no existing habitat required for preservation as part of this development request (see Google aerial photo from 5/8/2019 below for addition detail). As can be seen in the

image below, all significant vegetation has been removed from the sites northern and eastern property boundaries; therefore, no upland habitat is present on the property. Nevertheless, it's important to note that the eastern most portion of the site is proposed to be preserved as open space that will be enhanced with numerous tree plantings to meet the 40% tree canopy requirement, which will help to improve lost habitat.



**Chapter 16.148 VIBRATIONS**

**Chapter 16.150 AIR QUALITY**

**Chapter 16.152 ODORS**

**RESPONSE:** The proposal is for thirty-nine (39) new single-family residential building lots for future detached dwellings and two (2) lots for the existing dwellings. No commercial, industrial or manufacturing uses are being proposed that would generate any vibrations, issues with air quality or odors. These portion of the Code, therefore, are not applicable to this application.

**Chapter 16.154 HEAT AND GLARE**

**16.154.010 – Generally**

***Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall***




***not cause glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.***

**RESPONSE:** This proposal is not for any commercial, industrial or institutional use. Rather, it's a residential development, and as such, all new lighting will be conducive to residential living, therefore not causing any glare or excessive shining to either the site itself or adjoining properties. No exterior lighting is proposed except streetlights along the proposed public street and SW Ironwood Ln., as required by City and which will meet City standards for lighting. Any other exterior lighting will be standard residential exterior light fixtures that will be placed on the exterior of the houses during the construction process and will be reviewed for compliance during the building permit process.

**DIVISION IX                      HISTORIC RESOURCES**

**RESPONSE:** The subject property is not within a special resource zone. The subject property is not within the Old Town Overlay District. The subject property does not contain any historic or cultural landmarks or landmark designations. Therefore, the provisions of Division IX are not applicable to this application.

 <p>City of <b>Sherwood</b> Oregon</p> <p><small>Home of the Tualatin River National Wildlife Refuge</small></p>	<p>22560 SW Pine Street Sherwood, Oregon 97140 Ph: 503-625-5522 Fax: 503-625-5524 WebSite: <a href="http://www.sherwoodoregon.gov">www.sherwoodoregon.gov</a></p>
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## **Memorandum**

**Date:** July 23, 2020

**Project:** Denali Summit

**To:** Bob Galati, P.E.

**From:** Craig Christensen, P.E.

**Topic:** Design Modification Request for Intersection Spacing between Tracts C and F

Due to limited traffic that these tracts will generate and that the local street that they connect to will be a low traffic street and due to the development conditions stated by the engineer in the Design Modification Request, I recommend approval of this request.

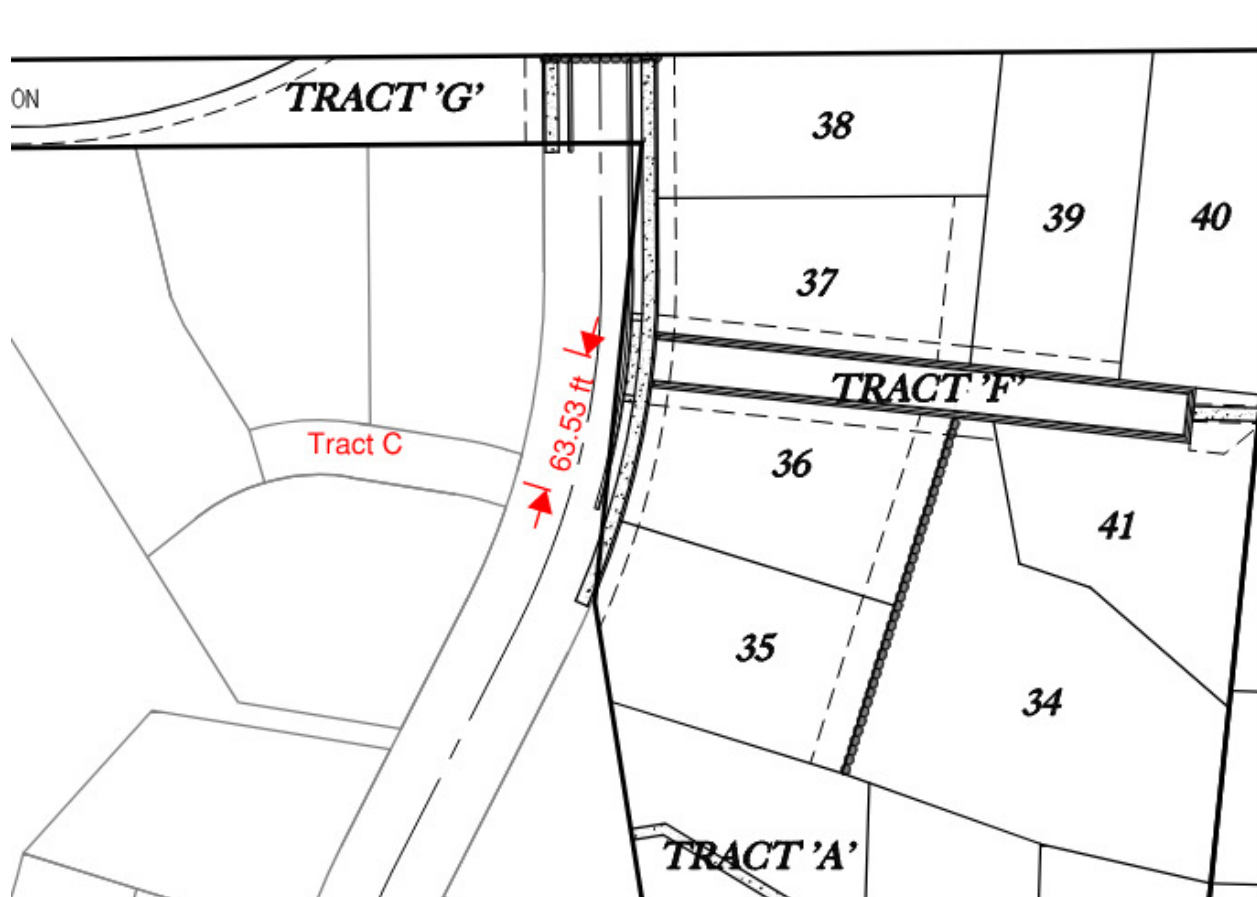
Thank you.

**Design Modification Request**File: TBD – Yuzon/Miller Subdivision  
2S133CB00100 and 2S133CB00200

To: Bob Galati, P.E. – City Engineer  
Through: Craig Christensen, P.E. – City Project Manager  
From: Eric Evans, P.E.- Project Engineer

**Intersection Spacing Tract F****Location of Requested Design Modification**

“Denali Meadows” Subdivision was approved under city’s case file PUD 19-02 and subdivides TL300. This subdivision will be placing a private street to serve four parcels on the northern end of this development. The proposed development of TL 100 and 200 is proposing a private street tract to roughly 64 feet to the north of this Denali Meadows driveway (Tract C) on the opposite side of this future roadway. Tract C in Denali Meadows will serve four homes. The proposed private street for this subject subdivision is labeled as Tract F below.



### Current Standard

Section 210.6.E of the City of Sherwood Engineering Design and Standard Details Manual states the following in table form:

Full Access Intersections Spacing (min) for a Local Street is 200 feet.

### Design Modification Being Requested

We request an intersection spacing be allowed to be 64 feet.

### Existing Conditions

Existing conditions currently contain two large single-family home parcels.

Layout of this subdivision is constrained by several factors listed below.

- Significant topography

- Solid Rock at the ground surface

- Two existing homes to be retained

- A fixed layout of the subdivision approved by PUD 19-02.

### Result of Meeting Standards

If this standard of 200' required there are only two ways to satisfy this code section.

The first method is to place the new driveway opposite the driveway in Denali Meadows. This causes problems for the existing home. There is not sufficient distance to overcome the grade difference to allow the garage to be used. Additionally, the driveway would enter the side of the garage at this angle.

The second option is to place this access 200 feet away from the opposite driveway. This would put the driveway on the neighbor's parcel to the north or over the Denali Meadows opens space tract. Both of these options will not work and if they could work would not allow efficient access to this oddly shaped piece of land.

### Proposed Design Modification

We propose allowing the driveway to be placed ~64 feet away from the opposite driveway in Denali Meadows.

Reason Why Design Request Should be Approved

The site is constrained by its limited frontages, unique shape, difficult topography and challenged existing house placement. The traffic volumes are low as on either private street tracts are limited by four homes each. Both accesses contain existing homes. Allowing this design exception will offer a better use of the land for residential lots.



\_\_\_\_\_  
- Design Engineer

7-22-2020

\_\_\_\_\_  
Date



EXPIRES: 12-31-2021

\_\_\_\_\_  
Craig Christensen, P.E. - City Project Manager

\_\_\_\_\_  
Date

- Approved
- Approved with Conditions (conditions below or on attached sheet)
- Denied

\_\_\_\_\_  
Bob Galati, P.E. - City Engineer

\_\_\_\_\_  
Date

 <p>City of <b>Sherwood</b> Oregon</p> <p><small>Home of the Tualatin River National Wildlife Refuge</small></p>	<p>22560 SW Pine Street Sherwood, Oregon 97140 Ph: 503-625-5522 Fax: 503-625-5524 WebSite: <a href="http://www.sherwoodoregon.gov">www.sherwoodoregon.gov</a></p>
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## **Memorandum**

**Date:** July 23, 2020

**Project:** Denali Summit

**To:** Bob Galati, P.E.

**From:** Craig Christensen, P.E.

**Topic:** Design Modification Request for Intersection Spacing between Tracts D and E

Due to limited traffic that these tracts will generate and that the local street that they connect to will be a low traffic street and due to the development conditions stated by the engineer in the Design Modification Request, I recommend approval of this request.

Thank you.

**Design Modification Request**

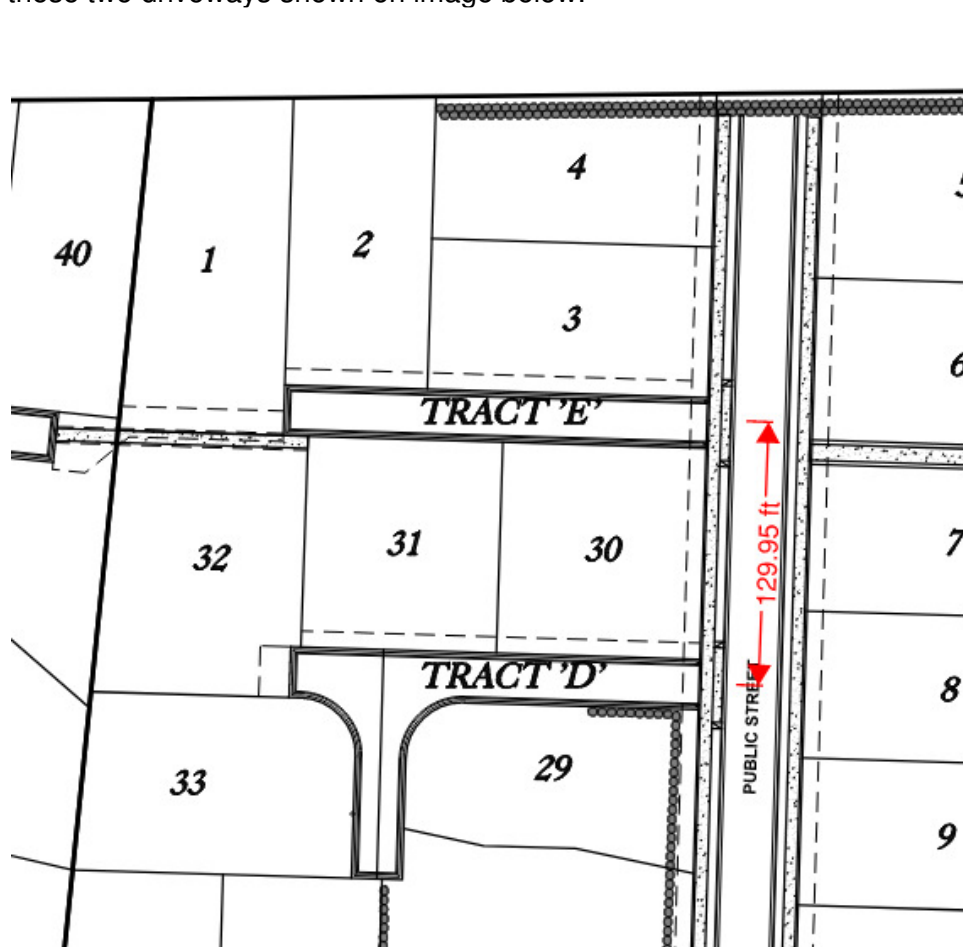
File: TBD – Yuzon/Miller Subdivision  
 2S133CB00100 and 2S133CB00200

To: Bob Galati, P.E. – City Engineer  
 Through: Craig Christensen, P.E. – City Project Manager  
 From: Eric Evans, P.E.- Project Engineer

**Intersection Spacing Tract D & Tract E**

Location of Requested Design Modification

Tract E and Tract F are located in the northeast corner of the proposed subdivision. Tract E provides primary access lots 1 and 2. Optional access to lots 3, 30 and 31 is possible. Tract D provides access to the existing home on lot 28 and the new lots numbered 29-33, six lots in total. See these two driveways shown on image below.



Current Standard

Section 210.6.E of the City of Sherwood Engineering Design and Standard Details Manual states the following in table form:

Full Access Intersections Spacing (min) for a Local Street is 200 feet.

Design Modification Being Requested

We request an intersection spacing be allowed to be ~130 feet.

Existing Conditions

Existing conditions currently contain one large single-family home parcel.

Layout of this subdivision is constrained by several factors listed below.

- Significant topography
- Solid Rock at the ground surface
- Two existing homes to be retained

Result of Meeting Standards

If this standard of 200' required there are only two ways to satisfy this code section.

The main factor leading to the location of Tract E is the significant grade difference on the site. Access to lots 1 and 2 would be nearly impossible from Tract D due to the extreme grade differences on the site.

Tract E essentially functions as a dual flagpole for lots 1 and 2. Providing primary access for two homes. If flagpoles were used this design exception would not be necessary.

Tract E could be possibly located on the far north end of the subdivision. However, a significant wall would be necessary to support this roadway. It would likely not be physically feasible to construct, and it would likely have significant construction cost.

Proposed Design Modification

We propose allowing the private street in Tract E and Tract D to be placed ~130 feet away from each other.



Reason Why Design Request Should be Approved

The site is constrained by its limited frontages, unique shape, difficult topography and challenged existing house placement. The traffic volumes are low as on either private street tracts are limited to a maximum of six homes. One access contain existing home. Allowing this design exception will offer a better use of the land for residential lots.



\_\_\_\_\_  
- Design Engineer

7-22-2020

\_\_\_\_\_  
Date



EXPIRES: 12-31-2021


\_\_\_\_\_  
Craig Christensen, P.E. - City Project Manager

\_\_\_\_\_  
Date

- Approved
- Approved with Conditions (conditions below or on attached sheet)
- Denied

\_\_\_\_\_  
Bob Galati, P.E. - City Engineer

\_\_\_\_\_  
Date

 <p>City of <b>Sherwood</b> Oregon</p> <p><small>Home of the Tualatin River National Wildlife Refuge</small></p>	<p>22560 SW Pine Street Sherwood, Oregon 97140 Ph: 503-625-5522 Fax: 503-625-5524 WebSite: <a href="http://www.sherwoodoregon.gov">www.sherwoodoregon.gov</a></p>
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## **Memorandum**

**Date:** July 30, 2020

**Project:** Denali Summit

**To:** Bob Galati, P.E.

**From:** Craig Christensen, P.E.

**Topic:** Design Modification Request for Slope of Private Street

Due to the existing slope of the terrain and that there are only 4 lots accessing from this private driveway, I recommend allowing use of driveway slope standards instead of street slope standards to provide access to the 4 lots using this access tract. Conditions may be imposed by TVF&R.

Thank you.

**Design Modification Request**

File: TBD – Yuzon/Miller Subdivision  
2S133CB00100 and 2S133CB00200

To: Bob Galati, P.E. – City Engineer  
Through: Craig Christensen, P.E. – City Project Manager  
From: Eric Evans, P.E.- Project Engineer

**Roadway Standards for Private Streets**

Location of Requested Design Modification

Tract F of this proposed subdivision serves as proposed access to four homes. One of these homes is the existing Miller residence. This roadway connects to the North/South Roadway to be created in the Denali Meadows Subdivision. Reference sheet 11 of the subdivision land use submittal for a description of this driveway profile.

Current Standard

Section 210.4.A.3 of the City of Sherwood Engineering Design and Standard Details Manual states the following:

Local streets intersecting with a local route or greater functional classification street, or streets intended to be posted with a stop sign, shall provide a landing averaging 8 percent or less for 50 feet. Landings are that portion of the traveled street extending 50 feet beyond the projected curb line of the intersecting street at full improvement.

and also:

Section 210.8.D.4 of the City of Sherwood Engineering Design and Standard Details Manual states the following:

4. The maximum standard grade for all driveways is 14 percent. Driveway grades exceeding 14 percent shall be submitted to the City Engineer and TVF&R for review. Approval of driveway grades in excess of 14 percent shall be at the discretion of the City Engineer and TVF&R on a case-by-case basis.

Design Modification Being Requested

We request that this private street be allowed to be designed similar to a private driveway. With the features to include a ~10% grade break at the back of sidewalk to allow the driveway to instantly start up at ~12% rather than having a landing prior to the sidewalk. With this revision the driveways would be able to remain less than 14% meeting the standard in code section 210.8.D.4.

Existing Conditions

Existing conditions currently contain two large single-family home parcels.

Layout of this subdivision is constrained by several factors listed below.

- Significant topography
  - Solid Rock at the ground surface
  - Two existing homes to be retained
  - Roadway spacing constraints on Ironwood Lane.
- Primarily, there is significant grade between the proposed public street in the Denali Meadows subdivision currently under construction and the existing home to be retained.

Result of Meeting Standards

If the standard for public streets were used in the design, there would be no way to access the existing Miller home that is to be retained. Also, the easternmost lots in this development would either not be accessible or they would require upwards of 30' of excavation in solid rock to gain access to these future parcels.

Proposed Design Modification

We propose allowing tract F to be design with similar design standards as a driveway per section 210.8.D.4 of the design manual. And to allow the maximum grade to exceed 14%.

Reason Why Design Request Should be Approved

The site is constrained by its limited frontages, unique shape, difficult topography and challenged house placement. The driveway as designed is the most efficient use of the grade to access three new lots and one existing home.

  
 \_\_\_\_\_  
 - Design Engineer

7-29-2020  
 \_\_\_\_\_  
 Date



EXPIRES: 12-31-2021

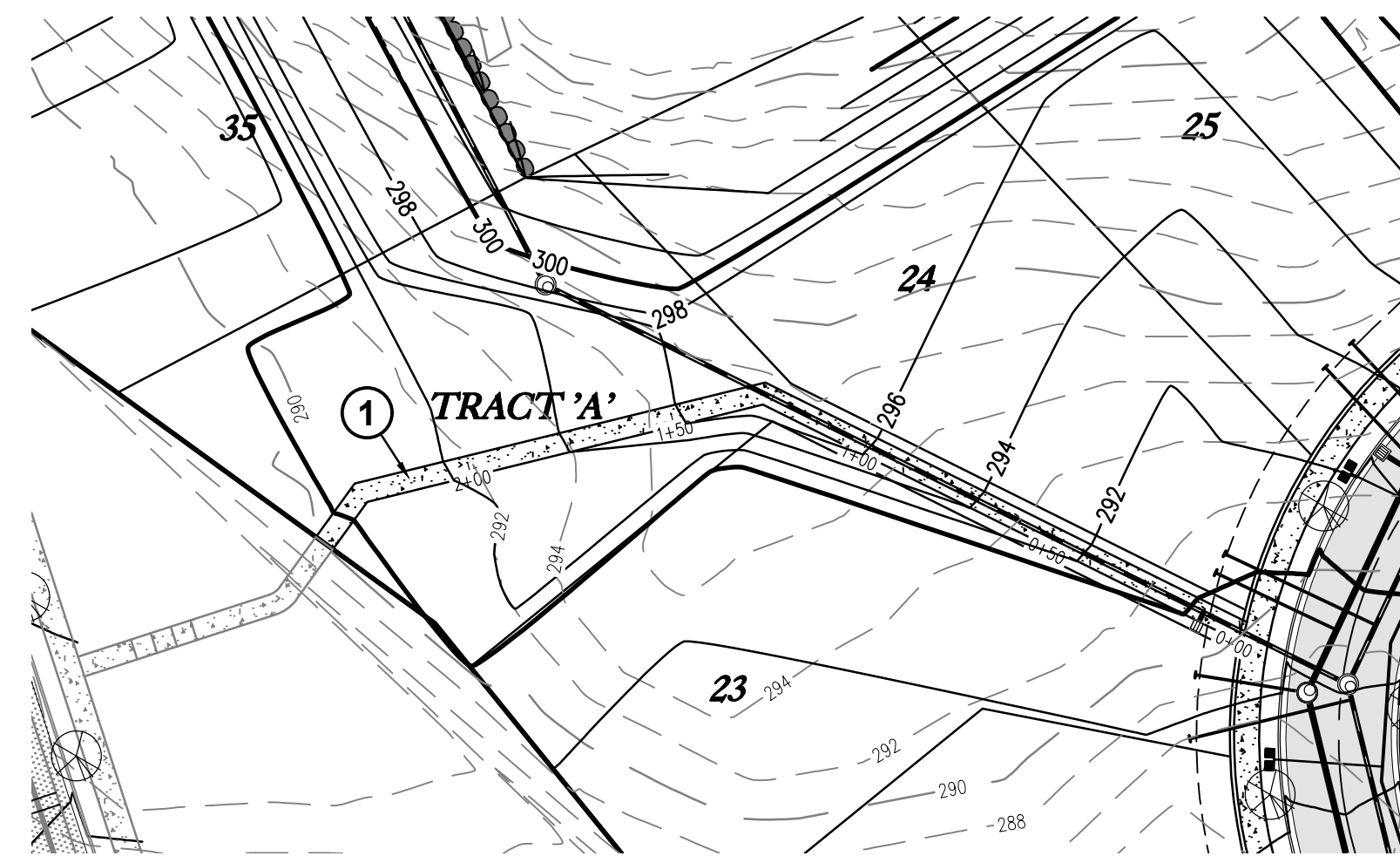
\_\_\_\_\_  
 Craig Christensen, P.E. - City Project Manager

\_\_\_\_\_  
 Date

- Approved
- Approved with Conditions (conditions below or on attached sheet)
- Denied

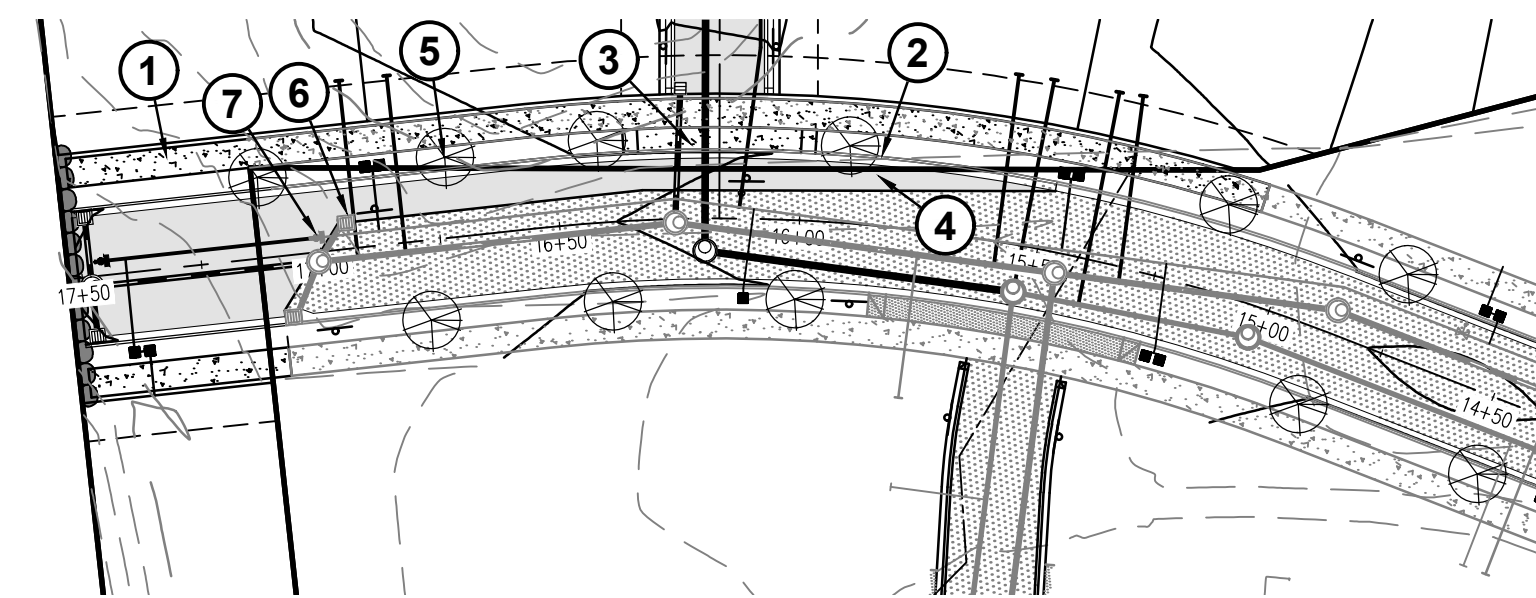
\_\_\_\_\_  
 Bob Galati, P.E. - City Engineer

\_\_\_\_\_  
 Date



**TRACT 'A' PATH - PLAN**

SCALE: 1" = 40'



**PUBLIC STREET 2 - PLAN**

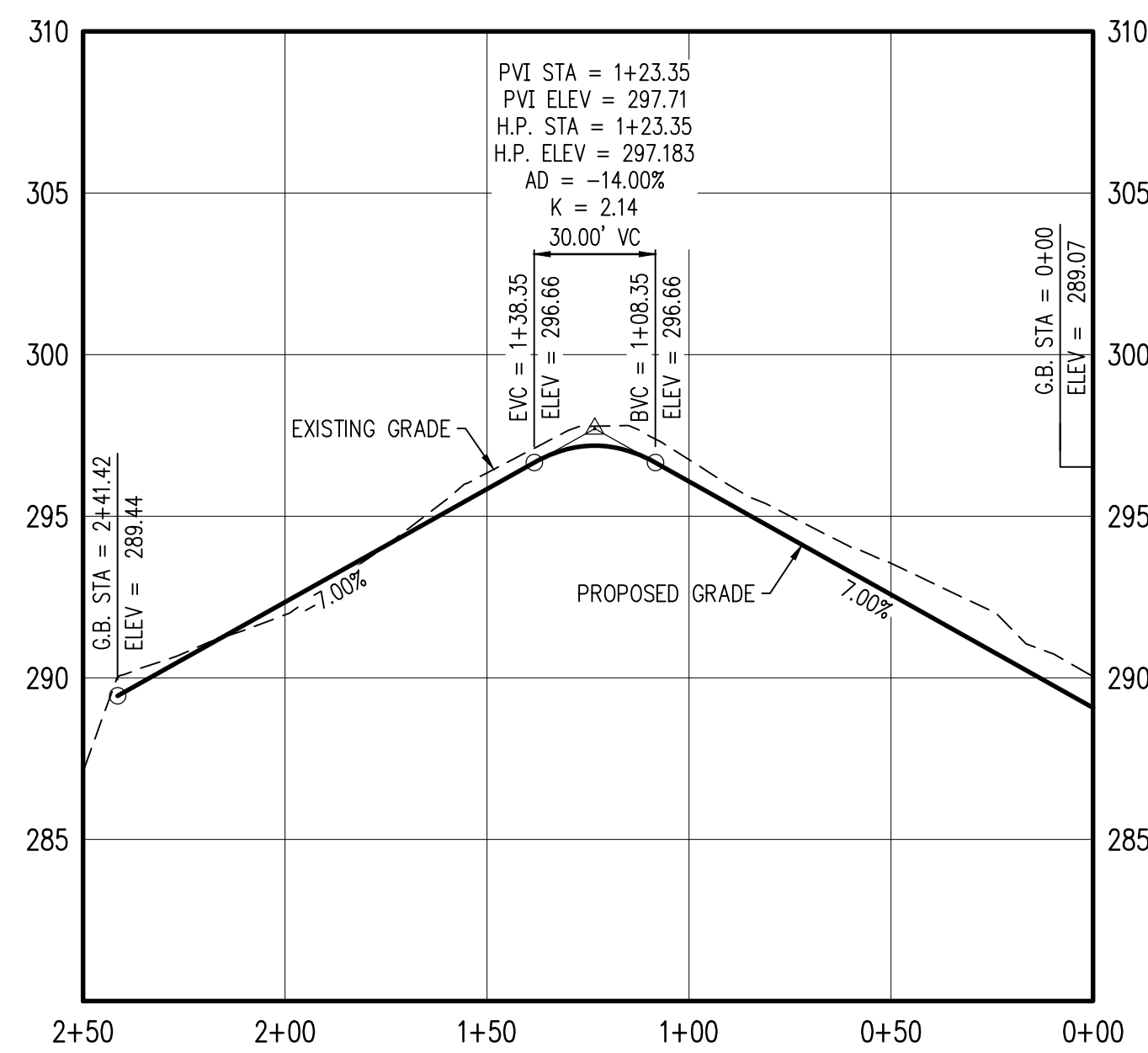
SCALE: 1" = 40'

**LEGEND**

- BOUNDARY LINE
- - - EASEMENT
- 108--- EXISTING 2' CONTOUR LINE
- 110--- EXISTING 10' CONTOUR LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- 108--- PROPOSED 1' CONTOUR LINE
- 110--- PROPOSED 5' CONTOUR LINE

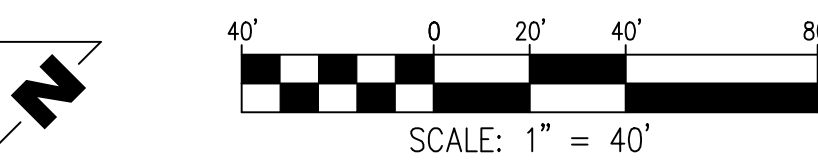
**NOTES:**

- ① PROPOSED SIDEWALK
- ② PROPOSED MONOLITHIC CURB & GUTTER
- ③ PROPOSED DRIVEWAY APPROACH
- ④ PROPOSED AC PAVEMENT
- ⑤ PROPOSED STREET TREE (TYP)
- ⑥ TEMPORARY CATCH BASIN TO BE REMOVED
- ⑦ BLOWOFF TO BE REMOVED

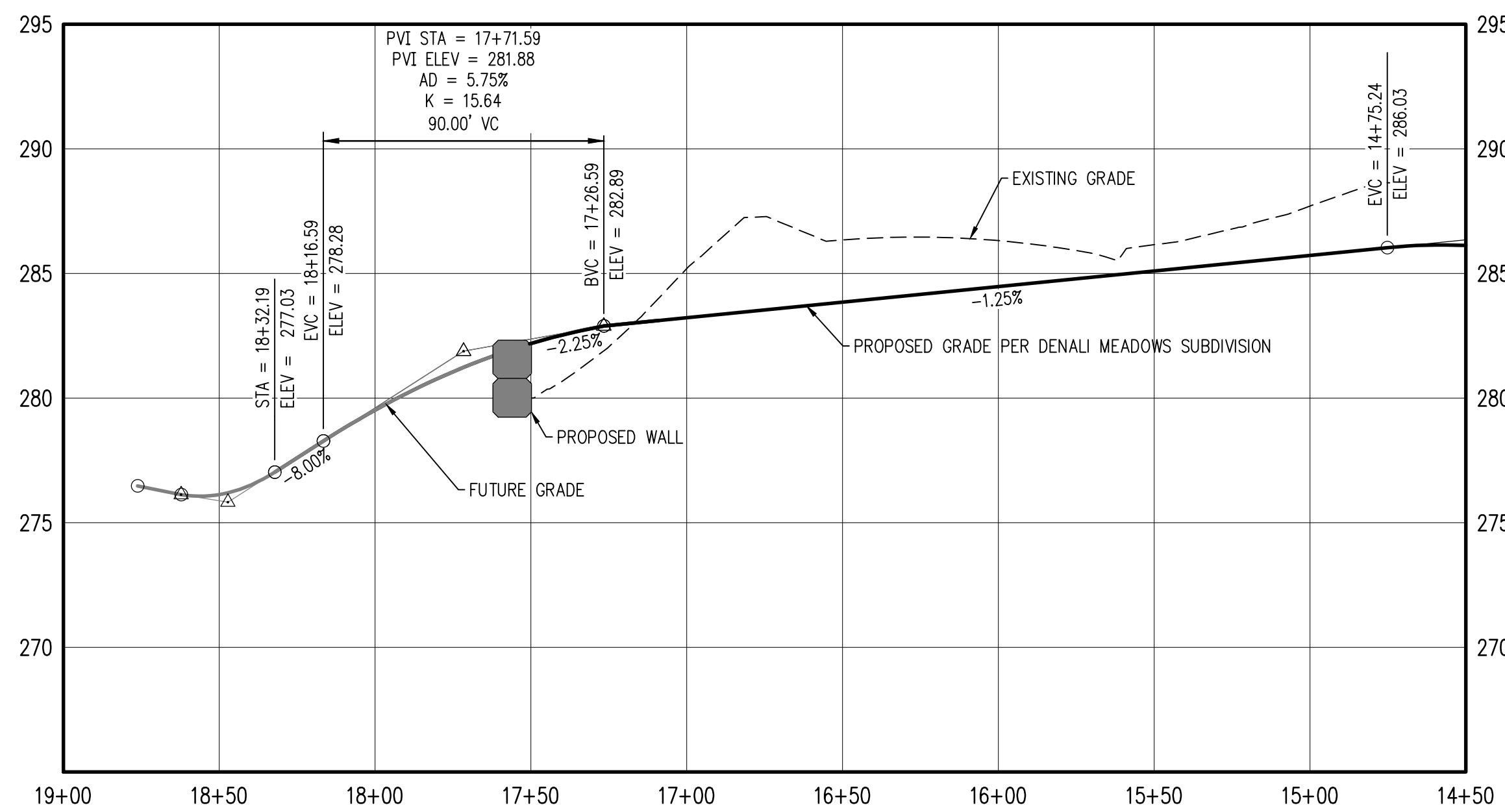
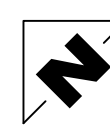


**TRACT 'A' PATH - PROFILE**

SCALE: 1" = 40' H, 1" = 5' V



SCALE: 1" = 40'



**PUBLIC STREET 2 - PROFILE**

SCALE: 1" = 40' H, 1" = 5' V

YUZON PUD

TAX MAP T2S R1W 33CB  
TAX LOTS 00100 & 00200  
SHERWOOD, OREGON

TRACT A PLAN & PROFILE

**REVISIONS**

NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

**EMERIO**  
*Design*

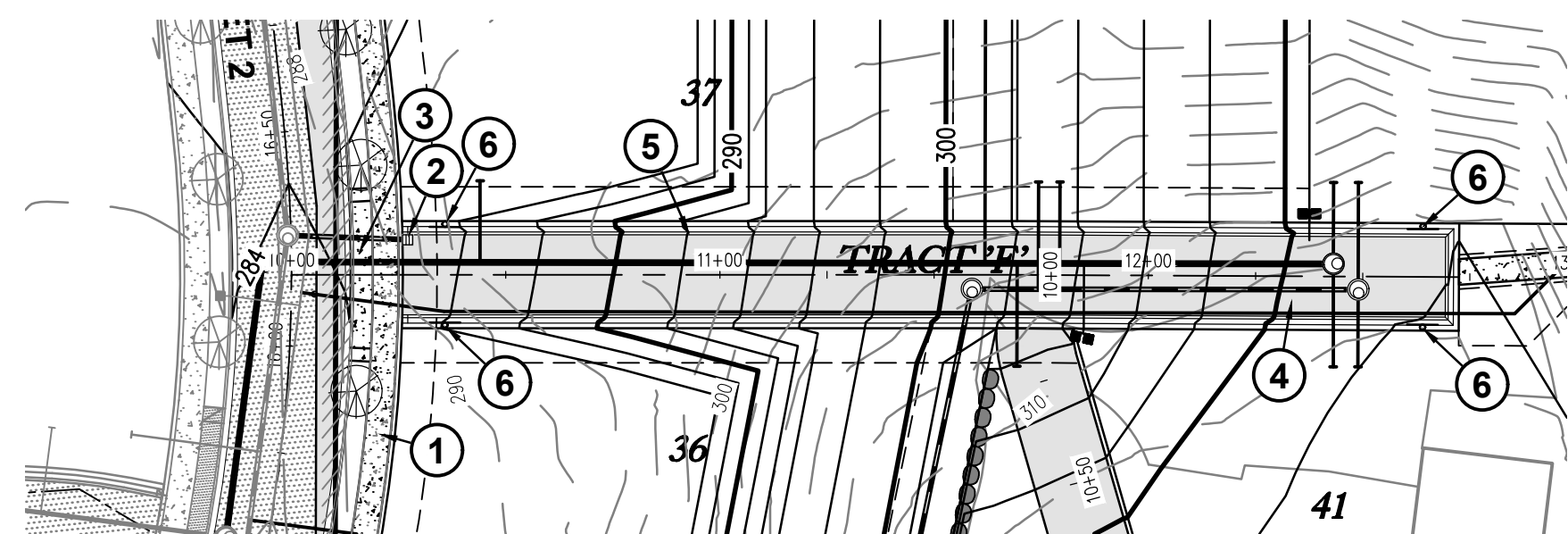
6445 SW FALLBROOK PLACE, SUITE 100  
BEAVERTON, OREGON 97008  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com

SHEET

08

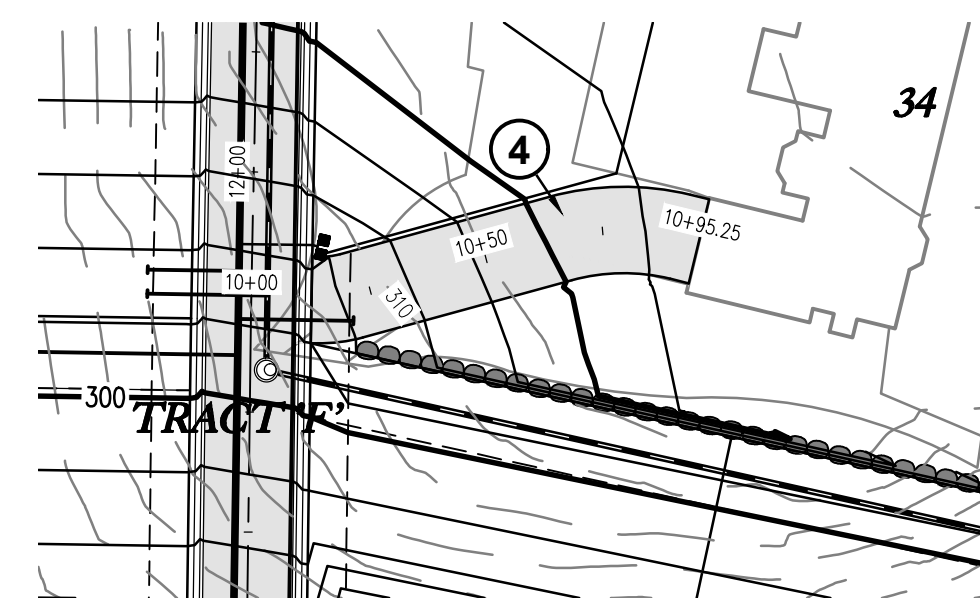
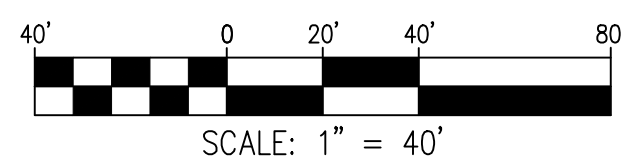
OF

16



**TRACT 'F' - PLAN**

SCALE: 1" = 40'



**LOT 34 DRIVEWAY - PLAN**

SCALE: 1" = 40'

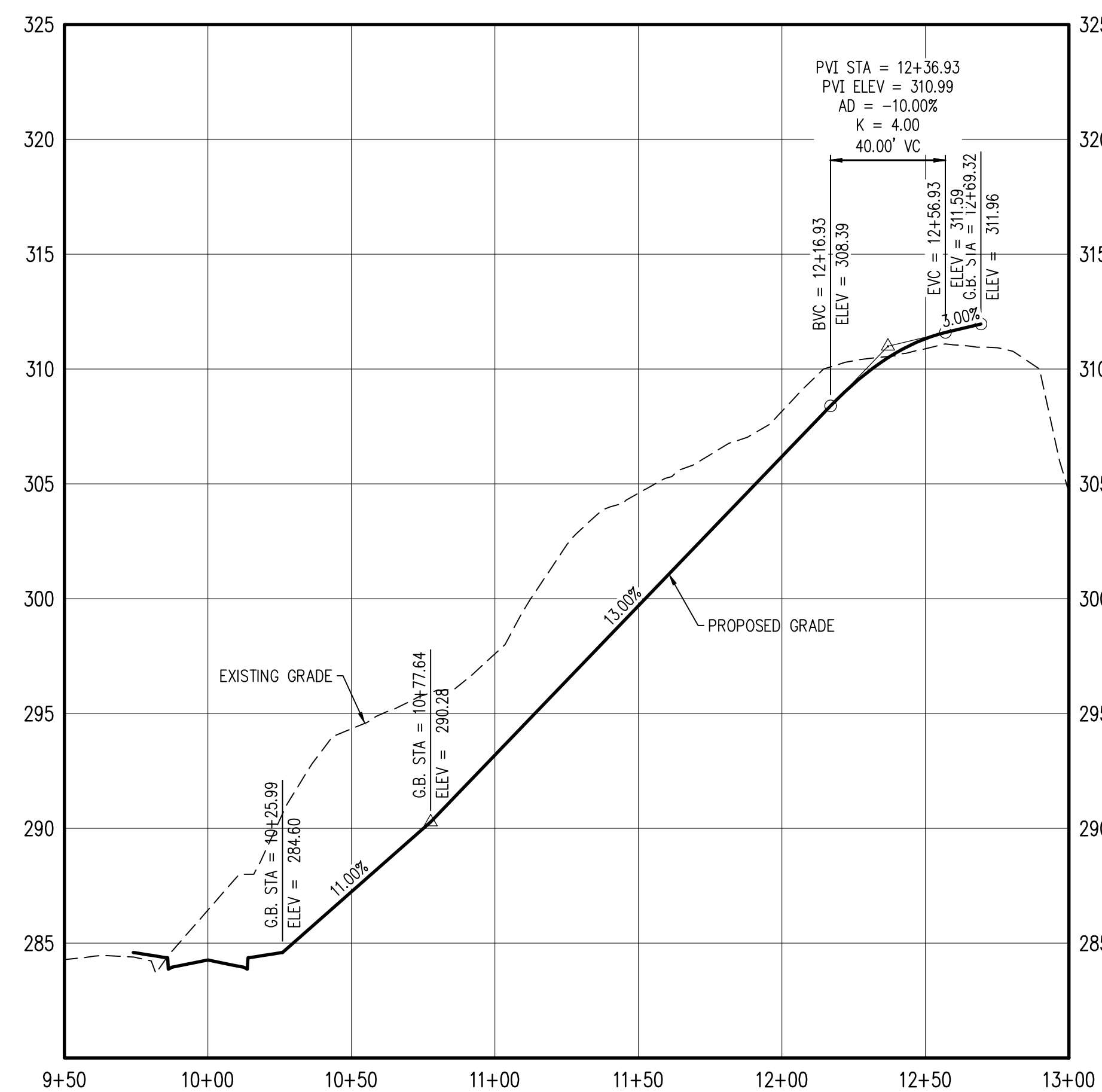


**LEGEND**

- BOUNDARY LINE
- EASEMENT
- EXISTING 2' CONTOUR LINE
- EXISTING 10' CONTOUR LINE
- EXISTING CROWN (CENTER LINE OF ROAD)
- EXISTING DOWNSPOUT
- EXISTING STORM DRAIN LINE
- EXISTING SANITARY SEWER LINE
- EXISTING WATER LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED SANITARY MANHOLE
- PROPOSED BLOWOFF
- PROPOSED WATER VALVE
- PROPOSED 2' CONTOUR LINE
- PROPOSED 10' CONTOUR LINE

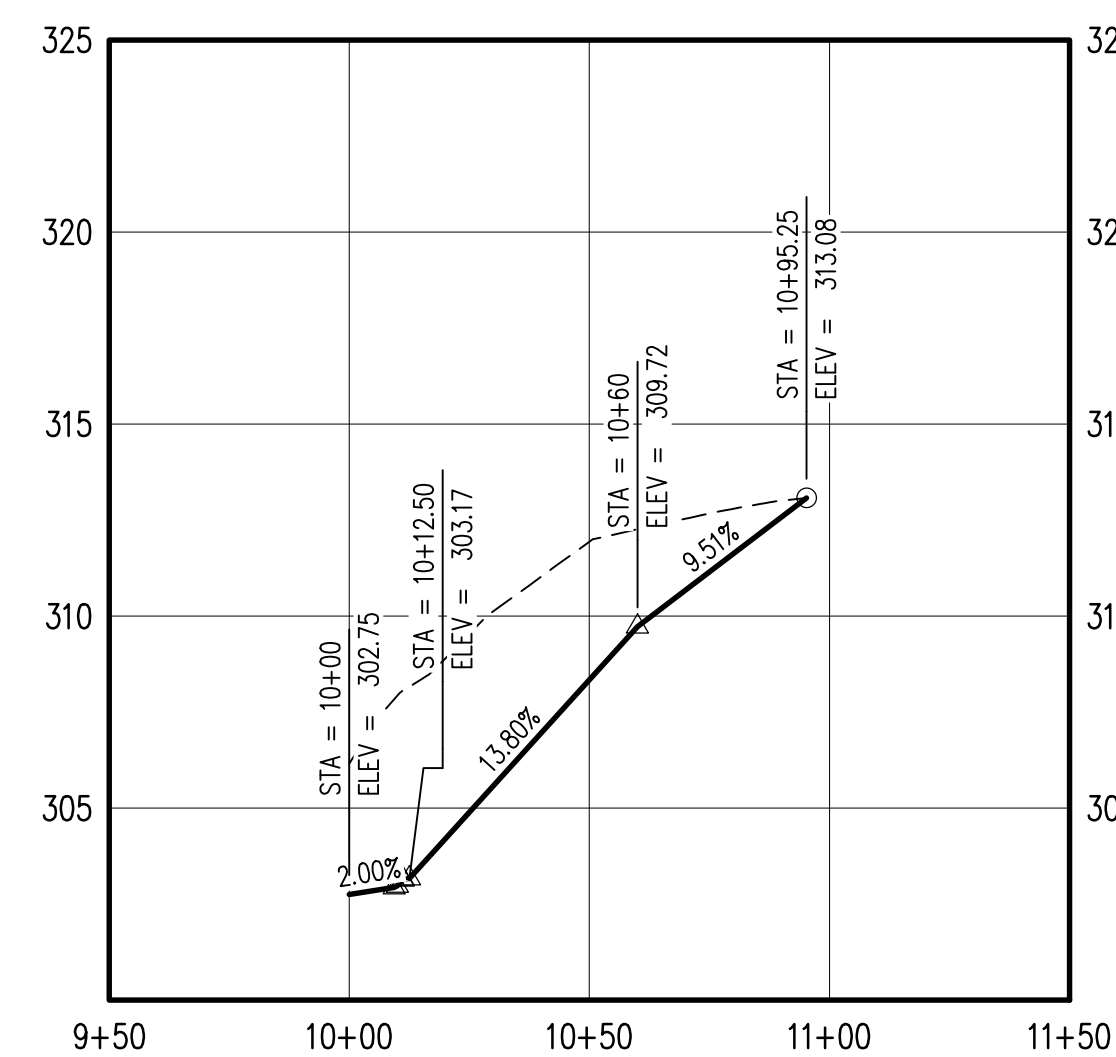
NOTES:

- ① PROPOSED SIDEWALK
- ② PROPOSED LYNCH TYPE CATCH BASIN
- ③ PROPOSED DRIVEWAY APPROACH
- ④ PROPOSED AC PAVEMENT
- ⑤ PROPOSED MOUNTABLE CURB
- ⑥ PROPOSED 'NO PARKING' SIGN



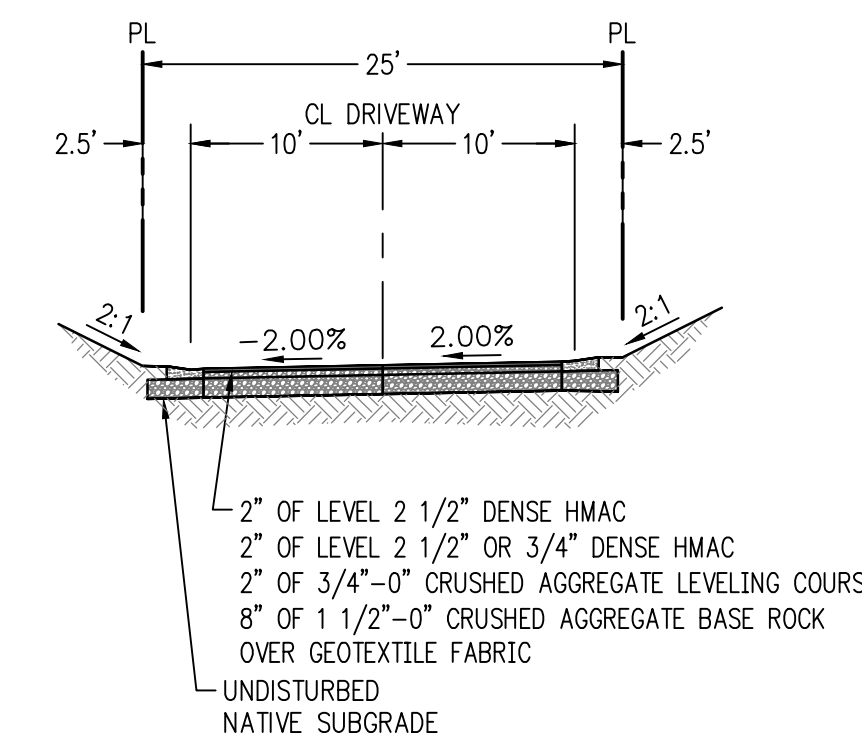
**TRACT 'F' - PROFILE**

SCALE: 1" = 40' H, 1" = 5' V



**LOT 34 DRIVEWAY - PROFILE**

SCALE: 1" = 40' H, 1" = 5' V



**TRACT 'F' DRIVEWAY - SECTION**

NTS

YUZON PUD


**TRACT F & LOT 34  
DRIVEWAY PLANS &  
PROFILES**

TAX MAP T2S R1W 33CB  
TAX LOTS 00100 & 00200  
SHERWOOD, OREGON

REVISIONS	
NO.	DATE
1	05/22/20

**EMERIO**  
*Design*

6445 SW FALLBROOK PLACE, SUITE 100  
BEAVERTON, OREGON 97008  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com

 <p>City of <b>Sherwood</b> Oregon</p> <p><small>Home of the Tualatin River National Wildlife Refuge</small></p>	<p>22560 SW Pine Street Sherwood, Oregon 97140 Ph: 503-625-5522 Fax: 503-625-5524 WebSite: <a href="http://www.sherwoodoregon.gov">www.sherwoodoregon.gov</a></p>
---	---

## **Memorandum**

**Date:** July 23, 2020

**Project:** Denali Summit

**To:** Bob Galati, P.E.

**From:** Craig Christensen, P.E.

**Topic:** Design Modification Request for Reduced Curve Radii

Due to the development conditions stated by the engineer in the Design Modification Request, I recommend approval with the following conditions:

1. Streets to be constructed with typical city local street section. No bulb out.
2. Curves will be signed for "No Parking" on both sides of the street in the areas of the curves.
3. Curves will require advanced signage with "20 MPH Curve" signs.
4. Lots 17 and 28 to have Sight Vision Easements on the inside of the curves to accommodate stopping sight distance.
5. Lot 17 to have driveway near the southern property line for the lot.

Thank you.

**Design Modification Request**

File: TBD – Yuzon/Miller Subdivision  
2S133CB00100 and 2S133CB00200

To: Bob Galati, P.E. – City Engineer  
Through: Craig Christensen, P.E. – City Project Manager  
From: Eric Evans, P.E.- Project Engineer

**90 Degree Radius at Roadway Corners**

Location of Requested Design Modification

The main roadway extension through this proposed subdivision will have two roughly 90 degree turns. Note this roadway connects SW Ironwood Lane at the south and extends to the northern boundary to the “Mosier Property” adjacent parcel.

Current Standard

Section 210.3.B of the City of Sherwood Engineering Design and Standard Details Manual states the following in table form:

Design Speed of 25MPH with  $e = -2.5\%$  requires a centerline radius of 185 feet.

and

Section 210.3.D which states:

”On local streets, requests for design speeds less than 25 miles per hour shall be based on topography, right-of-way, or geographic conditions, which impose an economic hardship on the applicant. Requests will be reviewed at the discretion of the City Engineer on a case-by-case basis. Requests must show that a reduction in centerline radius will not compromise safety. There will be posting requirements associated with designs below 25 miles per hour.”

Design Modification Being Requested

We request to have the design speed of this roadway to be changed to 20MPH to allow for a centerline radius of 100 feet. See the attached exhibit showing the corners requesting adjustments.

Existing Conditions

Existing conditions currently contain two large single-family home parcels.

Layout of this subdivision is constrained by several factors listed below.

- Significant topography
- Solid Rock at the ground surface
- Two existing homes to be retained
- Roadway spacing constraints on Ironwood Lane.



Effectively only one point of access for most of the lots.

Result of Meeting Standards

If the standard of 185' was designed at these to radius points the layout of this subdivision would be greatly impacted. The westernmost corner would eliminate the lot located inside the radius if the longer radius was required. At the easternmost corner would require demolition of the existing home.

Proposed Design Modification

We propose allowing the design speed to be reduce to 20MPH to allow a 100' radius to be used at these two radius corners.

Reason Why Design Request Should be Approved

The site is constrained by its limited frontages, unique shape, difficult topography and challenged house placement. The daily operating speeds will likely be in the lower range as the site has very short tangent sections, steep topography, two hard 90 degree turns and residential driveways nearly every 80 feet. No anticipated changed in public safety is anticipated. By allowing the two radius corners to be reduced to 100 feet the site can be most efficiently developed

*Eric Daniel Evans*

7-23-2020

\_\_\_\_\_  
- Design Engineer

\_\_\_\_\_  
Date



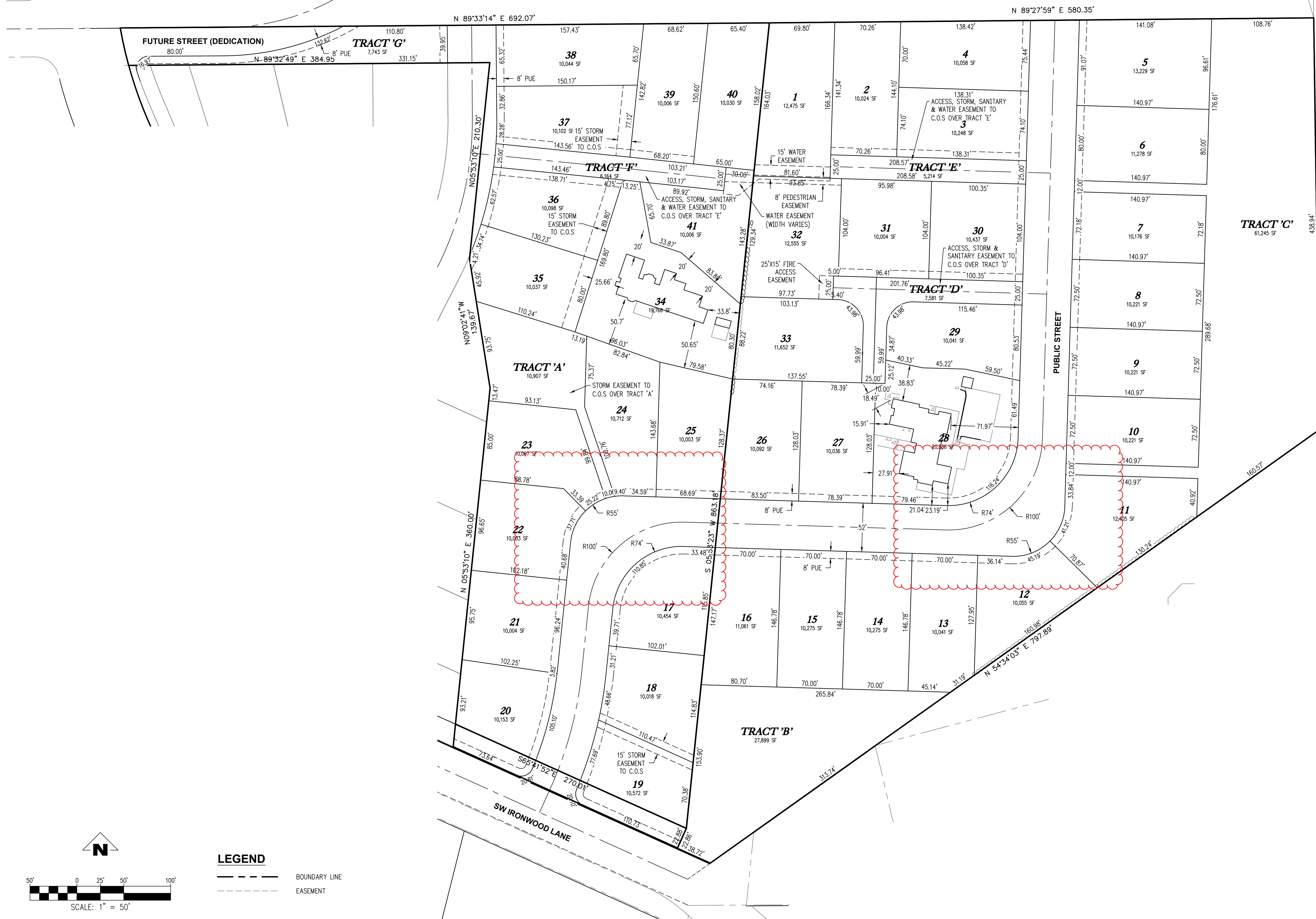
\_\_\_\_\_  
Craig Christensen, P.E. - City Project Manager

\_\_\_\_\_  
Date

- Approved
- Approved with Conditions (conditions below or on attached sheet)
- Denied

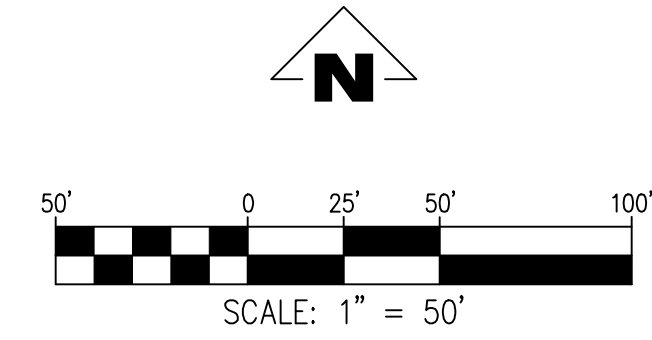
\_\_\_\_\_  
Bob Galati, P.E. - City Engineer

\_\_\_\_\_  
Date



**LEGEND**

- BOUNDARY LINE
- EASEMENT



YUZON PUD

TAX MAP T2S R1W 33CB  
TAX LOTS 00100 & 00200  
SHERWOOD, OREGON

PRELIMINARY PLAT

REVISIONS

NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

**EMERIO**  
*Design*

6445 SW FALLBROOK PLACE, SUITE 100  
BEAVERTON, OREGON 97008  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com

SHEET  
**03**

OF  
**16**

# SENSITIVE AREA PRE-SCREENING SITE ASSESSMENT

Clean Water Services File Number

20-001270

1. **Jurisdiction:** Sherwood

2. **Property Information** (example: 1S234AB01400)

Tax lot ID(s): \_\_\_\_\_  
2S133CB00200 & 2S133CB00100

**OR Site Address:** 23008 SW MURDOCK RD

City, State, Zip: sherwood, OR,  
Nearest cross street: Ironwood

4. **Development Activity** (check **all** that apply)

- Addition to single family residence (rooms, deck, garage)  
 Lot line adjustment       Minor land partition  
 Residential condominium       Commercial condominium  
 Residential subdivision       Commercial subdivision  
 Single lot commercial       Multi lot commercial  
 Other \_\_\_\_\_

3. **Owner Information**

Name: Brad Miller  
 Company: \_\_\_\_\_  
 Address: 23008 SW MURDOCK RD  
 City, State, Zip: sherwood, OR,  
 Phone/fax: 5038531910  
 Email: eric@emeriodesign.com

4. **Applicant Information**

Name: Eric Evans  
 Company: Emerio Design  
 Address: 6445 SW Fallbrook PL, 100  
 City, State, Zip: Beaverton, OR, 97008  
 Phone/fax: 5038531910  
 Email: eric@emeriodesign.com

6. **Will the project involve any off-site work?**  Yes  No  Unknown

Location and description of off-site work: \_\_\_\_\_

7. **Additional comments or information that may be needed to understand your project:** \_\_\_\_\_

**This application does NOT replace Grading and Erosion Control Permits, Connection Permits, Building Permits, Site Development Permits, DEQ 1200-C Permit or other permits as issued by the Department of Environmental Quality, Department of State Lands and/or Department of the Army COE. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.**

By signing this form, the Owner or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site. I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

Print/type name Eric Evans

Print/type title \_\_\_\_\_

Signature ONLINE SUBMITTAL

Date 5/1/2020

## FOR DISTRICT USE ONLY

- Sensitive areas potentially exist on site or within 200' of the site. **THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER.** If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- Based on review of the submitted materials and best available information sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider Letter as required by Resolution and Order 19-5, Section 3.02.1, as amended by Resolution and Order 19-22. All required permits and approvals must be obtained and completed under applicable local, State and federal law.
- Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider Letter as required by Resolution and Order 19-5, Section 3.02.1, as amended by Resolution and Order 19-22. All required permits and approvals must be obtained and completed under applicable local, state and federal law.
- THIS SERVICE PROVIDER LETTER IS NOT VALID UNLESS \_\_\_\_\_ CWS APPROVED SITE PLAN(S) ARE ATTACHED.**
- The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). **NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.**

Reviewed by Chuck Bushnell

Date 5/19/2020

Once complete, email to: [SPLReview@cleanwaterservices.org](mailto:SPLReview@cleanwaterservices.org) • Fax: (503) 681-4439

OR mail to: SPL Review, Clean Water Services, 2550 SW Hillsboro Highway, Hillsboro, Oregon 97123

Revised 2/2020



	PHASE 1 (YUZON)	PHASE 2 (MIDDLE)	COMBINED
SITE AREA	416,739 SF	233,755 SF (CURRENT CONDITION) 239,841 SF (6,086 SF FROM DENALIMEADOWS)	
LOT AREA	268,490 SF	182,519 SF	451,009 SF
ROW AREA	46,271 SF	32,508 SF	
DEDICATION	38 SF		
TRACTS (ACCESS)	12,796 SF	6,164 SF	
WQ	27,899 SF		
USABLE AREA	329,735 SF	201,169 SF	530,904 SF
LANDSCAPE AREA	61,245 SF (18.6%)	18,650 SF (9.3%)	79,895 SF (15.0%)



Clean Water Services File Number

19-001651

## Sensitive Area Pre-Screening Site Assessment

1. **Jurisdiction:** Sherwood

2. **Property Information** (example 1S234AB01400)

Tax lot ID(s): 2S133CB00100

Site Address: 23120 SW MURDOCK RD

City, State, Zip: Sherwood, Oregon, 97140

Nearest Cross Street: Ironwood and Murdock

3. **Owner Information**

Name: Yuzons

Company: \_\_\_\_\_

Address: 6445 SW Fallbrook PL

City, State, Zip: Beaverton, OR, 97008

Phone/Fax: 5038531910

E-Mail: eric@emeriodesign.com

4. **Development Activity** (check all that apply)

- Addition to Single Family Residence (rooms, deck, garage)
- Lot Line Adjustment       Minor Land Partition
- Residential Condominium       Commercial Condominium
- Residential Subdivision       Commercial Subdivision
- Single Lot Commercial       Multi Lot Commercial
- Other \_\_\_\_\_

5. **Applicant Information**

Name: Eric Evans

Company: Emerio Design

Address: 6445 SW Fallbrook PL, 100

City, State, Zip: Beaverton, OR, 97008

Phone/Fax: 5038531910

E-Mail: eric@emeriodesign.com

6. **Will the project involve any off-site work?**     Yes     No     Unknown

Location and description of off-site work \_\_\_\_\_

7. **Additional comments or information that may be needed to understand your project** \_\_\_\_\_

The area on the east end of the site is open space.

**This application does NOT replace Grading and Erosion Control Permits, Connection Permits, Building Permits, Site Development Permits, DEQ 1200-C Permit or other permits as issued by the Department of Environmental Quality, Department of State Lands and/or Department of the Army COE. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.**

By signing this form, the Owner or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site. I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

Print/Type Name Eric Evans      Print/Type Title Engineering Manager

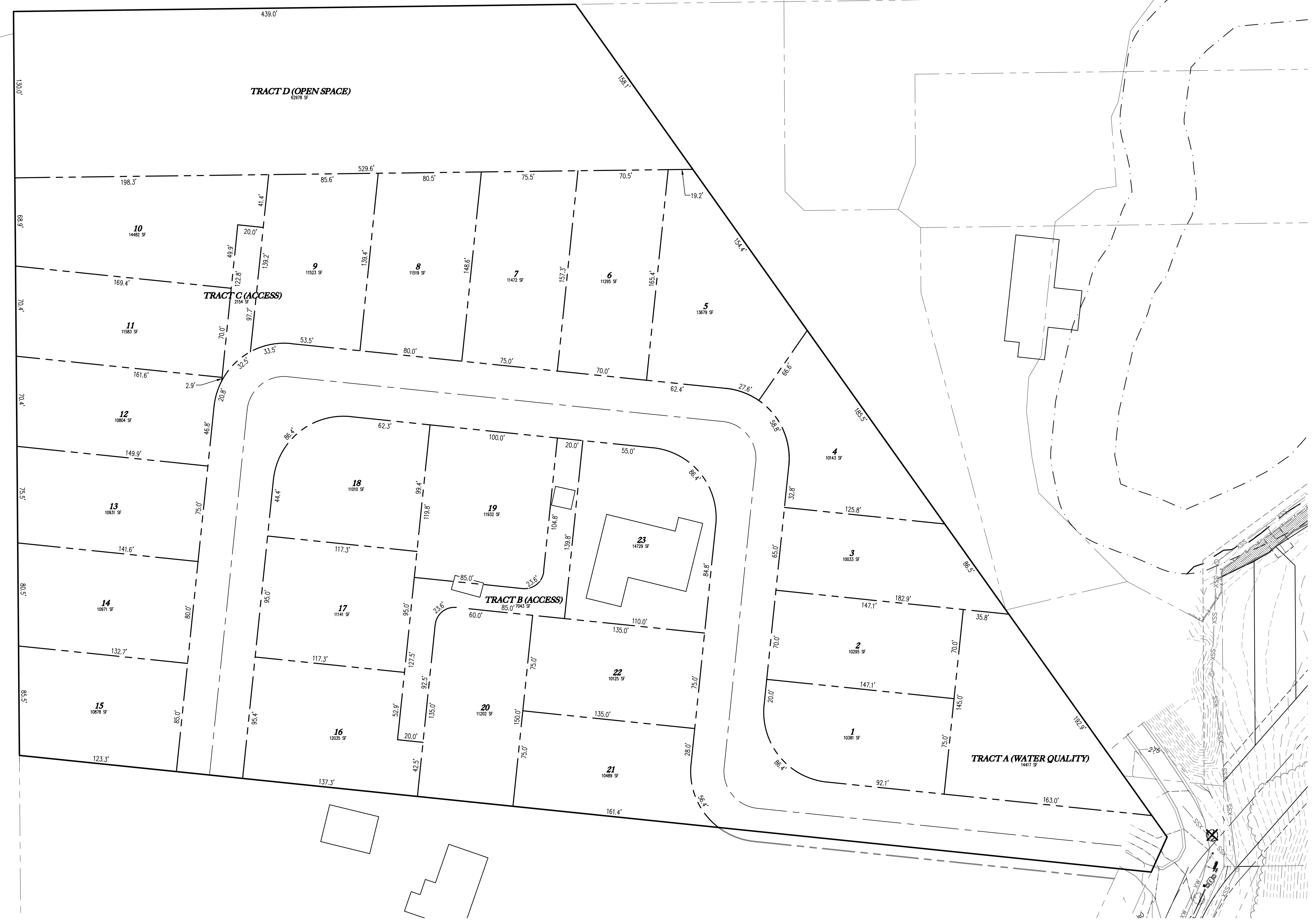
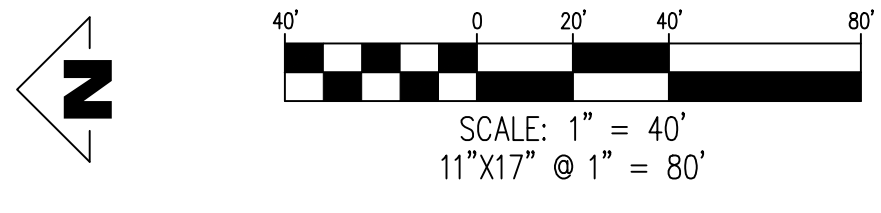
**ONLINE SUBMITTAL**

Date 5/21/2019

### FOR DISTRICT USE ONLY

- Sensitive areas potentially exist on site or within 200' of the site. **THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER.** If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- Based on review of the submitted materials and best available information Sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 17-05, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, State, and federal law.
- Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, state and federal law.
- This Service Provider Letter is not valid unless \_\_\_\_\_ CWS approved site plan(s) are attached.**
- The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). **NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.**

Reviewed by       Date 5/28/19



YUZON EXHIBIT

NO.	DATE	DESCRIPTION

**EMERIO**  
*Design*

6445 SW FALLBROOK PLACE, SUITE 100  
BEVINGTON, OREGON 97110  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com

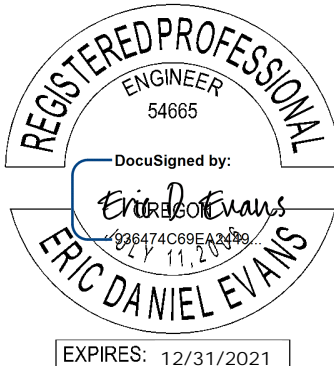
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OF  
**1**



Civil Engineering | Land Surveying | Construction Management | Land Use Planning | Structural Design | House Design

Preliminary Stormwater Report for  
Yuzon Subdivision  
41-Lot Subdivision at  
City of Sherwood, Oregon  
(TL 100 & 200, Tax Map 2S1W 33CB)

Emerio Project Number: 0200-009  
CWS Permit Number: TBD  
Date: 07/6/2020



Prepared For:  
Tim Roth  
JT Roth Construction, Inc.  
12600 SW 72<sup>nd</sup> Ave, Suite 200  
Portland, OR 97223  
(503) 639-2639  
[timr@jtrothinc.com](mailto:timr@jtrothinc.com)  
&  
Timothy M. Miller  
23008 SW Murdock Road  
Sherwood, OR 97140

Prepared By:  
Eric Evans, PE  
Emerio Design, LLC  
6445 SW Fallbrook Place, Suite 100  
Beaverton, Oregon 97008  
(503) 853-1910  
[eric@emeriodesign.com](mailto:eric@emeriodesign.com)

**Table of Contents:**

APPENDIX A

- (1) Vicinity Map

APPENDIX B

- (1) Soil Classification Map – “Soils Survey for Washington County”
- (2) Curve Number Table
- (3) Hydromodification Map Tool

APPENDIX C

- (1) Basin Area Tabulated Data
- (2) Swale Sizing Spreadsheet
- (3) Detention Pond HydroCAD Plots

APPENDIX D

- (1) Pre-Developed Site Map
- (2) Post-Developed Site Map



### **Project Overview and Description:**

The purpose of this report is to demonstrate the compliance of the proposed improvements for the Yuzon Subdivision with the requirements of Clean Water Services and City of Sherwood. The proposed development site is located at 23120 & 23008 SW Murdock Road in Sherwood, Oregon. The existing site is approximately 650,520 SF (14.93 Acres) in size and roughly 200,860 SF of impervious surface will be developed. The development will be a 41-lot subdivision to the north of SW Ironwood Lane. The existing houses will remain onsite as part of site development. Reference the Vicinity Map located in Appendix A(1).

### **Soil Classification:**

The NRCS soil survey of Washington County, Oregon classifies the development site soil as Xerochrepts-rock outcrop complex and Saum silt loam with associated hydrologic soil groups of D and C respectively. Due to the percentage of the site taken up by Xerochrepts-rock outcrop complex (~96%), soil group D was used in selecting runoff curve numbers. The associated curve number utilized in this design is 80 for the existing pervious surfaces and 89 for the proposed pervious surfaces. A curve number of 98 is set for impervious surfaces. Reference Appendices B(1) and B(2) for site soil information.

### **Basin Delineation:**

Onsite basins were created after the determination of how the stormwater runoff was to flow and be collected after development. Most of the site will route Tract B, while the lots 35-38 and tract F will route to the adjacent subdivision (Denali Meadows) previously designed by Emerio Design. See Appendix C(1) for tabulated basin areas and Appendix D(2) for a post-developed basin map.

### **Hydromodification:**

Using the CWS hydromodification method, it was determined this project falls under Category 2 based on the following information obtained using the Hydromodification Map Web Tool (Appendix B(3)): (1) the risk level is low based on the point of discharge into Rock Creek, (2) this site is considered to be in a developed area, and (3) the project size category is large based on the total new and modified impervious area of approximately 200,860 SF. Hydromodification requirements will be met by peak-flow matching detention per CWS 4.03.5.b.2 via a detention pond located on Tract B.

### **Water Quality:**

Water quality will be managed by a vegetated swale located on Tract B. This swale is designed per CWS standard drawing 705; its geometry is shown below:

Bottom Width	2 Feet
Side Slopes	4:1
Length	110 Feet
Slope	0.5%

As shown in appendix C(1) the total impervious area draining to the proposed swale is 4.17 acres (181,689 SF). The total impervious area and the swale geometry were entered into a swale geometry spreadsheet (Appendix C(2)). The calculations shown in this exhibit show that the water quality standards are met with a total residence time 9.05 minutes and a depth of 0.48 feet.

The 19,171 SF of proposed impervious area that will not drain to Tract B will be covered by a fee in lieu for water quality requirements. Alternatively, these areas can be coordinated to be treated in the Murdock Subdivision swale to be built in the summer of 2020.

### Quantity Control/Detention:

Detention will be provided for ½ of the 2-year, 5-year, and 10-year 24-hour design storms for the onsite runoff per hydromodification requirements. A previous development designed by Emerio Design is situated directly downstream of this project. The stormwater conveyance system was master planned to convey the detained flows from this project. To meet the constraints of the master plan, the 25-year design storm will also be detained. As the northwest corner of the site will go undetained, the rest the site that will route to Tract B will be overdetained to meet peak flow matching standards for the whole development. Note that Tract G will not be considered in detention calculations. Flows are detained via a detention pond located in the volume above the proposed water quality swale on Tract B. Flow is controlled for the ½ of 2, 5, and 10-year flows via two orifices with information shown below.

Orifice #1: 4.8" diameter, elevation 273.50'

Orifice #2: 15.0" diameter, elevation 276.12'

Both orifices are set in an orifice plate between the two ditch inlets of the swale per CWS standard drawings 710 and 711. Reference appendix C(3) for HydroCAD calculations and results for the existing and proposed site conditions.

Storm Event	Pre to Post-Development Flows	
	Pre-Dev. cfs	Post-Dev. with Detention cfs
½ of 2-Year	2.61 ÷ 2 = 1.30	1.30
5-Year	4.13	1.90
10-Year	5.09	2.61
25-Year	6.38	3.78

As shown in the table above, the detention requirement is met by limiting the peak discharge from each of the return periods from the pre to post-developed conditions. With the 25-year design water elevation at 276.87' and the top of pond at 278.00', greater than one foot of freeboard is maintained. Reference Appendix C(3) for HydroCAD modeling plots.

### Conclusion:

The design of the proposed site satisfies the water quality and detention standards set by the Clean Water Services R&O 19-22 and City of Sherwood.

Exhibit A7

**Appendix A:**

Appendix A(1)  
Vicinity Map

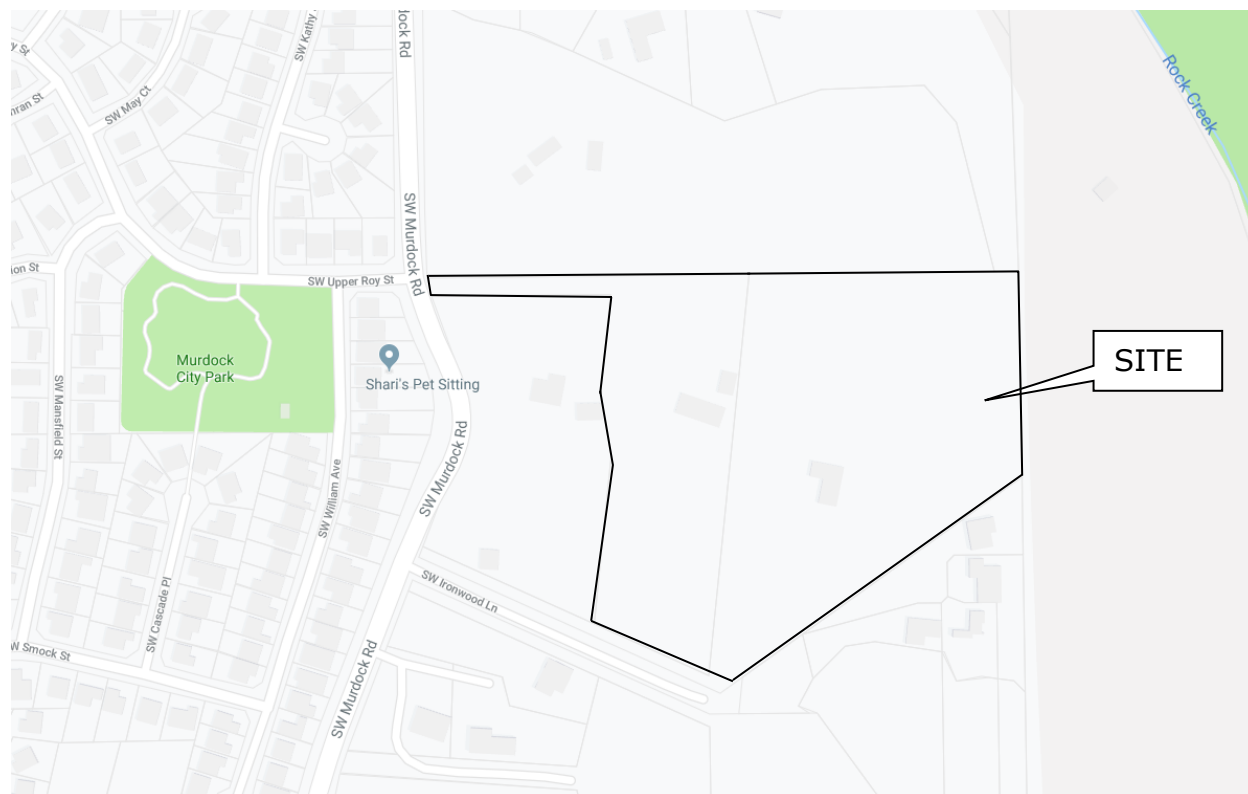


Exhibit A7

**Appendix B:**

Appendix B(1)  
Soil Classification Map



Tables — Hydrologic Soil Group — Summary By Map Unit

Summary by Map Unit — Washington County, Oregon (OR067)

Summary by Map Unit — Washington County, Oregon (OR067)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
38C	Saum silt loam, 7 to 12 percent slopes	C	0.6	4.1%
47D	Xerochrepts-Rock outcrop complex	D	14.3	95.9%
<b>Totals for Area of Interest</b>			<b>14.9</b>	<b>100.0%</b>

Appendix B(2)  
Curve Number Table

<b>RUNOFF CURVE NUMBERS (TR55)</b>					
<b>Table 2-2a: Runoff curve numbers for urban areas <sup>1</sup></b>					
<b>Cover description</b>	<b>CN for hydrologic soil group</b>				
<b>Cover type and hydrologic condition</b>	<b>Average percent impervious area<sup>2</sup></b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<i>Fully developed urban areas (vegetation established)</i>					
Open space (lawns, parks, golf courses, cemeteries, etc.) <sup>3</sup> :					
Poor condition (grass cover <50%)			79	80	89
Fair condition (grass cover 50% to 75%)	49	69	79	79	84
Good condition (grass cover >75%)	39	61	74	74	80
<b>Impervious areas:</b>					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way)				98	98
<b>Streets and roads:</b>					
Paved; curbs and storm sewers (excluding right-of-way)				88	98
Paved; open ditches (including right-of-way)					
Gravel (including right-of-way)	83	88	92	92	93
Dirt (including right-of-way)	76	83	89	89	91
<b>Western desert urban areas:</b>					
Natural desert landscaping (pervious areas only) <sup>4</sup>				85	88
Artificial desert landscaping (impervious weed barrier, desert shrub with 1- to 2-inch sand or gravel mulch and basin borders)		96	96	96	96
<b>Urban districts:</b>					
Commercial and business	85	89	92	94	95
Industrial	72	81	88	91	93
<b>Residential districts by average lot size:</b>					
1/8 acre or less (town houses)	65	77	85	90	92
1/4 acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
1/2 acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82

Use CN = 89 for  
Post-Developed  
Pervious-Soil  
Group D

Use CN = 80 for  
Pre-Developed  
Pervious-Soil  
Group D

Use CN = 98 for  
Impervious  
Surfaces

Appendix B(3)  
Hydromodification Map Tool

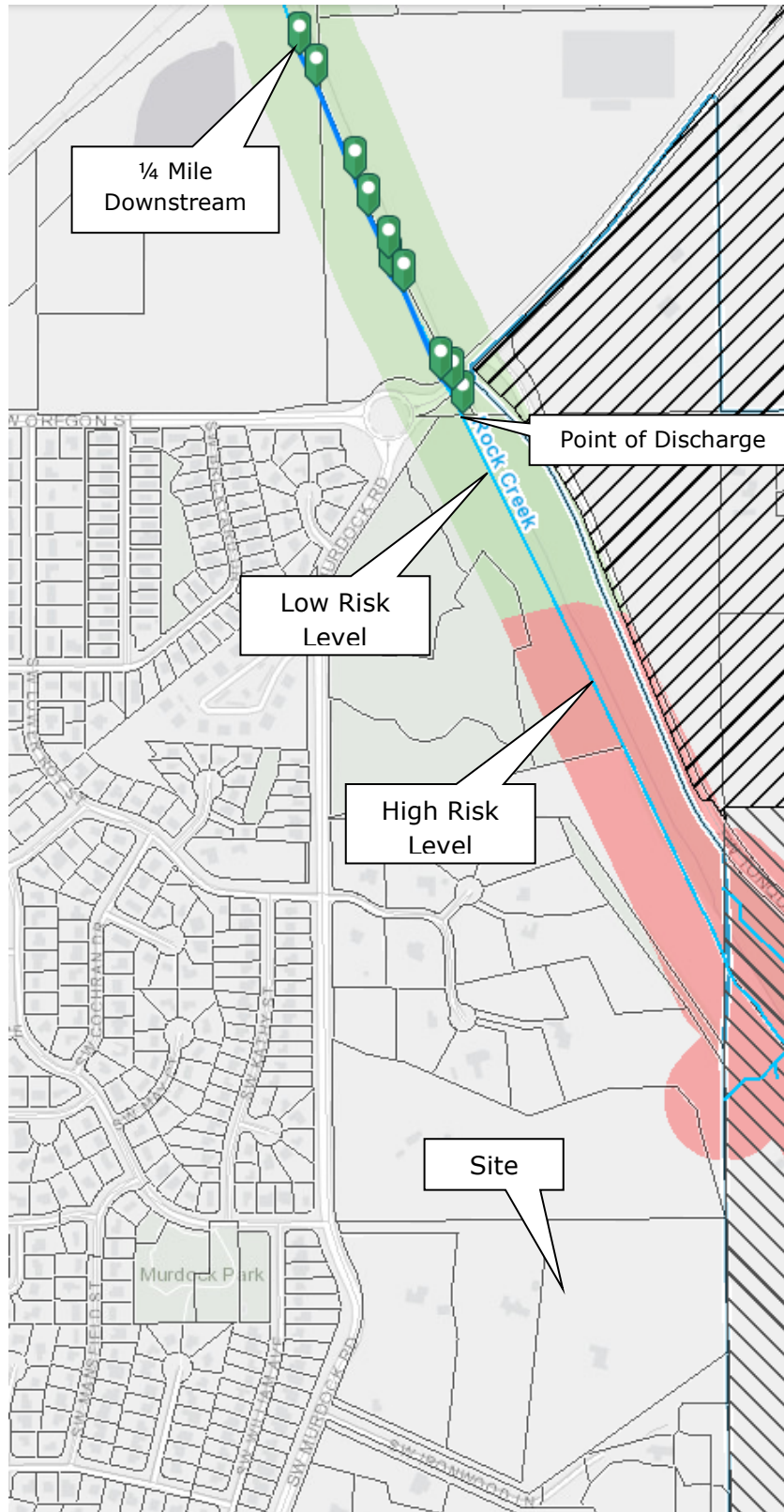




Exhibit A7

**Appendix C:**

Basin Area Tabulated Data  
Yuzon Subdivision

Basin #	Name	Total Area SF	Total Area Acres	Qty of Lots	Lot Impervious SF	ROW/Tract Imp SF	Total Impervious SF	Total Pervious (Calc'd) SF
100	Pre-Developed Onsite	636,782	14.62	2	46,339	0	46,339	590,443
101	Detained Onsite	585,924	13.45	37	108,243	73,446	181,689	404,235
102	Undetained Onsite	50,858	1.17	4	10,560	8,611	19,171	31,687
201	Upstream Basin 1	380,375	8.73	4	10,560	30,068	40,628	339,747

Yuzon Subdivision  
Water Quality Swale

Appendix C(2)

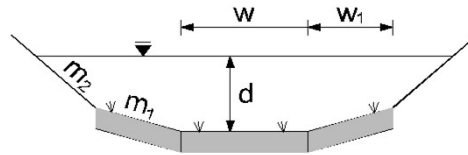
**Water Quality Area**

Total Impervious = 4.17 ac

**Water Quality Flow**

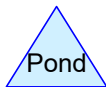
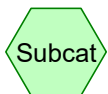
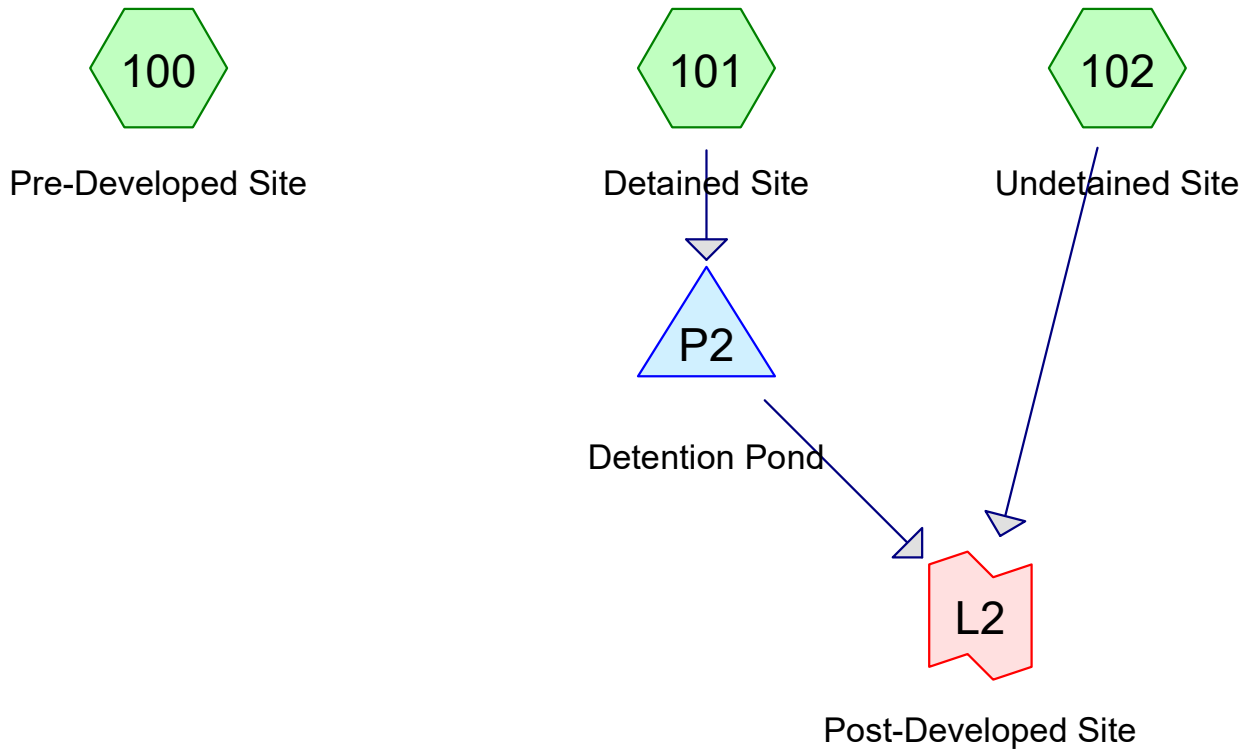
$$\begin{aligned}
 \text{WQ Volume (cf)} &= \frac{0.36 \text{ in} \times \text{Impervious Area (sf)}}{12 \text{ (in/ft)}} \\
 \text{WQ Flow (cfs)} &= \frac{\text{WQ Volume (cf)}}{(4 \text{ hr})(60 \text{ min/hr})(60 \text{ sec/min)}} \\
 &= \frac{\text{Impervious Area (sf)}}{480,000 \text{ sec/ft}} \\
 &= \frac{\text{ac} \times 43,560 \text{ sf/ac}}{480,000 \text{ sec/ft}} \\
 &= 0.38 \text{ cfs}
 \end{aligned}$$

**Biofilter Swale**



**Water Quality Event**

Transverse Properties	X-Sectional Properties
Q = 0.38 cfs	w = 2.0'
s = 0.50%	w <sub>1</sub> = 2.0'
n = 0.240	m <sub>1</sub> = 4:1
L = 110.0 LF	m <sub>2</sub> = 2.5:1
v = 0.20 fps	d = 0.48' ✓
t = 9.05 min ✓	



**0200-009 HydroCAD Pond**

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Page 2

**Area Listing (all nodes)**

Area (sq-ft)	CN	Description (subcatchment-numbers)
247,199	98	Impervious (100, 101, 102)
590,443	80	Pervious (100)
435,922	89	Pervious (101, 102)

**0200-009 HydroCAD Pond**

Type IA 24-hr 2-Year Rainfall=2.50"

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**Summary for Subcatchment 100: Pre-Developed Site**

Runoff = 2.61 cfs @ 8.00 hrs, Volume= 52,505 cf, Depth= 0.99"

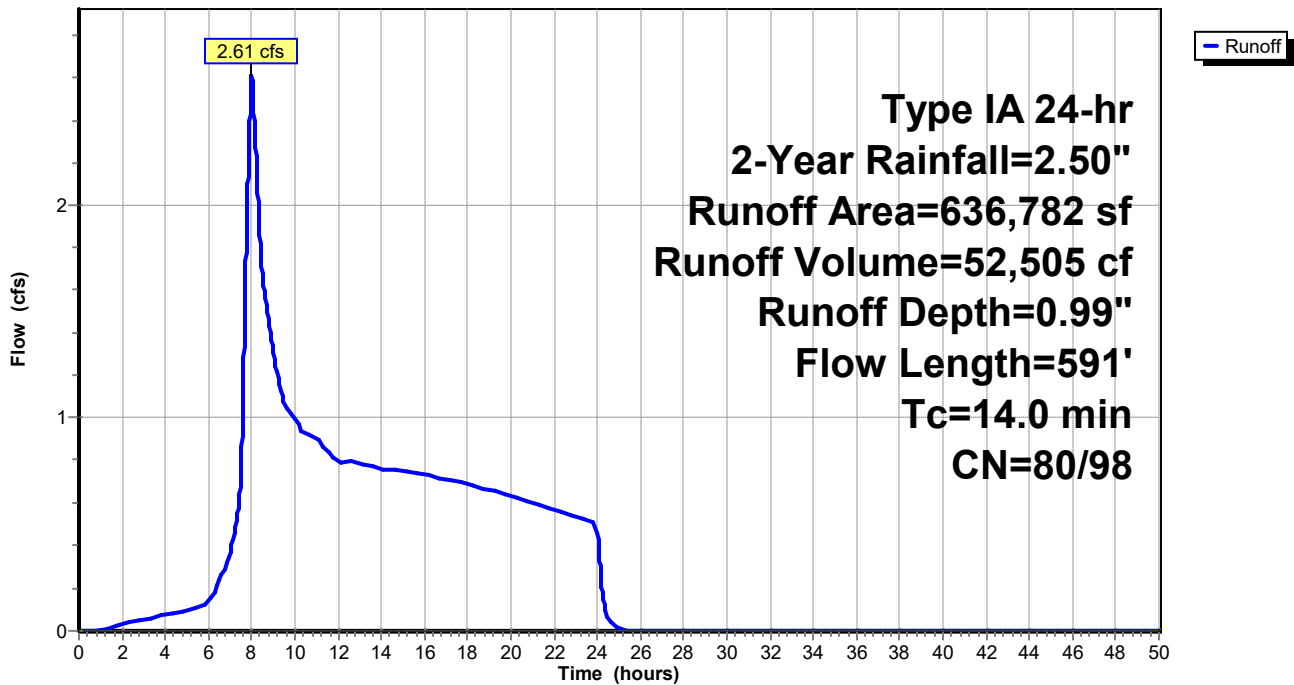
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
 Type IA 24-hr 2-Year Rainfall=2.50"

	Area (sf)	CN	Description
*	590,443	80	Pervious
*	46,339	98	Impervious
	636,782	81	Weighted Average
	590,443	80	92.72% Pervious Area
	46,339	98	7.28% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
13.0	300	0.1210	0.38		<b>Sheet Flow,</b> Grass: Short n= 0.150 P2= 2.50"
1.0	291	0.0890	4.80		<b>Shallow Concentrated Flow,</b> Unpaved Kv= 16.1 fps
14.0	591	Total			

**Subcatchment 100: Pre-Developed Site**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 2-Year Rainfall=2.50"

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**Summary for Subcatchment 101: Detained Site**

Runoff = 5.70 cfs @ 7.92 hrs, Volume= 83,385 cf, Depth= 1.71"

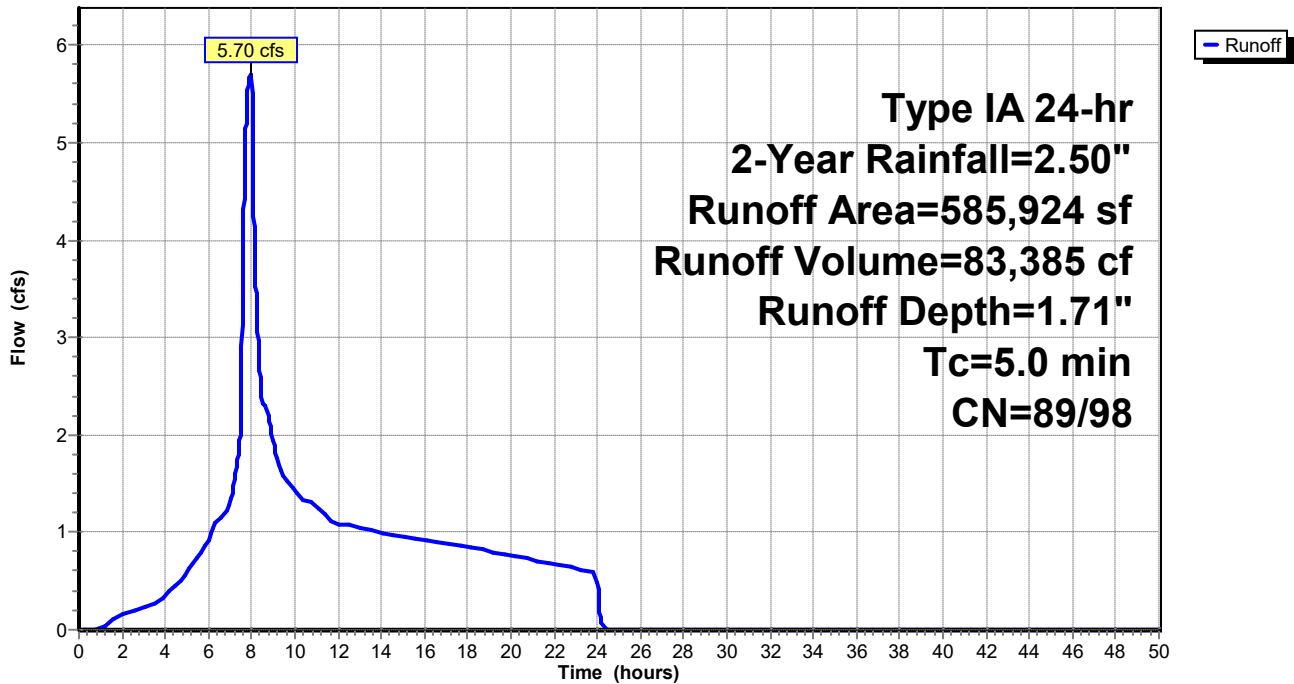
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
 Type IA 24-hr 2-Year Rainfall=2.50"

	Area (sf)	CN	Description
*	404,235	89	Pervious
*	181,689	98	Impervious
	585,924	92	Weighted Average
	404,235	89	68.99% Pervious Area
	181,689	98	31.01% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

**Subcatchment 101: Detained Site**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 2-Year Rainfall=2.50"

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**Summary for Subcatchment 102: Undetained Site**

Runoff = 0.51 cfs @ 7.92 hrs, Volume= 7,469 cf, Depth= 1.76"

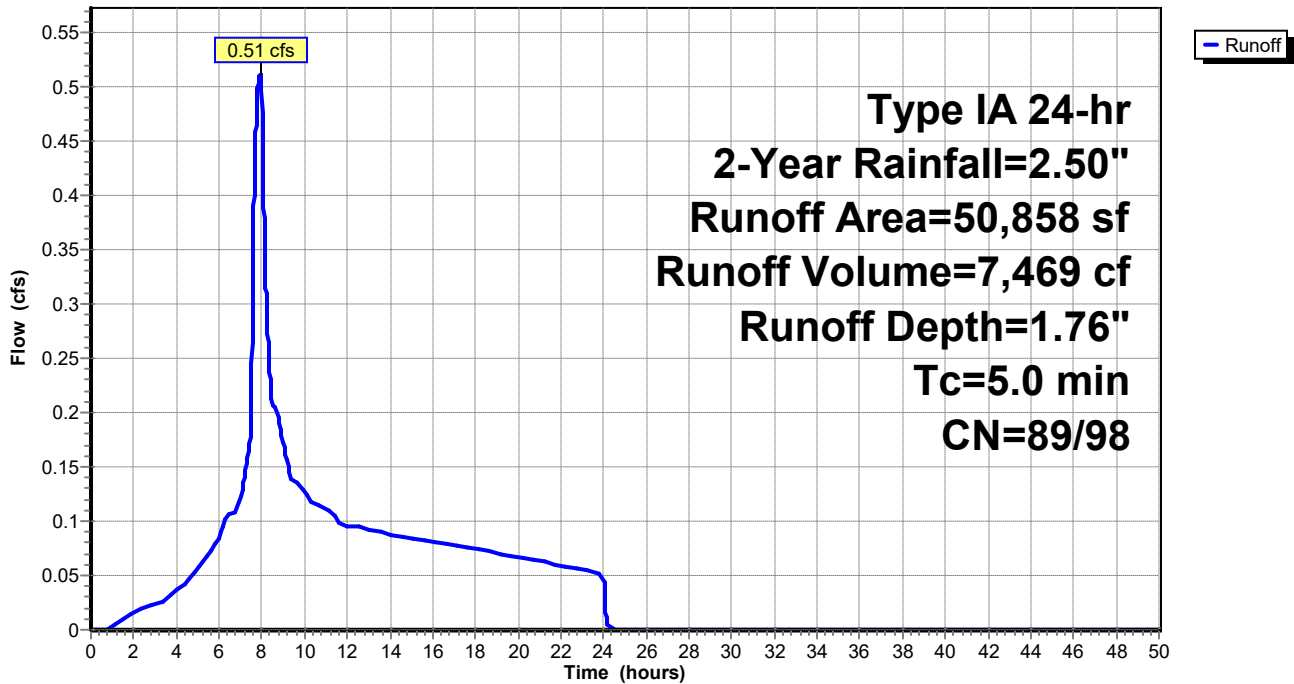
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
 Type IA 24-hr 2-Year Rainfall=2.50"

	Area (sf)	CN	Description
*	31,687	89	Pervious
*	19,171	98	Impervious
	50,858	92	Weighted Average
	31,687	89	62.30% Pervious Area
	19,171	98	37.70% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

**Subcatchment 102: Undetained Site**

Hydrograph





**0200-009 HydroCAD Pond**

Type IA 24-hr 2-Year Rainfall=2.50"

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**Summary for Pond P2: Detention Pond**

Inflow Area = 585,924 sf, 31.01% Impervious, Inflow Depth = 1.71" for 2-Year event  
 Inflow = 5.70 cfs @ 7.92 hrs, Volume= 83,385 cf  
 Outflow = 0.97 cfs @ 14.80 hrs, Volume= 83,385 cf, Atten= 83%, Lag= 412.5 min  
 Primary = 0.97 cfs @ 14.80 hrs, Volume= 83,385 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
 Peak Elev= 276.12' @ 14.80 hrs Surf.Area= 15,806 sf Storage= 24,230 cf

Plug-Flow detention time= 308.3 min calculated for 83,385 cf (100% of inflow)  
 Center-of-Mass det. time= 308.3 min ( 1,041.4 - 733.1 )

Volume	Invert	Avail.Storage	Storage Description
#1	274.50'	55,934 cf	<b>Custom Stage Data (Prismatic)</b> Listed below (Recalc)
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
274.50	14,178	0	0
275.00	14,677	7,214	7,214
276.00	15,686	15,182	22,395
277.00	16,714	16,200	38,595
278.00	17,963	17,339	55,934

Device	Routing	Invert	Outlet Devices
#1	Device 2	273.50'	<b>4.8" Vert. Orifice/Grate</b> C= 0.620
#2	Primary	273.50'	<b>15.0" Round Culvert</b> L= 5.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 273.50' / 273.20' S= 0.0600 '/ Cc= 0.900 n= 0.013, Flow Area= 1.23 sf
#3	Device 2	276.12'	<b>15.0" Vert. Orifice/Grate</b> C= 0.620

**Primary OutFlow** Max=0.97 cfs @ 14.80 hrs HW=276.12' (Free Discharge)

↑ **2=Culvert** (Passes 0.97 cfs of 8.34 cfs potential flow)  
 ↑ **1=Orifice/Grate** (Orifice Controls 0.97 cfs @ 7.73 fps)  
 ↑ **3=Orifice/Grate** ( Controls 0.00 cfs)

**0200-009 HydroCAD Pond**

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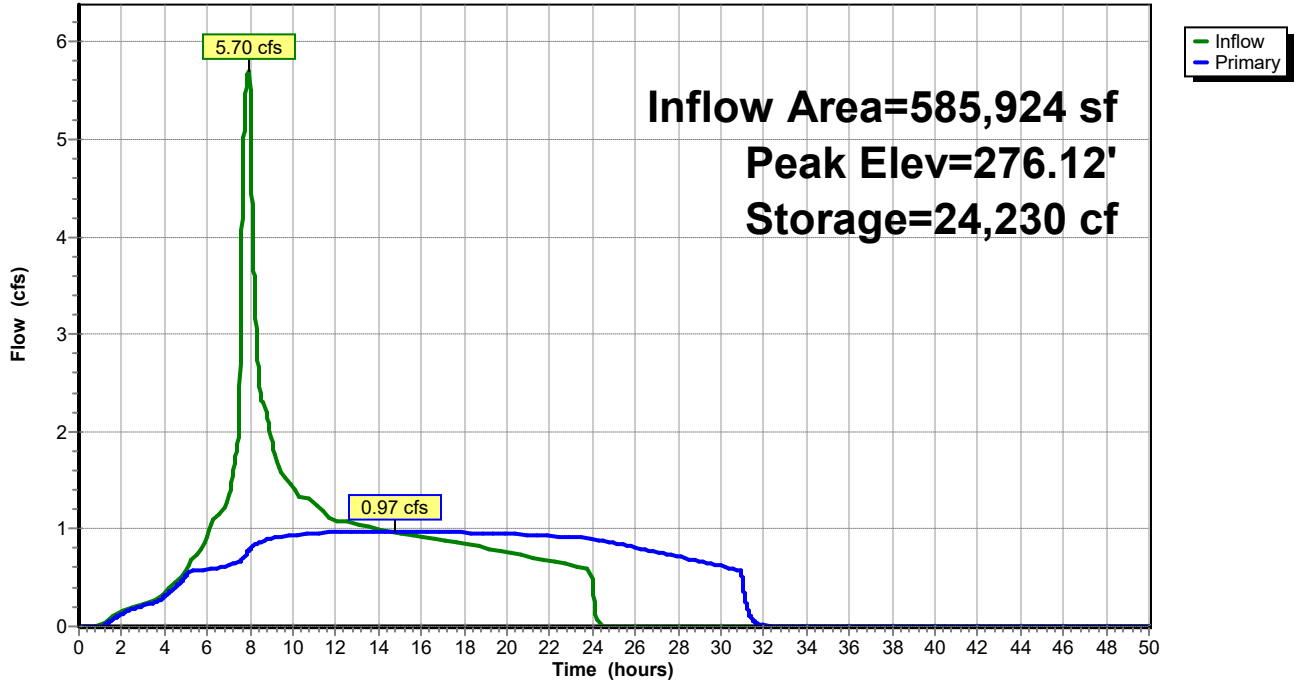
Type IA 24-hr 2-Year Rainfall=2.50"

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**Pond P2: Detention Pond**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 2-Year Rainfall=2.50"

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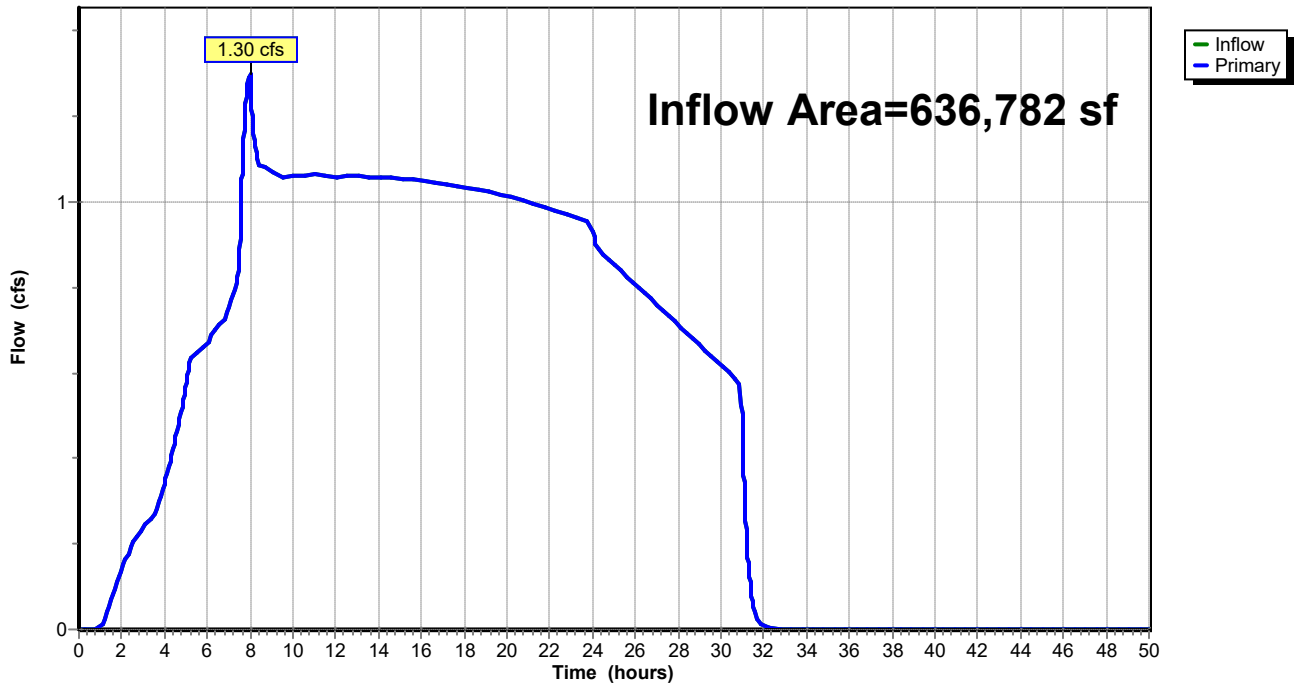
**Summary for Link L2: Post-Developed Site**

Inflow Area = 636,782 sf, 31.54% Impervious, Inflow Depth = 1.71" for 2-Year event  
Inflow = 1.30 cfs @ 8.00 hrs, Volume= 90,854 cf  
Primary = 1.30 cfs @ 8.00 hrs, Volume= 90,854 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

**Link L2: Post-Developed Site**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 5-Year Rainfall=3.10"

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**Summary for Subcatchment 100: Pre-Developed Site**

Runoff = 4.13 cfs @ 8.00 hrs, Volume= 76,293 cf, Depth= 1.44"

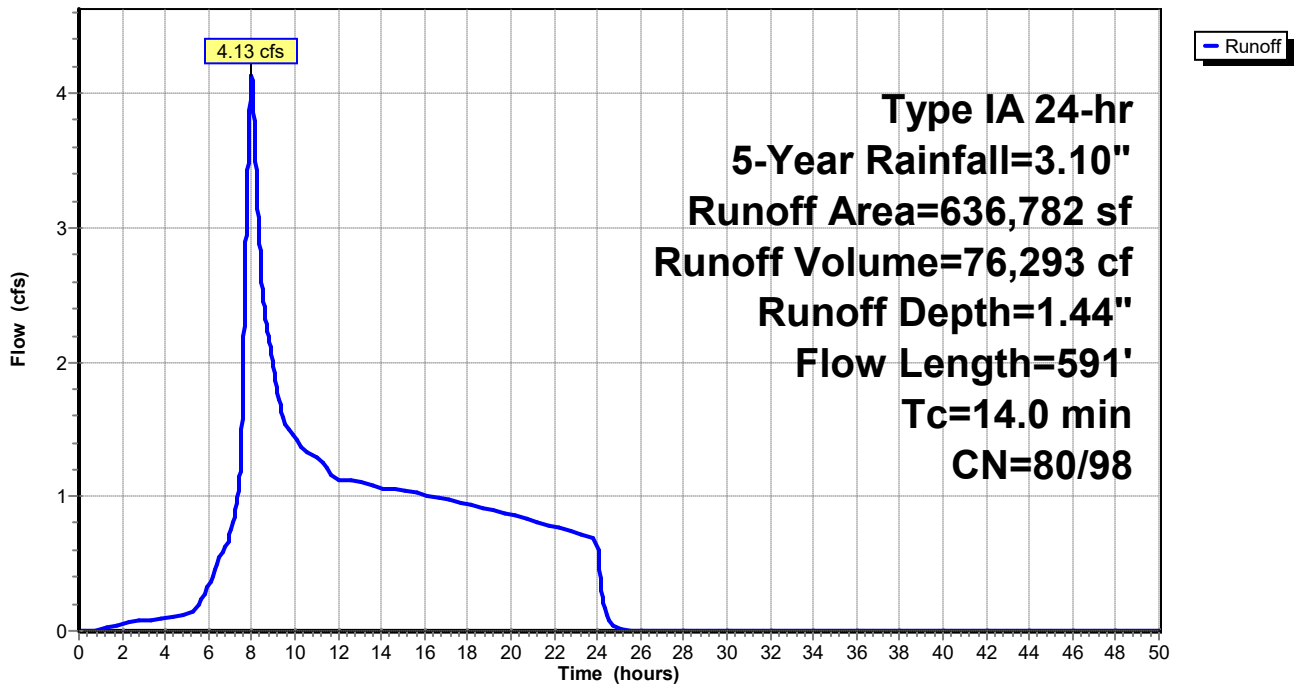
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
 Type IA 24-hr 5-Year Rainfall=3.10"

	Area (sf)	CN	Description
*	590,443	80	Pervious
*	46,339	98	Impervious
	636,782	81	Weighted Average
	590,443	80	92.72% Pervious Area
	46,339	98	7.28% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
13.0	300	0.1210	0.38		<b>Sheet Flow,</b> Grass: Short n= 0.150 P2= 2.50"
1.0	291	0.0890	4.80		<b>Shallow Concentrated Flow,</b> Unpaved Kv= 16.1 fps
14.0	591	Total			

**Subcatchment 100: Pre-Developed Site**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 5-Year Rainfall=3.10"

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**Summary for Subcatchment 101: Detained Site**

Runoff = 7.65 cfs @ 7.91 hrs, Volume= 110,473 cf, Depth= 2.26"

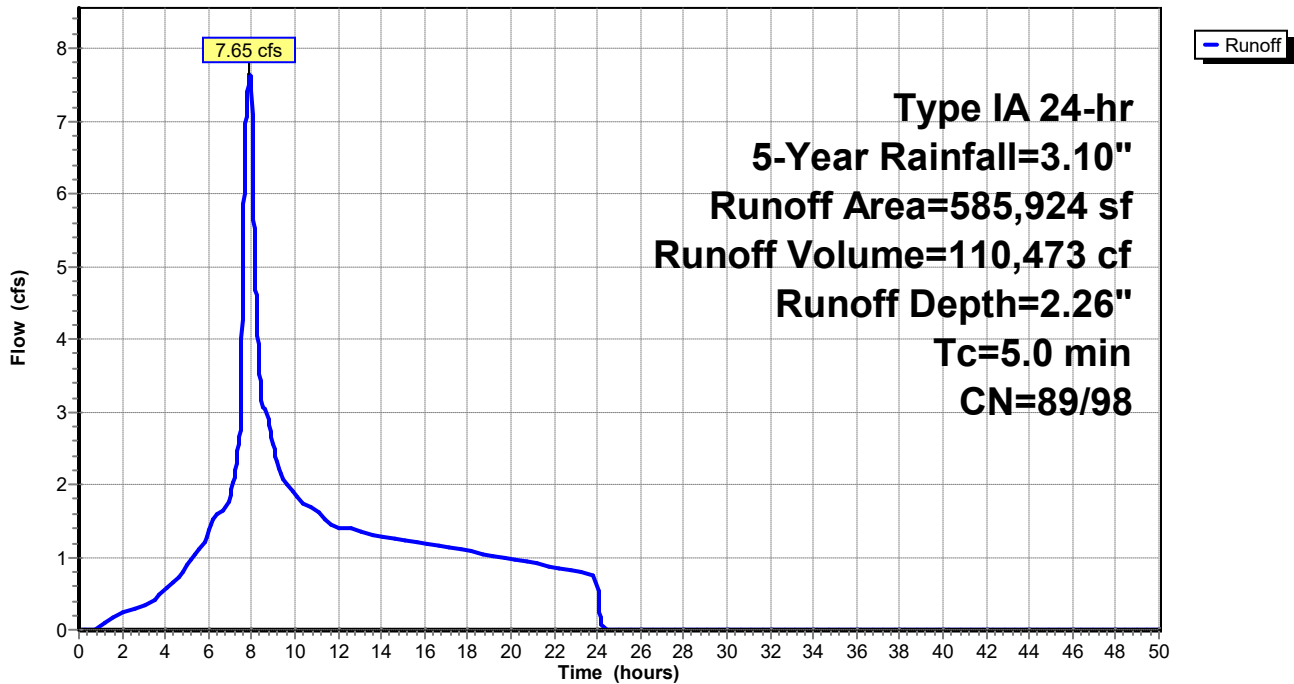
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
 Type IA 24-hr 5-Year Rainfall=3.10"

	Area (sf)	CN	Description
*	404,235	89	Pervious
*	181,689	98	Impervious
	585,924	92	Weighted Average
	404,235	89	68.99% Pervious Area
	181,689	98	31.01% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

**Subcatchment 101: Detained Site**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 5-Year Rainfall=3.10"

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**Summary for Subcatchment 102: Undetained Site**

Runoff = 0.68 cfs @ 7.91 hrs, Volume= 9,838 cf, Depth= 2.32"

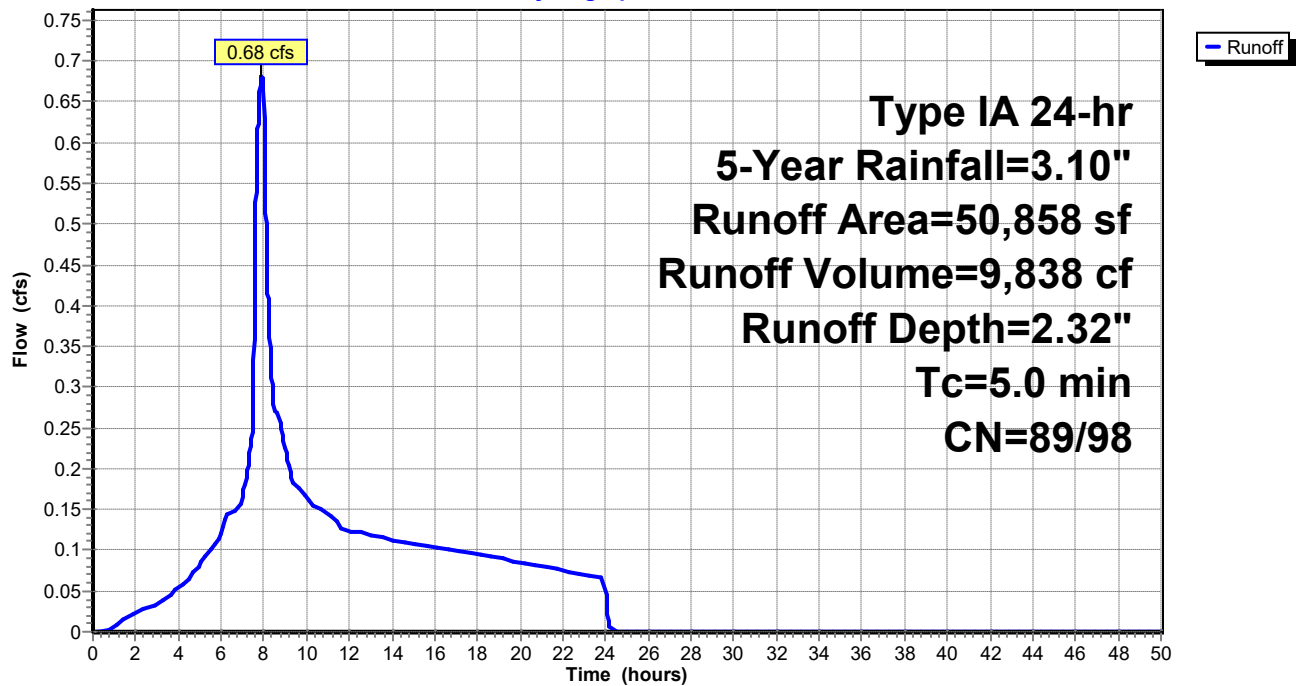
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
Type IA 24-hr 5-Year Rainfall=3.10"

	Area (sf)	CN	Description
*	31,687	89	Pervious
*	19,171	98	Impervious
	50,858	92	Weighted Average
	31,687	89	62.30% Pervious Area
	19,171	98	37.70% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

**Subcatchment 102: Undetained Site**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 5-Year Rainfall=3.10"

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**Summary for Pond P2: Detention Pond**

Inflow Area = 585,924 sf, 31.01% Impervious, Inflow Depth = 2.26" for 5-Year event  
 Inflow = 7.65 cfs @ 7.91 hrs, Volume= 110,473 cf  
 Outflow = 1.74 cfs @ 10.32 hrs, Volume= 110,473 cf, Atten= 77%, Lag= 144.5 min  
 Primary = 1.74 cfs @ 10.32 hrs, Volume= 110,473 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
 Peak Elev= 276.50' @ 10.32 hrs Surf.Area= 16,204 sf Storage= 30,427 cf

Plug-Flow detention time= 302.0 min calculated for 110,473 cf (100% of inflow)  
 Center-of-Mass det. time= 302.0 min ( 1,023.7 - 721.7 )

Volume	Invert	Avail.Storage	Storage Description
#1	274.50'	55,934 cf	<b>Custom Stage Data (Prismatic)</b> Listed below (Recalc)
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
274.50	14,178	0	0
275.00	14,677	7,214	7,214
276.00	15,686	15,182	22,395
277.00	16,714	16,200	38,595
278.00	17,963	17,339	55,934

Device	Routing	Invert	Outlet Devices
#1	Device 2	273.50'	<b>4.8" Vert. Orifice/Grate</b> C= 0.620
#2	Primary	273.50'	<b>15.0" Round Culvert</b> L= 5.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 273.50' / 273.20' S= 0.0600 '/' Cc= 0.900 n= 0.013, Flow Area= 1.23 sf
#3	Device 2	276.12'	<b>15.0" Vert. Orifice/Grate</b> C= 0.620

**Primary OutFlow** Max=1.74 cfs @ 10.32 hrs HW=276.50' (Free Discharge)

↑ **2=Culvert** (Passes 1.74 cfs of 9.11 cfs potential flow)  
 ↑ **1=Orifice/Grate** (Orifice Controls 1.05 cfs @ 8.33 fps)  
 ↑ **3=Orifice/Grate** (Orifice Controls 0.70 cfs @ 2.18 fps)

**0200-009 HydroCAD Pond**

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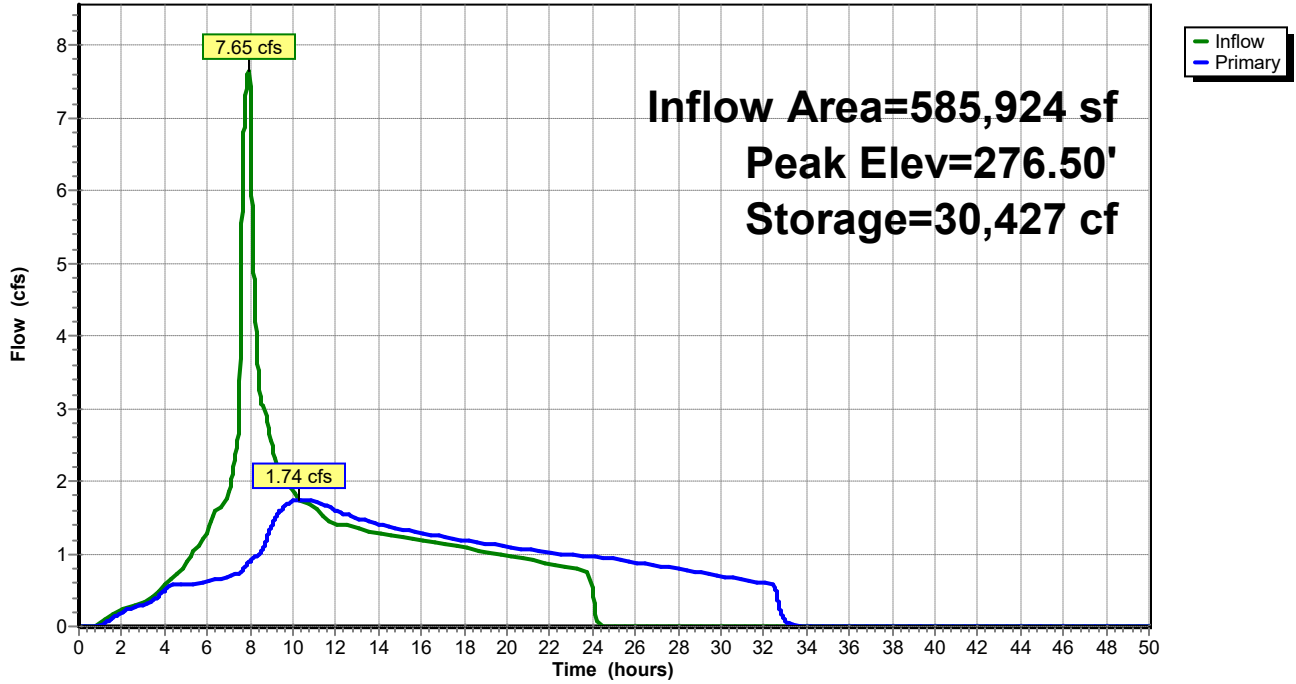
Type IA 24-hr 5-Year Rainfall=3.10"

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**Pond P2: Detention Pond**

Hydrograph





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Type IA 24-hr 5-Year Rainfall=3.10"

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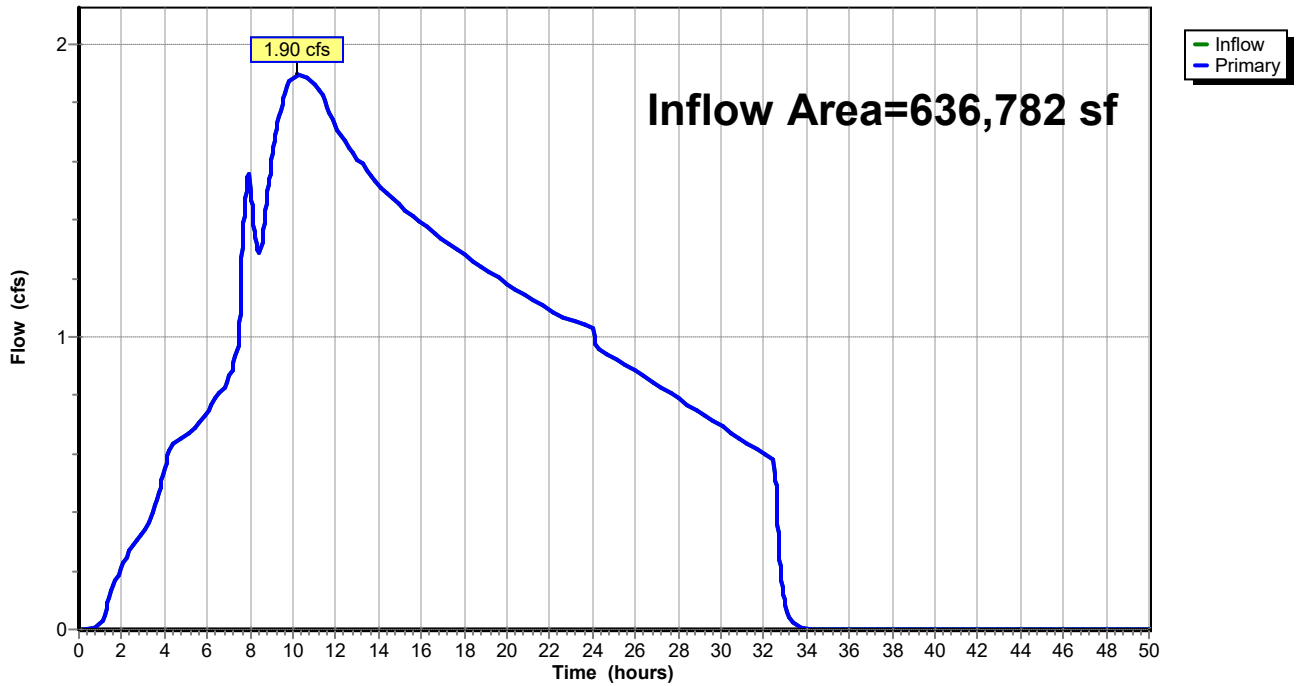
**Summary for Link L2: Post-Developed Site**

Inflow Area = 636,782 sf, 31.54% Impervious, Inflow Depth = 2.27" for 5-Year event  
Inflow = 1.90 cfs @ 10.20 hrs, Volume= 120,310 cf  
Primary = 1.90 cfs @ 10.20 hrs, Volume= 120,310 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

**Link L2: Post-Developed Site**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 10-Year Rainfall=3.45"

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**Summary for Subcatchment 100: Pre-Developed Site**

Runoff = 5.09 cfs @ 8.00 hrs, Volume= 90,989 cf, Depth= 1.71"

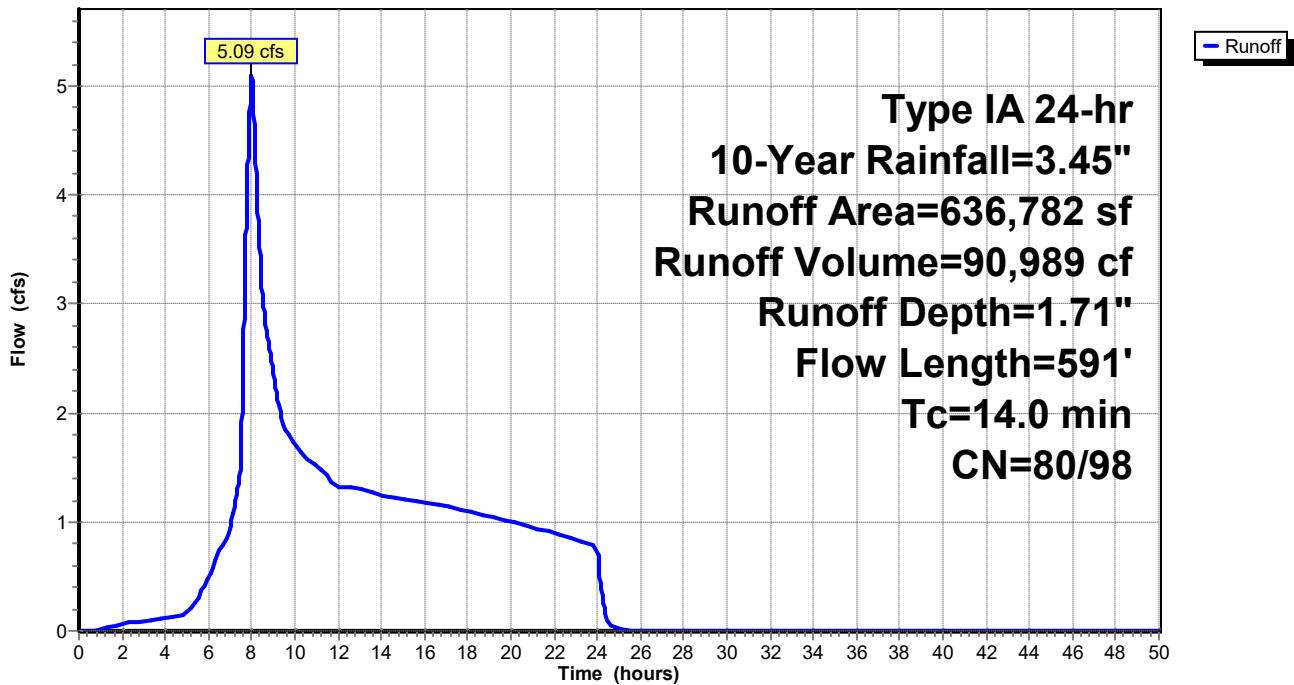
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
Type IA 24-hr 10-Year Rainfall=3.45"

	Area (sf)	CN	Description
*	590,443	80	Pervious
*	46,339	98	Impervious
	636,782	81	Weighted Average
	590,443	80	92.72% Pervious Area
	46,339	98	7.28% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
13.0	300	0.1210	0.38		<b>Sheet Flow,</b> Grass: Short n= 0.150 P2= 2.50"
1.0	291	0.0890	4.80		<b>Shallow Concentrated Flow,</b> Unpaved Kv= 16.1 fps
14.0	591	Total			

**Subcatchment 100: Pre-Developed Site**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 10-Year Rainfall=3.45"

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**Summary for Subcatchment 101: Detained Site**

Runoff = 8.80 cfs @ 7.91 hrs, Volume= 126,551 cf, Depth= 2.59"

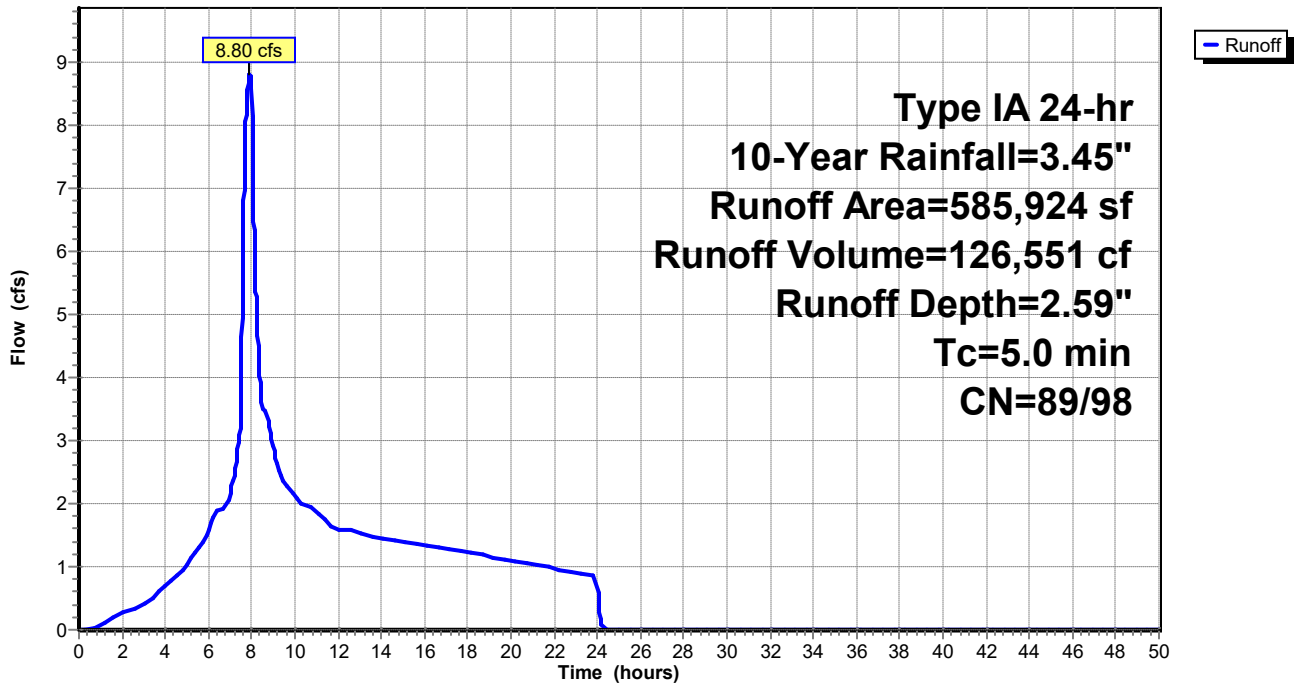
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
 Type IA 24-hr 10-Year Rainfall=3.45"

	Area (sf)	CN	Description
*	404,235	89	Pervious
*	181,689	98	Impervious
	585,924	92	Weighted Average
	404,235	89	68.99% Pervious Area
	181,689	98	31.01% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

**Subcatchment 101: Detained Site**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 10-Year Rainfall=3.45"

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**Summary for Subcatchment 102: Undetained Site**

Runoff = 0.78 cfs @ 7.90 hrs, Volume= 11,241 cf, Depth= 2.65"

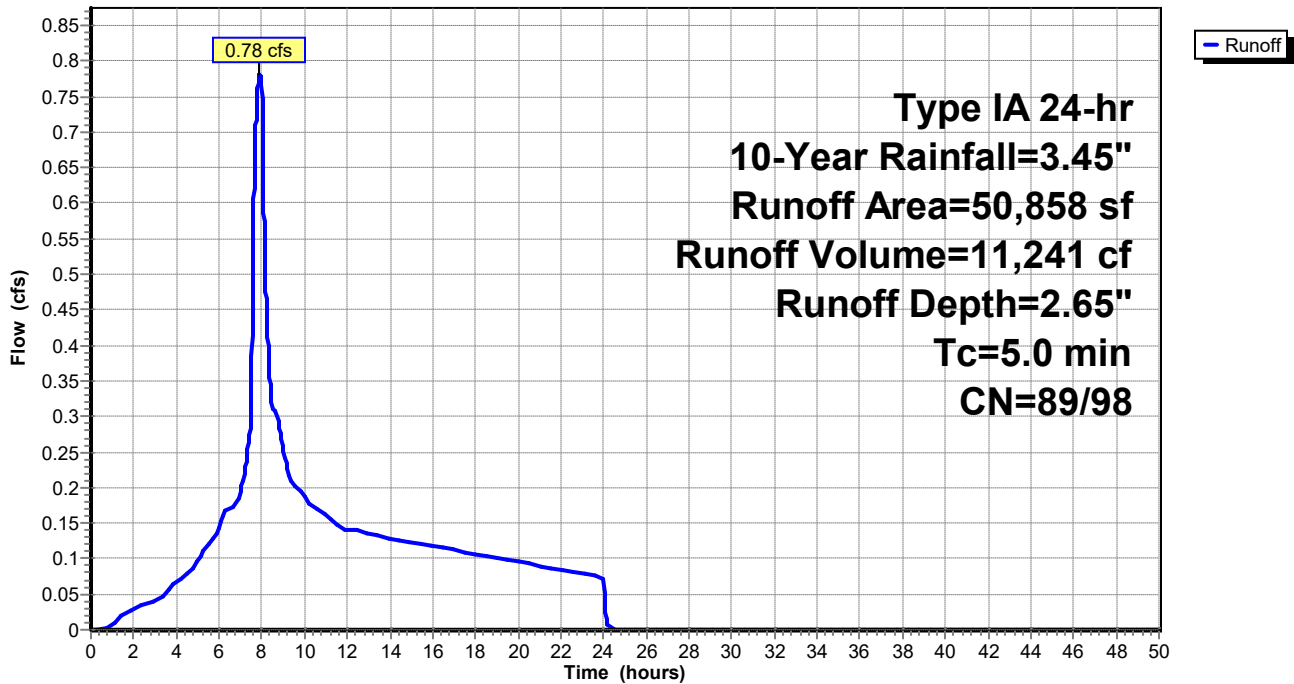
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
 Type IA 24-hr 10-Year Rainfall=3.45"

	Area (sf)	CN	Description
*	31,687	89	Pervious
*	19,171	98	Impervious
	50,858	92	Weighted Average
	31,687	89	62.30% Pervious Area
	19,171	98	37.70% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

**Subcatchment 102: Undetained Site**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 10-Year Rainfall=3.45"

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**Summary for Pond P2: Detention Pond**

Inflow Area = 585,924 sf, 31.01% Impervious, Inflow Depth = 2.59" for 10-Year event  
 Inflow = 8.80 cfs @ 7.91 hrs, Volume= 126,551 cf  
 Outflow = 2.40 cfs @ 9.35 hrs, Volume= 126,551 cf, Atten= 73%, Lag= 86.8 min  
 Primary = 2.40 cfs @ 9.35 hrs, Volume= 126,551 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
 Peak Elev= 276.66' @ 9.35 hrs Surf.Area= 16,367 sf Storage= 33,009 cf

Plug-Flow detention time= 282.0 min calculated for 126,526 cf (100% of inflow)  
 Center-of-Mass det. time= 282.0 min ( 998.3 - 716.2 )

Volume	Invert	Avail.Storage	Storage Description
#1	274.50'	55,934 cf	<b>Custom Stage Data (Prismatic)</b> Listed below (Recalc)
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
274.50	14,178	0	0
275.00	14,677	7,214	7,214
276.00	15,686	15,182	22,395
277.00	16,714	16,200	38,595
278.00	17,963	17,339	55,934

Device	Routing	Invert	Outlet Devices
#1	Device 2	273.50'	<b>4.8" Vert. Orifice/Grate</b> C= 0.620
#2	Primary	273.50'	<b>15.0" Round Culvert</b> L= 5.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 273.50' / 273.20' S= 0.0600 '/' Cc= 0.900 n= 0.013, Flow Area= 1.23 sf
#3	Device 2	276.12'	<b>15.0" Vert. Orifice/Grate</b> C= 0.620

**Primary OutFlow** Max=2.40 cfs @ 9.35 hrs HW=276.66' (Free Discharge)

↑ **2=Culvert** (Passes 2.40 cfs of 9.41 cfs potential flow)  
 ↑ **1=Orifice/Grate** (Orifice Controls 1.08 cfs @ 8.56 fps)  
 ↑ **3=Orifice/Grate** (Orifice Controls 1.32 cfs @ 2.59 fps)

**0200-009 HydroCAD Pond**

Type IA 24-hr 10-Year Rainfall=3.45"

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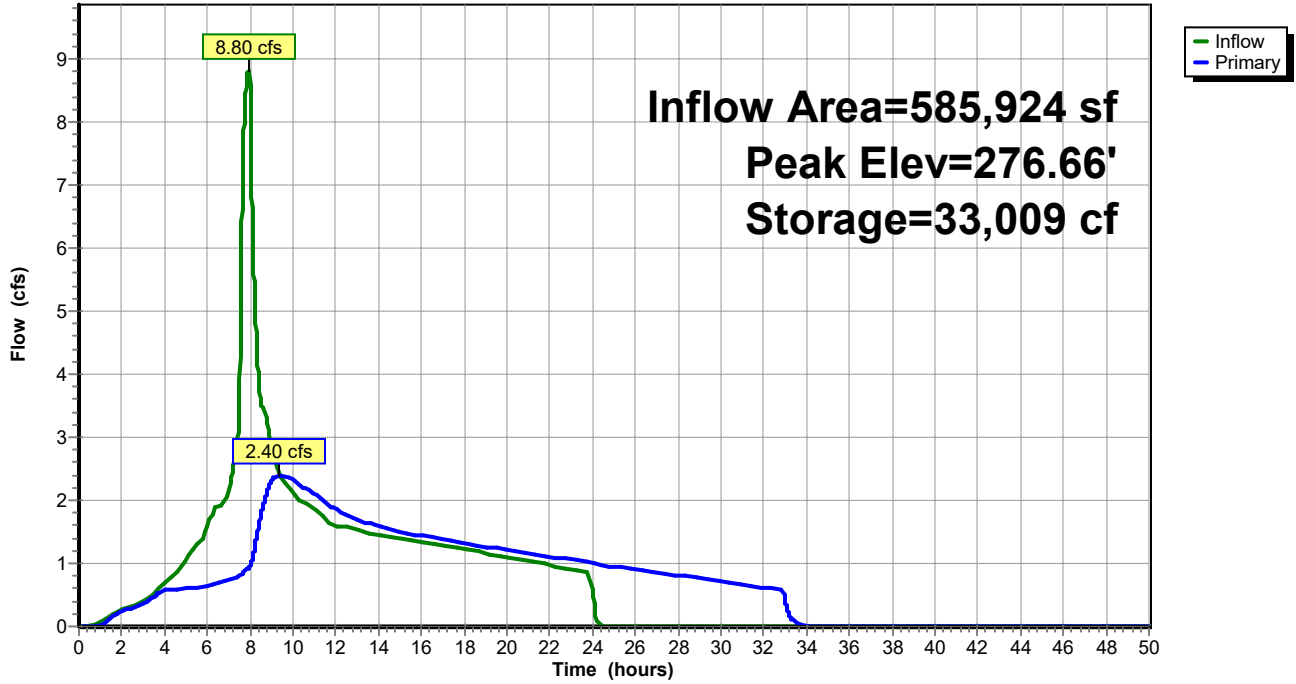
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**Pond P2: Detention Pond**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 10-Year Rainfall=3.45"

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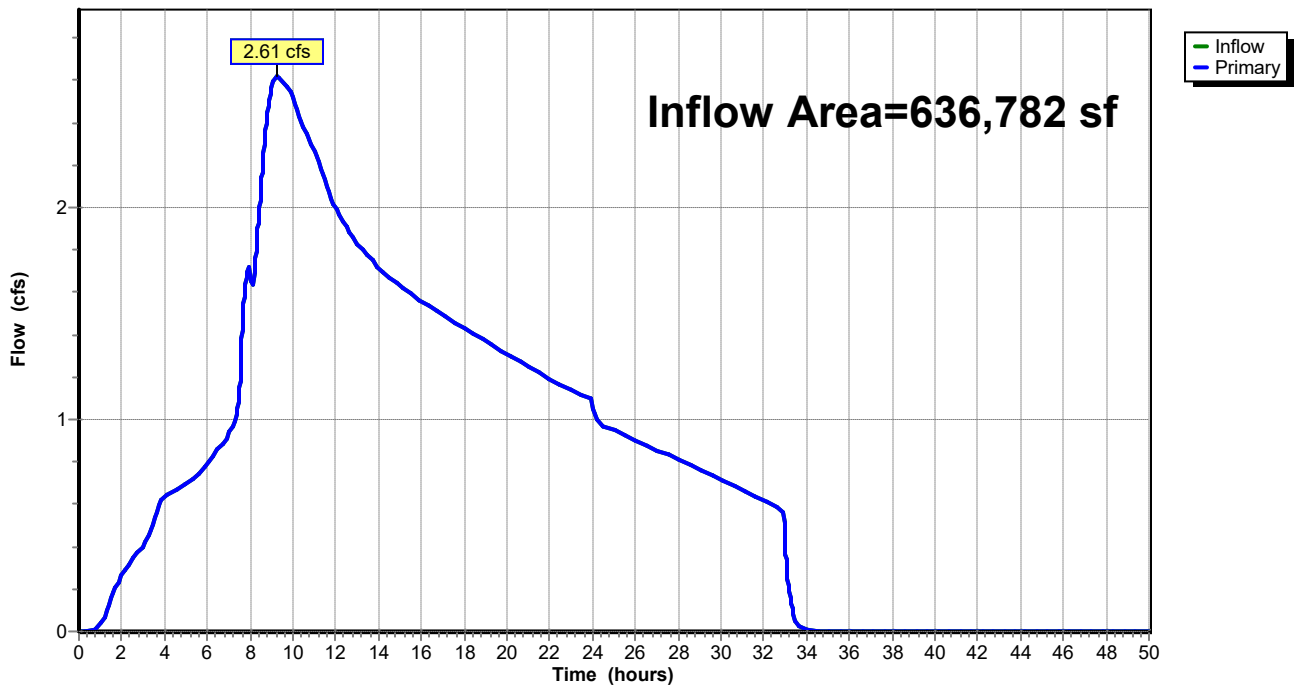
**Summary for Link L2: Post-Developed Site**

Inflow Area = 636,782 sf, 31.54% Impervious, Inflow Depth = 2.60" for 10-Year event  
Inflow = 2.61 cfs @ 9.26 hrs, Volume= 137,792 cf  
Primary = 2.61 cfs @ 9.26 hrs, Volume= 137,792 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

**Link L2: Post-Developed Site**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 25-Year Rainfall=3.90"

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**Summary for Subcatchment 100: Pre-Developed Site**

Runoff = 6.38 cfs @ 8.00 hrs, Volume= 110,560 cf, Depth= 2.08"

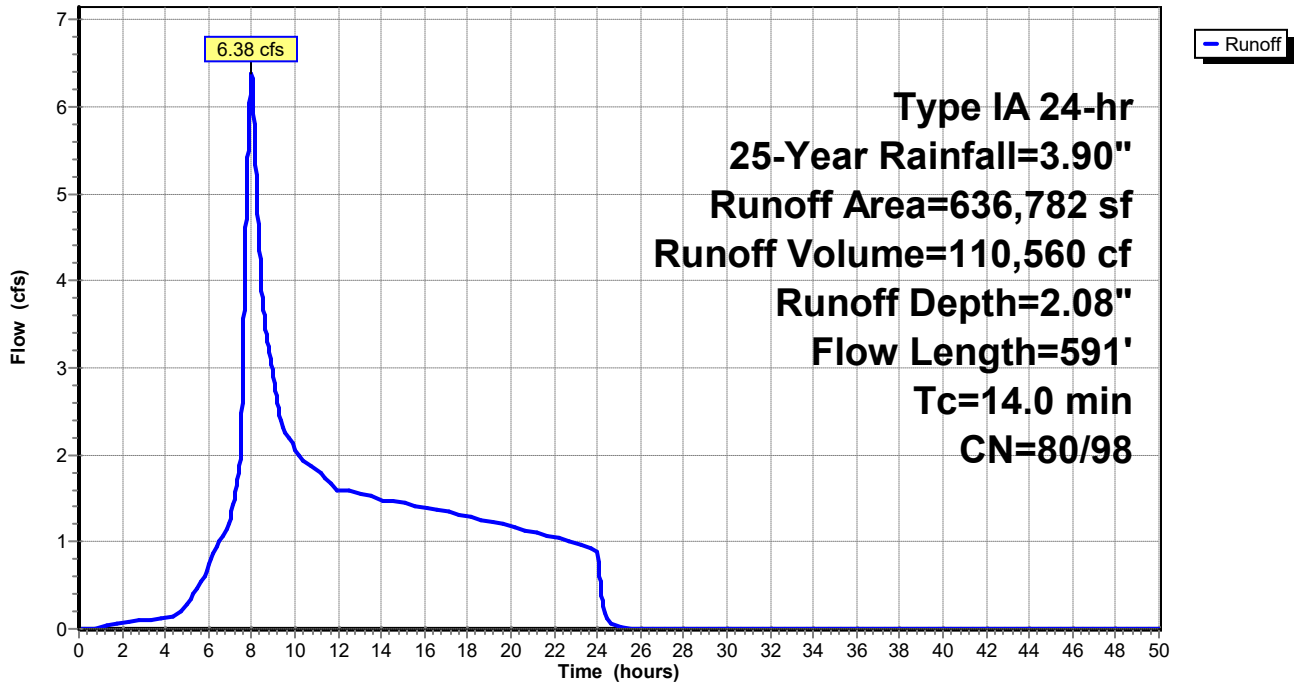
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
Type IA 24-hr 25-Year Rainfall=3.90"

	Area (sf)	CN	Description
*	590,443	80	Pervious
*	46,339	98	Impervious
	636,782	81	Weighted Average
	590,443	80	92.72% Pervious Area
	46,339	98	7.28% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
13.0	300	0.1210	0.38		<b>Sheet Flow,</b> Grass: Short n= 0.150 P2= 2.50"
1.0	291	0.0890	4.80		<b>Shallow Concentrated Flow,</b> Unpaved Kv= 16.1 fps
14.0	591	Total			

**Subcatchment 100: Pre-Developed Site**

Hydrograph





**0200-009 HydroCAD Pond**

Type IA 24-hr 25-Year Rainfall=3.90"

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**Summary for Subcatchment 101: Detained Site**

Runoff = 10.29 cfs @ 7.90 hrs, Volume= 147,437 cf, Depth= 3.02"

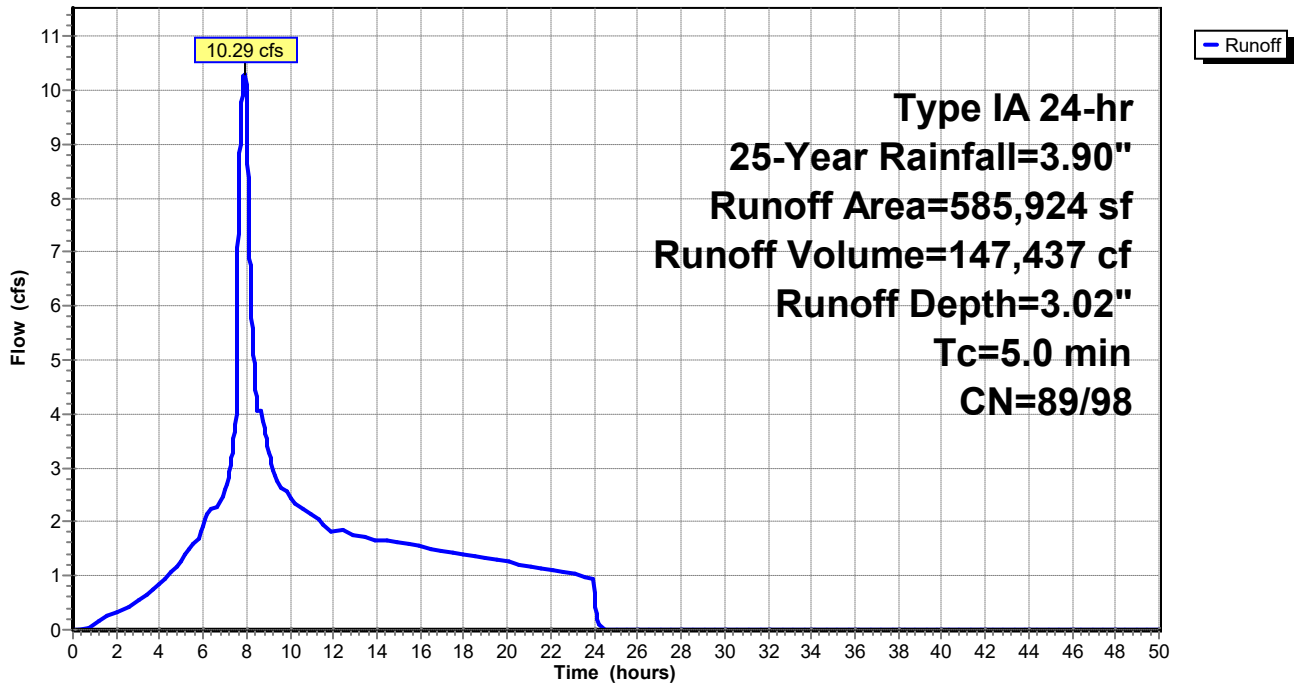
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
Type IA 24-hr 25-Year Rainfall=3.90"

	Area (sf)	CN	Description
*	404,235	89	Pervious
*	181,689	98	Impervious
	585,924	92	Weighted Average
	404,235	89	68.99% Pervious Area
	181,689	98	31.01% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

**Subcatchment 101: Detained Site**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 25-Year Rainfall=3.90"

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**Summary for Subcatchment 102: Undetained Site**

Runoff = 0.91 cfs @ 7.90 hrs, Volume= 13,063 cf, Depth= 3.08"

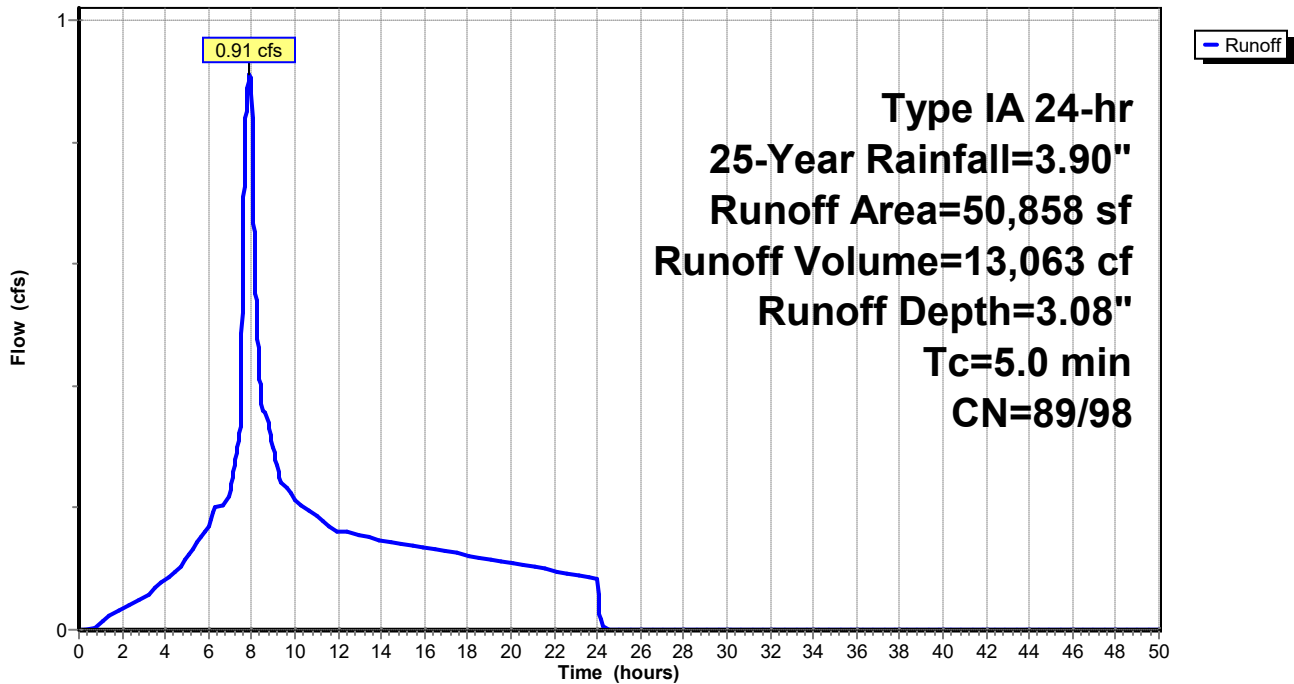
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
Type IA 24-hr 25-Year Rainfall=3.90"

	Area (sf)	CN	Description
*	31,687	89	Pervious
*	19,171	98	Impervious
	50,858	92	Weighted Average
	31,687	89	62.30% Pervious Area
	19,171	98	37.70% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

**Subcatchment 102: Undetained Site**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 25-Year Rainfall=3.90"

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**Summary for Pond P2: Detention Pond**

Inflow Area = 585,924 sf, 31.01% Impervious, Inflow Depth = 3.02" for 25-Year event  
 Inflow = 10.29 cfs @ 7.90 hrs, Volume= 147,437 cf  
 Outflow = 3.47 cfs @ 8.94 hrs, Volume= 147,437 cf, Atten= 66%, Lag= 62.3 min  
 Primary = 3.47 cfs @ 8.94 hrs, Volume= 147,437 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs  
 Peak Elev= 276.87' @ 8.94 hrs Surf.Area= 16,583 sf Storage= 36,467 cf

Plug-Flow detention time= 258.6 min calculated for 147,437 cf (100% of inflow)  
 Center-of-Mass det. time= 258.6 min ( 968.8 - 710.2 )

Volume	Invert	Avail.Storage	Storage Description
#1	274.50'	55,934 cf	<b>Custom Stage Data (Prismatic)</b> Listed below (Recalc)
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
274.50	14,178	0	0
275.00	14,677	7,214	7,214
276.00	15,686	15,182	22,395
277.00	16,714	16,200	38,595
278.00	17,963	17,339	55,934

Device	Routing	Invert	Outlet Devices
#1	Device 2	273.50'	<b>4.8" Vert. Orifice/Grate</b> C= 0.620
#2	Primary	273.50'	<b>15.0" Round Culvert</b> L= 5.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 273.50' / 273.20' S= 0.0600 '/ Cc= 0.900 n= 0.013, Flow Area= 1.23 sf
#3	Device 2	276.12'	<b>15.0" Vert. Orifice/Grate</b> C= 0.620

**Primary OutFlow** Max=3.47 cfs @ 8.94 hrs HW=276.87' (Free Discharge)

↑ **2=Culvert** (Passes 3.47 cfs of 9.79 cfs potential flow)  
 ↑ **1=Orifice/Grate** (Orifice Controls 1.11 cfs @ 8.86 fps)  
 ↑ **3=Orifice/Grate** (Orifice Controls 2.35 cfs @ 3.05 fps)

**0200-009 HydroCAD Pond**

Type IA 24-hr 25-Year Rainfall=3.90"

Prepared by Emerio Design LLC

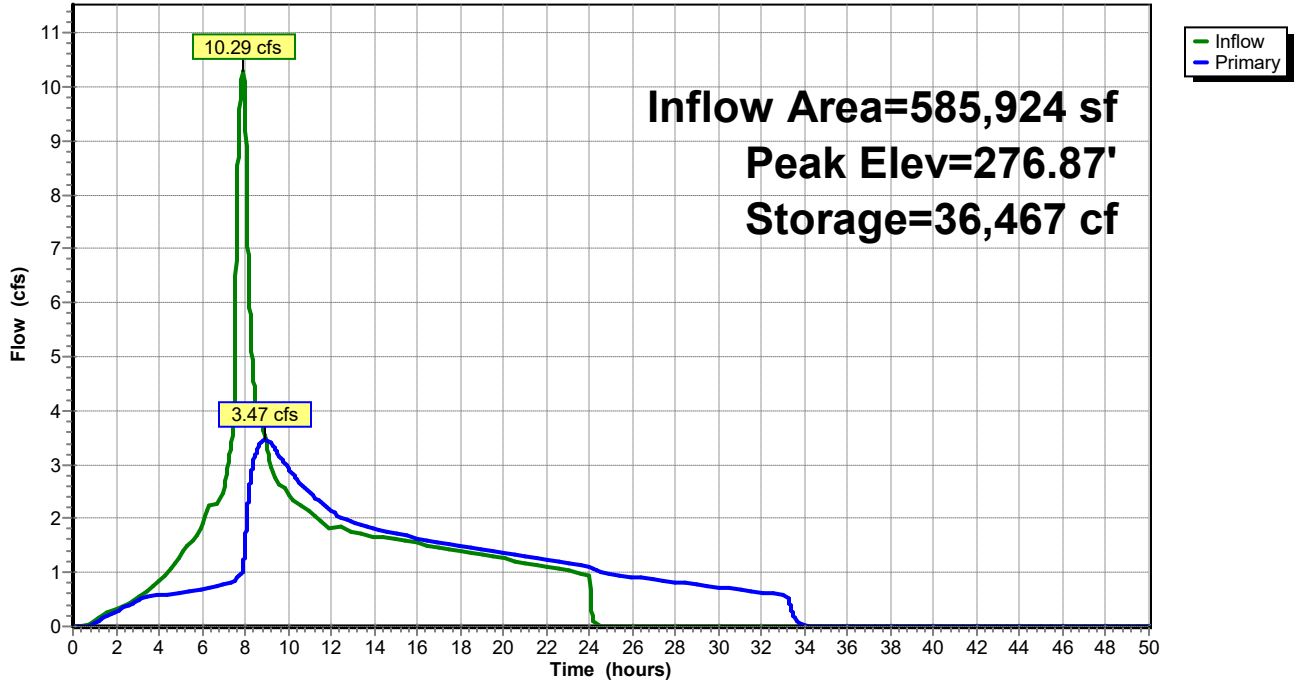
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**Pond P2: Detention Pond**

Hydrograph



**0200-009 HydroCAD Pond**

Type IA 24-hr 25-Year Rainfall=3.90"

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**Summary for Link L2: Post-Developed Site**

Inflow Area = 636,782 sf, 31.54% Impervious, Inflow Depth = 3.02" for 25-Year event  
 Inflow = 3.78 cfs @ 8.87 hrs, Volume= 160,500 cf  
 Primary = 3.78 cfs @ 8.87 hrs, Volume= 160,500 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

**Link L2: Post-Developed Site**

Hydrograph

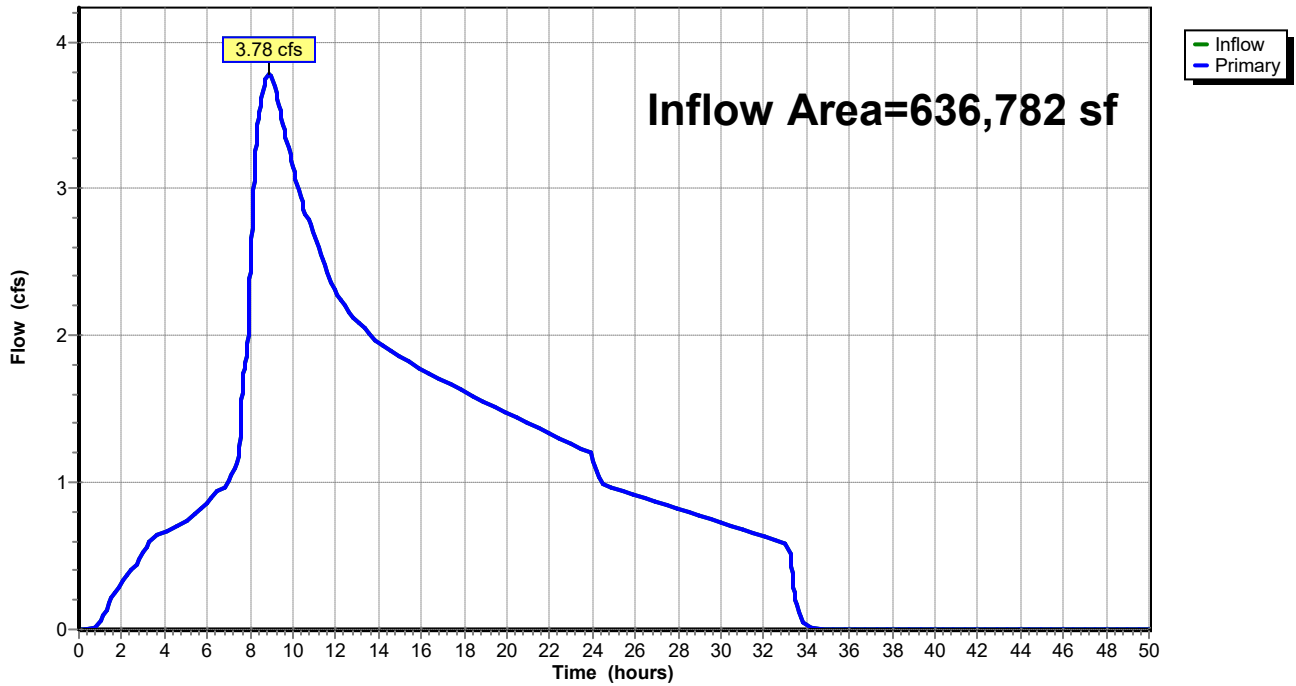
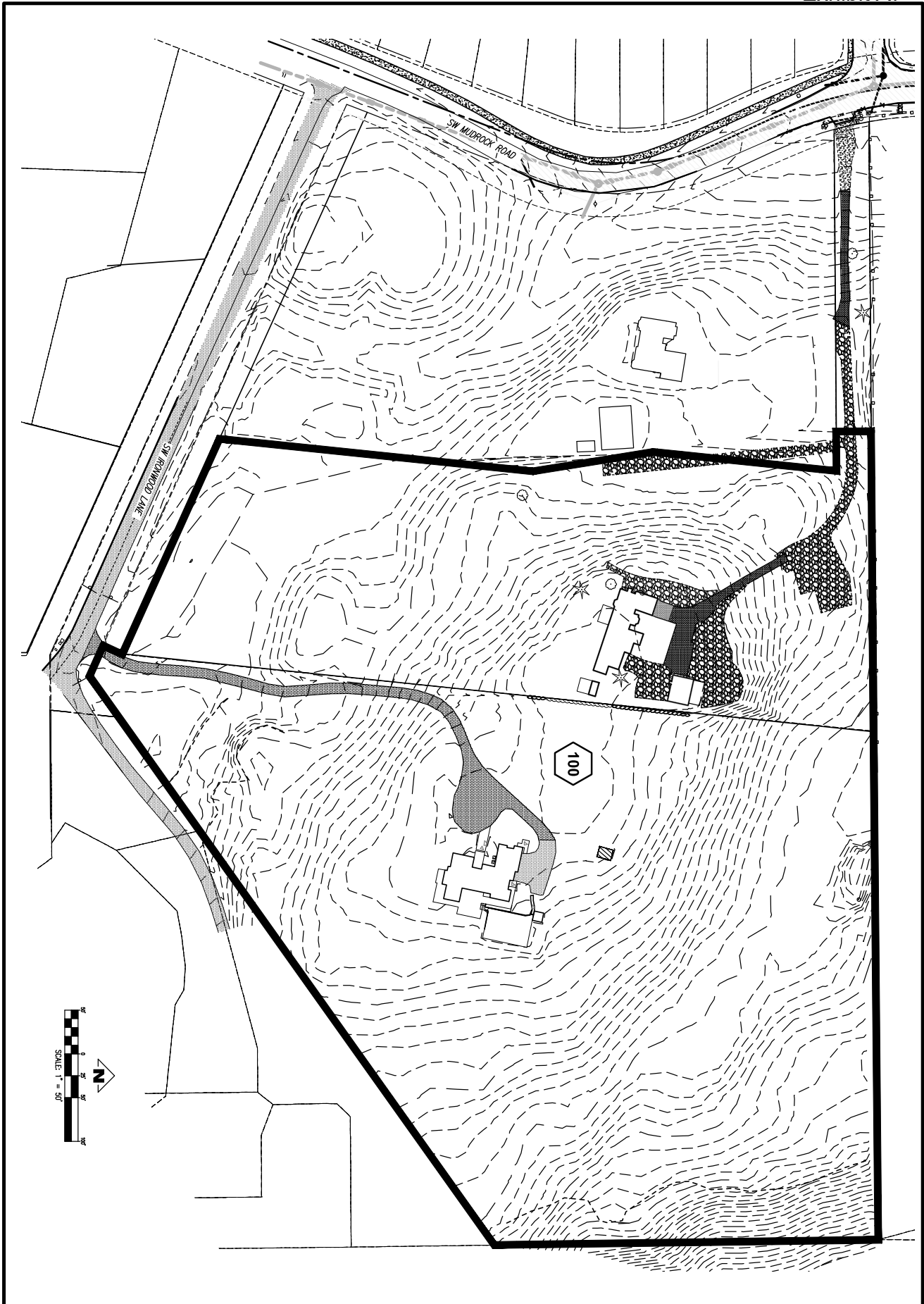


Exhibit A7

**Appendix D:**



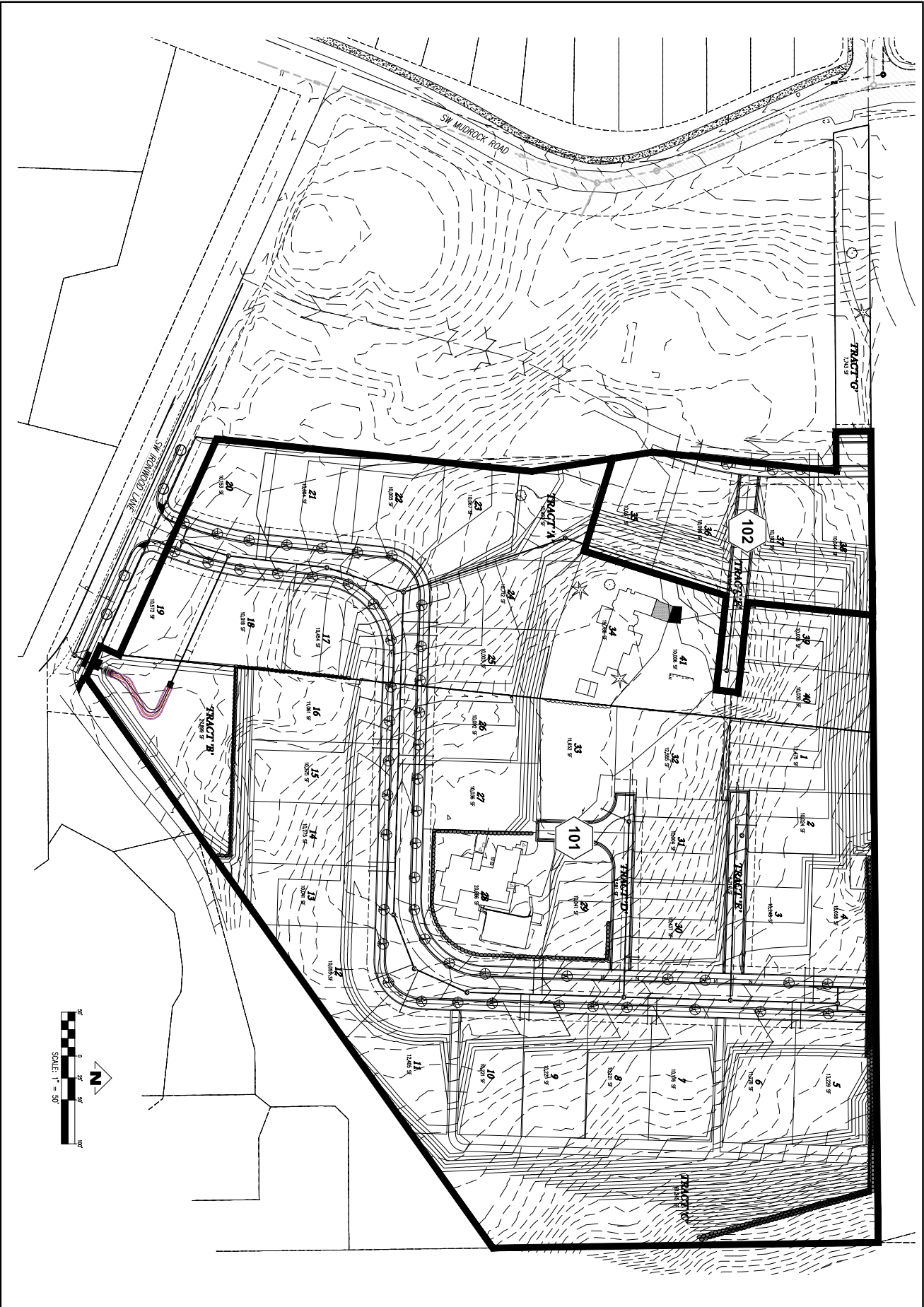
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OF  
02

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REVISIONS	
NO.	DATE
1	05/23/20
	1ST SUBMITTAL

**APPENDIX D(1)  
PRE-DEVELOPED BASIN  
MAP**

**YUZON PUD**  
TAX MAP T2S R1W 33CB  
TAX LOTS 00100 & 00200  
SHERWOOD, OREGON



SHEET  
02  
OF  
02

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REVISIONS	
NO.	DATE
1	05/22/20
	DESCRIPTION
	1ST SUBMITTAL

**APPENDIX D(2)**  
**POST-DEVELOPED BASIN**  
**MAP**

**YUZON PUD**  
**TAX MAP T2S R1W 33CB**  
**TAX LOTS 00100 & 00200**  
**SHERWOOD, OREGON**





## **Geotechnical Engineering Report**

**23008 SW Murdock Road Subdivision  
Tax Lot 2S133CB00200  
Sherwood, Oregon**

**GeoPacific Engineering, Inc. Job No. 20-5429  
February 27, 2020**



**Real-World Geotechnical Solutions**  
**Investigation • Design • Construction Support**

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- 2 Site Aerial and Exploration Locations



**Real-World Geotechnical Solutions**  
**Investigation • Design • Construction Support**

February 27, 2020  
Project No. 20-5429

Brad Miller  
**Legacy Homes**  
18025 SW Brookman Road  
Sherwood, Oregon 97140  
Via email: bradlegacy@gmail.com

**SUBJECT: GEOTECHNICAL ENGINEERING REPORT**  
**23008 SW MURDOCK ROAD SUBDIVISION**  
**TAX LOT 2S133CB00200**  
**SHERWOOD, OREGON**

## 1 PROJECT INFORMATION

This report presents the results of a geotechnical engineering study conducted by GeoPacific Engineering, Inc. (GeoPacific) for the above-referenced project. The purpose of our investigation was to evaluate subsurface conditions at the site, and to provide geotechnical recommendations for site development. This geotechnical study was performed in accordance with GeoPacific Proposal No. P-7228, dated January 10, 2020, and your subsequent authorization of our proposal and *General Conditions for Geotechnical Services*.

<b>Site Location:</b>	Tax Lot 2S133CB00200 23008 SW Murdock Road Sherwood, Oregon 97140 (see Figures 1 and 2)
<b>Developer:</b>	Legacy Homes 18025 SW Brookman Road Sherwood, Oregon 97140 Phone: (503) 544-6785 Email: bradlegacy@gmail.com
<b>Jurisdictional Agency:</b>	Sherwood / Washington County, Oregon

## 2 SITE AND PROJECT DESCRIPTION

The subject site is a flag lot with access from the east side of SW Murdock Road. The lot is within a residential and rural residential area in Sherwood, Oregon. Topography at the site is gently to moderately sloping to the northwest and south. A single family residence constructed in 1988 and an outbuilding are located on the northern portion of the site. The residence and outbuilding are surrounded by landscape vegetation and trees. The remainder of the site consists primarily of short grass fields and occasional trees.

It is our understanding that the residential building will remain during site development, and the outbuilding will be removed before site development. We anticipate that the homes will be constructed with typical spread foundations and wood framing. A grading plan has not been provided, however, we anticipate cuts and fills on the order of five feet or less.

## 3 REGIONAL GEOLOGIC SETTING

Regionally, the subject site lies within the Willamette Valley/Puget Sound lowland, a broad structural depression situated between the Coast Range on the west and the Cascade Range on the east. A series of discontinuous faults subdivide the Willamette Valley into a mosaic of fault-bounded, structural blocks (Yeats et al., 1996). Uplifted structural blocks form bedrock highlands, while down-warped structural blocks form sedimentary basins.

*The Web Soil Survey (United States Department of Agriculture, Natural Resource Conservation Service (USDA NRCS 2015 Website)*, indicates that near-surface soils primarily consist of the Xerochrepts-Rock outcrop complex. The xerochrept parent material consists of cobbly colluvium derived from basalt. Soils are generally well-drained and underlain by bedrock.

Locally, the site is situated on an uplifted structural block of Columbia River Basalt (Schlicker and Finlayson, 1979). The Columbia River Basalt formation is differentiated into several members. The basalt underlying the subject site is part of the Wanapum Basalt member, which is typically dark gray to black and displays blocky to columnar jointing (Burns et al, 1997). Interflow zones between flows are typically vesicular, scoriaceous, and brecciated, and sometimes include sedimentary rocks. Where highly weathered, the upper portion of the basalt is altered to a distinctive red-brown clayey silt known as laterite or residual soil.

## 4 REGIONAL SEISMIC SETTING

At least three major fault zones capable of generating damaging earthquakes are thought to exist in the vicinity of the subject site. These include the Portland Hills Fault Zone, the Gales Creek-Newberg-Mt. Angel Structural Zone, and the Cascadia Subduction Zone.

### 4.1 Portland Hills Fault Zone

The Portland Hills Fault Zone is a series of NW-trending faults that include the central Portland Hills Fault, the western Oatfield Fault, and the eastern East Bank Fault. These faults occur in a northwest-trending zone that varies in width between 3.5 and 5.0 miles. The combined three faults vertically displace the Columbia River Basalt by 1,130 feet and appear to control thickness changes in late Pleistocene (approx. 780,000 years) sediment (Madin, 1990). The Portland Hills

Fault occurs along the Willamette River at the base of the Portland Hills and is about 11.5 miles northeast of the site. The Oatfield Fault occurs along the western side of the Portland Hills and is about 9.5 miles northeast of the site. The accuracy of the fault mapping is stated to be within 500 meters (Wong, et al., 2000). No historical seismicity is correlated with the mapped portion of the Portland Hills Fault Zone, but in 1991 a M3.5 earthquake occurred on a NW-trending shear plane located 1.3 miles east of the fault (Yelin, 1992). Although there is no definitive evidence of recent activity, the Portland Hills Fault Zone is assumed to be potentially active (Geomatrix Consultants, 1995).

#### **4.2 Gales Creek-Newberg-Mt. Angel Structural Zone**

The Gales Creek-Newberg-Mt. Angel Structural Zone is a 50-mile-long zone of discontinuous, NW-trending faults that lies about 7.9 miles southwest of the subject site. These faults are recognized in the subsurface by vertical separation of the Columbia River Basalt and offset seismic reflectors in the overlying basin sediment (Yeats et al., 1996; Werner et al., 1992). A geologic reconnaissance and photogeologic analysis study conducted for the Scoggins Dam site in the Tualatin Basin revealed no evidence of deformed geomorphic surfaces along the structural zone (Unruh et al., 1994). No seismicity has been recorded on the Gales Creek Fault or Newberg Fault (the fault closest to the subject site); however, these faults are considered to be potentially active because they may connect with the seismically active Mount Angel Fault and the rupture plane of the 1993 M5.6 Scotts Mills earthquake (Werner et al. 1992; Geomatrix Consultants, 1995).

According to the USGS Earthquake Hazards Program, the Mount Angel fault is mapped as a high-angle, reverse-oblique fault, which offsets Miocene rocks of the Columbia River Basalts, and Miocene and Pliocene sedimentary rocks. The fault appears to have controlled emplacement of the Frenchman Spring Member of the Wanapum Basalts, and thus must have a history that predates the Miocene age of these rocks. No unequivocal evidence of deformation of Quaternary deposits has been described, but a thick sequence of sediments deposited by the Missoula floods covers much of the southern part of the fault trace.

#### **4.3 Cascadia Subduction Zone**

The Cascadia Subduction Zone is a 680-mile-long zone of active tectonic convergence where oceanic crust of the Juan de Fuca Plate is subducting beneath the North American continent at a rate of 4 cm per year (Goldfinger et al., 1996). A growing body of geologic evidence suggests that prehistoric subduction zone earthquakes have occurred (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). This evidence includes: (1) buried tidal marshes recording episodic, sudden subsidence along the coast of northern California, Oregon, and Washington, (2) burial of subsided tidal marshes by tsunami wave deposits, (3) paleoliquefaction features, and (4) geodetic uplift patterns on the Oregon coast. Radiocarbon dates on buried tidal marshes indicate a recurrence interval for major subduction zone earthquakes of 250 to 650 years with the last event occurring 300 years ago (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). The inferred seismogenic portion of the plate interface lies approximately along the Oregon Coast at depths of between 20 and 40 kilometers below the surface.

## 5 FIELD EXPLORATION AND SUBSURFACE CONDITIONS

Our site-specific explorations for this report were conducted on February 19, 2020. Ten exploratory test pits, designated TP-1 through TP-10, were excavated with a medium sized trackhoe to a maximum depth of 11 feet below ground surface (bgs) at the approximate locations indicated on Figure 2. It should be noted that exploration locations were located in the field by pacing or taping distances from apparent property corners and other site features shown on the plans provided. As such, the locations of the explorations should be considered approximate.

A GeoPacific staff member continuously monitored the field exploration program and logged the explorations. Soils observed in the explorations were classified in general accordance with the Unified Soil Classification System (USCS). Rock hardness was classified in accordance with Table 1, modified from the ODOT Rock Hardness Classification Chart. During exploration, our staff member also noted geotechnical conditions such as soil consistency, moisture and groundwater conditions. Logs of the explorations are attached to this report. The following report sections are based on the exploration program and summarize subsurface conditions encountered at the site.

**Table 1. Rock Hardness Classification Chart**

ODOT Rock Hardness Rating	Field Criteria	Unconfined Compressive Strength	Typical Equipment Needed for Excavation
Extremely Soft (R0)	Indented by thumbnail	<100 psi	Small excavator
Very Soft (R1)	Scratched by thumbnail, crumbled by rock hammer	100-1,000 psi	Small excavator
Soft (R2)	Not scratched by thumbnail, indented by rock hammer	1,000-4,000 psi	Medium excavator (slow digging with small excavator)
Medium Hard (R3)	Scratched or fractured by rock hammer	4,000-8,000 psi	Medium to large excavator (slow to very slow digging), typically requires chipping with hydraulic hammer or mass excavation)
Hard (R4)	Scratched or fractured w/ difficulty	8,000-16,000 psi	Slow chipping with hydraulic hammer and/or blasting
Very Hard (R5)	Not scratched or fractured after many blows, hammer rebounds	>16,000 psi	Blasting

### 5.1 Soil Descriptions

**Topsoil/Fill:** Directly underlying the ground surface in test pit explorations TP-1 and TP-2, we observed a topsoil fill layer which generally consisted of soft, damp, organic SILT (OL). The topsoil fill layer typically extended to a depth of approximately 6 inches bgs in our explorations.

**Topsoil Horizon:** Directly underlying the ground surface in test pit explorations TP-3 through TP-10, we observed a topsoil horizon layer which generally consisted of soft, damp, moderately

organic SILT (OL) containing grass roots. The topsoil horizon typically extended to a depth of approximately 3 to 6 inches bgs in our explorations.

**Disturbed Native:** Underlying the topsoil horizon test pit TP-9, we observed a layer of disturbed native soils to a depth of approximately 3.5 feet bgs. The disturbed native soils consisted of stiff SILT (ML) containing trace weathered basalt pebbles, charcoal fragments, and small roots.

**Undocumented Fill:** Underlying the topsoil fill in test pits TP-1 and TP-2, and the topsoil horizon in test pit TP-8, we observed undocumented fill to depths up to 6 feet bgs. In test pits TP-1 and TP-2, the undocumented fill consisted of moist, soft to stiff SILT (ML) and organic SILT (OL-ML), containing gravel and plastic, wood, and concrete debris. In test pit TP-1, a concrete floor slab fragment (1' x 2' x 4') was encountered approximately 3 feet bgs. In test pit TP-8, the undocumented fill consisted of soft clayey SILT (ML), containing plastic debris and some gravel. It is likely that other areas of undocumented fill may exist at the site.

**Buried Topsoil Horizon:** Underlying the undocumented fill in test pits TP-1 and TP-2, we observed a buried topsoil horizon layer which generally consisted of medium stiff to stiff, moderately organic SILT (ML-OL) to organic SILT (OL). The buried topsoil horizon displayed plastic characteristics, and extended to a depth of approximately 6.5 to 7 feet bgs in our explorations.

**Residual Soil:** Underlying the undocumented fill in test pit TP-8, the disturbed native soil in test pit TP-9, and topsoil horizon in test pit TP-10, we observed residual soil belonging to the Columbia river basalt formation. The residual soil consisted of very stiff, silty CLAY (CL) containing gravel to cobble-sized weathered BASALT fragments. The residual soils displayed plastic characteristics, and extended to depths of up to 6 feet bgs.

**Loess:** Underlying the topsoil horizon in test pits TP-3 and TP-6, we observed loess from Catastrophic Flood Deposits. The loess consisted of soft, friable, SILT (ML) loam, and containing small tree roots. The loess extended to a depth of approximately 3.5 to 4 feet bgs. At approximately 3 feet bgs, the silt loam graded to weathered BASALT fragments in a silty loam to clay matrix.

**Columbia River Basalt Formation:** Underlying the topsoil horizon in test pits TP-4, TP-5, and TP-7, the buried topsoil horizon in test pits TP-1 and TP-2, the residual soil in test pits TP-8 through TP-10, and the loess in test pits TP-3 and TP-6, we observed dense to very dense BASALT belonging to the Columbia River Basalt Formation. The Columbia River Basalt consisted of fractured and weathered BASALT (R1-R4) with a plastic clayey silty to silty clay matrix. The Columbia River Basalt Formation extended beyond the maximum depth of exploration (up to 11 feet bgs) in all of our test pits.

## 5.2 Groundwater and Soil Moisture

On February 19, 2020, soils encountered in our explorations were damp in the upper 6 inches, grading to moist with depth. In test pit TP-6, we observed approximately 0.5 gallons per minute of groundwater seepage at approximately 4 feet bgs. According to *Oregon Water Resources Department Well Log Information System* website, groundwater has been collected at the site from a depth of approximately 18 to 24 inches bgs. However, the Columbia River Basalt Aquifer is



approximately 200 feet bgs. It is anticipated that groundwater conditions will vary depending on the season, local subsurface conditions, changes in site utilization, and other factors.

## **6 CONCLUSIONS AND DESIGN RECOMMENDATIONS**

Our site investigation indicates that the proposed construction appears to be geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project. In our opinion, the most significant geotechnical issues for the proposed development are the shallow Columbia River Basalt rock, and the presence of soft/loose undocumented fill material.

In our explorations, we encountered layers of both hard rock and topsoil, disturbed native, and undocumented fill material across the site. Once depth of utilities is known, we suggest another round of test pits with a larger excavator to evaluate hard rock. After removal of fill, it is possible that some of the existing undocumented fill material can be reused, but will need to be ripped, root-picked, moisture conditioned, and sorted under the direct observation of the geotechnical engineer.

The following report sections provide recommendations for site development and construction in accordance with the current applicable codes and local standards of practice.

### **6.1 Site Preparation Recommendations**

Areas of proposed construction and areas to receive fill should be cleared of vegetation, and any organic and inorganic debris that may be encountered. Inorganic debris and organic materials from clearing should be removed from the site. Organic-rich root zones should then be stripped from construction areas of the site or where engineered fill is to be placed. Depth of stripping to remove highly organic soil is estimated to be approximately 12 inches across most of the site. However, along the north end of the site, in the vicinity of test pits TP-1 and TP-2, buried organic topsoil was observed to a maximum depth of approximately 7 feet bgs.

The final depth of soil removal will be determined on the basis of a site inspection after the stripping/excavation has been performed. Stripped topsoil should be removed from the site. Any remaining topsoil should be stockpiled only in designated areas and stripping operations should be observed and documented by the geotechnical engineer or their representative.

In areas of proposed construction or any areas to receive fill material, any remaining undocumented fills, subsurface structures (tile drains, basements, driveway and landscaping fill, old utility lines, septic leach fields, etc.), and soft native soils should be removed and the excavations backfilled with engineered fill. We encountered undocumented fill material to a depth of 5 feet bgs in test pit TP-8, and to a depth of 6 feet bgs in test pits TP-1 and TP-2 (overlying buried organic topsoil). In test pit TP-3 we observed soft loess soils to a depth of approximately 2.5 feet bgs. Other areas of fill or soft/loose soils may be present on site in areas beyond our explorations, especially in the vicinities of existing residential structures. It may be feasible to reuse the undocumented fill layer as engineered fill provided that it is root-picked and meets the requirements of engineered fill in this report.

Once stripping of a particular area is approved, the area must be ripped or tilled to a depth of 12 inches, moisture conditioned, root-picked, and compacted in-place before engineered fill or crushed aggregate base for pavement are placed. Exposed subgrade soils should be evaluated by

the geotechnical engineer. For large areas, this evaluation is normally performed by proof-rolling the exposed subgrade with a fully loaded scraper or dump truck. For smaller areas where access is restricted, the subgrade should be evaluated by probing the soil with a steel probe. Soft/loose soils identified during subgrade preparation should be compacted to a firm and unyielding condition, over-excavated and replaced with engineered fill (as described below), or stabilized with rock before placing of engineered fill. The depth of over-excavation, if required, should be evaluated by the geotechnical engineer at the time of construction.

## **6.2 Engineered Fill**

In general, we anticipate that soils from planned cuts, utility trench excavations, and approved undocumented fill removals will be suitable for use as engineered fill provided they are adequately root-picked and moisture conditioned prior to compacting. All grading for the proposed construction should be performed as engineered grading in accordance with the applicable building code at time of construction with the exceptions and additions noted herein. Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill. Imported fill material must be approved by the geotechnical engineer before being imported to the site. Oversize material greater than 6 inches in size should not be used within 3 feet of foundation footings, and material greater than 12 inches in diameter should not be used in engineered fill.

Engineered fill should be compacted in horizontal lifts not exceeding 8 inches using standard compaction equipment. We recommend that engineered fill be compacted to at least 95% of the maximum dry density determined by ASTM D698 (Standard Proctor) or equivalent. Field density testing should conform to ASTM D2922 and D3017, or D1556. All engineered fill should be observed and tested by the project geotechnical engineer or their representative. Typically, one density test is performed for at least every 2 vertical feet of fill placed or every 500 yd<sup>3</sup>, whichever requires more testing. Because testing is performed on an on-call basis, we recommend that the earthwork contractor be held contractually responsible for test scheduling and frequency.

Site earthwork will be impacted by soil moisture and shallow groundwater conditions. Earthwork in wet weather and in shaded areas during dry weather may likely require extensive use of cement or lime treatment, or other special measures, at considerable additional cost compared to earthwork performed under dry-weather conditions.

## **6.3 Excavating Conditions and Utility Trench Backfill**

Weathered basalt bedrock was encountered in each of our test pits at depths of 1 to 7.5 feet bgs. Practical refusal was achieved in test pits TP-2 (7.5 feet bgs), TP-4 (1.5 feet bgs), TP-5 (1.5 feet bgs), TP-6 (5 feet bgs), and TP-7 (1.5 feet bgs) with a medium sized excavator equipped with rock teeth. The selected contractor for site development should be prepared for hard bedrock.

All temporary cuts in excess of 4 feet in height should be sloped in accordance with U.S. Occupational Safety and Health Administration (OSHA) regulations (29 CFR Part 1926), or be shored. The existing native soil is classified as Type B Soil and temporary excavation side slope inclinations as steep as 1H:1V may be assumed for planning purposes. This cut slope inclination is applicable to excavations above groundwater seepage zones only. Maintenance of safe working conditions, including temporary excavation stability, is the responsibility of the contractor. Actual

slope inclinations at the time of construction should be determined based on safety requirements and actual soil and groundwater conditions.

Saturated soils and perched groundwater may be encountered in utility trenches, particularly during the wet season. We anticipate that dewatering systems consisting of ditches, sumps and pumps would be adequate for perched groundwater control. Regardless of the dewatering system used, it should be installed and operated such that in-place soils are prevented from being removed along with the groundwater. Trench bottom stabilization, such as layers or crushed aggregate base, may be necessary, but is unlikely.

Vibrations created by traffic and construction equipment may cause some caving and raveling of excavation walls. In such an event, lateral support for the excavation walls should be provided by the contractor to prevent loss of ground support and possible distress to existing or previously constructed structural improvements.

PVC pipe should be installed in accordance with the procedures specified in ASTM D2321. We recommend that trench backfill be compacted to at least 95% of the maximum dry density obtained by Standard Proctor (ASTM D698) or equivalent. Initial backfill lift thickness for a ¾"-0 crushed aggregate base may need to be as great as 4 feet to reduce the risk of flattening underlying flexible pipe. Subsequent lift thickness should not exceed 1 foot. If imported granular fill material is used, then the lifts for large vibrating plate-compaction equipment (e.g. hoe compactor attachments) may be up to 2 feet, provided that proper compaction is being achieved and each lift is tested. Use of large vibrating compaction equipment should be carefully monitored near existing structures and improvements due to the potential for vibration-induced damage.

Adequate density testing should be performed during construction to verify that the recommended relative compaction is achieved. Typically, one density test is taken for every 4 vertical feet of backfill on each 200-lineal-foot section of trench.

#### **6.4 Erosion Control Considerations**

During our field exploration program, we did not observe soil types that would be considered highly susceptible to erosion. In our opinion, the primary concern regarding erosion potential will occur during construction, in areas that have been stripped of vegetation. Erosion at the site during construction can be minimized by implementing the project erosion control plan, which should include judicious use of straw wattles and silt fences. If used, these erosion control devices should be in place and remain in place throughout site preparation and construction.

Erosion and sedimentation of exposed soils can also be minimized by quickly re-vegetating exposed areas of soil, and by staging construction such that large areas of the project site are not denuded and exposed at the same time. Areas of exposed soil requiring immediate and/or temporary protection against exposure should be covered with either mulch or erosion control netting/blankets. Areas of exposed soil requiring permanent stabilization should be seeded with an approved grass seed mixture, or hydroseeded with an approved seed-mulch-fertilizer mixture.

#### **6.5 Wet Weather Earthwork**

Soils underlying the site are likely to be moisture sensitive and will be difficult to handle or traverse with construction equipment during periods of wet weather. Earthwork is typically most economical

when performed under dry weather conditions. Earthwork performed during the wet-weather season will require expensive measures such as cement treatment or imported granular material to compact areas where fill may be proposed to the recommended engineering specifications. If earthwork is to be performed or fill is to be placed in wet weather or under wet conditions when soil moisture content is difficult to control, the following recommendations should be incorporated into the contract specifications.

- Earthwork should be performed in small areas to minimize exposure to wet weather. Excavation or the removal of unsuitable soils should be followed promptly by the placement and compaction of clean engineered fill. The size and type of construction equipment used may have to be limited to prevent soil disturbance. Under some circumstances, it may be necessary to excavate soils with a backhoe to minimize subgrade disturbance caused by equipment traffic;
- The ground surface within the construction area should be graded to promote surface water run-off and prevent surface water ponding;
- Material used as engineered fill should consist of clean, granular soil containing less than 5 percent passing the No. 200 sieve. The fines should be non-plastic. Alternatively, cement treatment of on-site soils may be performed to facilitate wet weather placement;
- The ground surface within the construction area should be sealed by a smooth drum vibratory roller, or equivalent, and under no circumstances should be left uncompacted and exposed to moisture. Soils which become too wet for compaction should be removed and replaced with clean granular materials;
- Excavation and fill placement should be observed by the geotechnical engineer to verify that all unsuitable materials are removed, and suitable compaction and site drainage is achieved; and
- Geotextile silt fences, straw wattles, and fiber rolls should be strategically located to control erosion.

If cement or lime treatment is used to facilitate wet weather construction, GeoPacific should be contacted to provide additional recommendations and field monitoring.

## **6.6 Spread Foundations**

The proposed residential structures may be supported on shallow foundations bearing on competent undisturbed, native soils and/or engineered fill, appropriately designed and constructed as recommended in this report. Foundation design, construction, and setback requirements should conform to the applicable building code at the time of construction. To maximize bearing strength and protection against frost heave, spread footings should be embedded a minimum depth of 12 inches below exterior grade.

The anticipated allowable soil bearing pressure is 1,500 psf for footings bearing on competent, native soil and/or engineered fill. A maximum chimney and column load of 40 kips is recommended for the site. For heavier loads, the geotechnical engineer should be consulted. The recommended maximum allowable bearing pressure may be increased by 1/3 for short-term transient conditions such as wind and seismic loading. The coefficient of friction between on-site soil and poured-in-place concrete may be taken as 0.42, which includes no factor of safety. The maximum anticipated

total and differential footing movements (generally from soil expansion and/or settlement) are 1 inch and  $\frac{3}{4}$  inch over a span of 20 feet, respectively. We anticipate that the majority of the estimated settlement will occur during construction, as loads are applied. Excavations near structural footings should not extend within a 1H:1V plane projected downward from the bottom edge of footings.

Footing excavations should penetrate through topsoil and any loose soil to competent subgrade that is suitable for bearing support. All footing excavations should be trimmed neat, and all loose or softened soil should be removed from the excavation bottom before placing reinforcing steel bars. Due to the moisture sensitivity of on-site native soils, foundations constructed during the wet weather season may require overexcavation of footings and backfill with compacted, crushed aggregate.

Our recommendations are for house construction incorporating raised wood floors and conventional spread footing foundations. If living space of the structures will incorporate basements, a geotechnical engineer should be consulted to make additional recommendations for retaining walls, water-proofing, underslab drainage and wall subdrains. After site development, a Final Soil Engineer's Report should either confirm or modify the above recommendations.

#### 6.7 Concrete Slab-on-Grade Floors

Areas beneath concrete slab-on-grade floors should be prepared as recommended in the *Site Preparation Recommendations* section. Care should be taken during foundation and floor slab excavation to avoid disturbing subgrade soils. If subgrade soils have been adversely impacted by wet weather or otherwise disturbed, the surficial soils should be scarified to a minimum depth of 8 inches, moisture conditioned to within about 3 percent of optimum moisture content, and compacted to engineered fill specifications. Alternatively, disturbed soils may be removed, and the removal zone backfilled with additional crushed rock.

For concrete slab-on-grade floor evaluation using the beam on elastic foundation method, a subgrade reaction modulus of 150 kcf (87 pci) should be assumed for the medium stiff, fine-grained soils anticipated to be present in the upper four feet at the site. This value assumes the concrete slab system is designed and constructed as recommended herein, with a minimum thickness of 8 inches of 1 $\frac{1}{2}$ "-0 crushed aggregate beneath the slab. The total thickness of crushed aggregate will be dependent on the subgrade conditions at the time of construction and should be verified visually by proof-rolling. Under-slab aggregate should be compacted to at least 95 percent of its maximum dry density as determined by ASTM D698 (Standard Proctor) or equivalent.

In areas where moisture will be detrimental to floor coverings or equipment inside the proposed structure, appropriate vapor barrier and damp-proofing measures should be implemented. Appropriate design professionals should be consulted regarding vapor barrier and damp proofing systems, ventilation, building material selection, and mold prevention issues, which are outside GeoPacific's area of expertise.

#### 6.8 Footing and Roof Drains

Construction should include typical measures for controlling subsurface water beneath the homes, including positive crawlspace drainage to an adequate low-point drain exiting the foundation,

visqueen covering the expose ground in the crawlspace, and crawlspace ventilation (foundation vents). The homebuyers should be informed and educated that some slow flowing water in the crawlspaces is considered normal and not necessarily detrimental to the home given these other design elements incorporated into its construction. Appropriate design professionals should be consulting regarding crawlspace ventilation, building material selection and mold prevention issues, which are outside GeoPacific's area of expertise.

Down spouts and roof drains should collect roof water in a system separate from the footing drains to reduce the potential for clogging. Roof drain water should be directed to an appropriate discharge point and storm system well away from structural foundations. Grades should be sloped downward and away from buildings to reduce the potential for ponded water near structures.

If the proposed structures will have a raised floor, and no concrete slab-on-grade floors in living spaces are used, perimeter footing drains would not be required based on soil conditions encountered at the site and experience with standard local construction practices. Where it is desired to reduce the potential for moist crawl spaces, footing drains may be installed. If concrete slab-on-grade floors are used, perimeter footing drains should be installed as recommended below.

Where necessary, perimeter footing drains should consist of 3 or 4-inch diameter, perforated plastic pipe embedded in a minimum of 1 ft<sup>3</sup> per lineal foot of clean, free-draining drain rock. The drain pipe and surrounding drain rock should be wrapped in non-woven geotextile (Mirafi 140N, or approved equivalent) to minimize the potential for clogging and/or ground loss due to piping. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. In our opinion, footing drains may outlet at the curb, or on the back sides of lots where sufficient fall is not available to allow drainage to meet the street.

## **6.9 Permanent Below-Grade Walls**

Lateral earth pressures against below-grade retaining walls will depend upon the inclination of any adjacent slopes, type of backfill, degree of wall restraint, method of backfill placement, degree of backfill compaction, drainage provisions, and magnitude and location of any adjacent surcharge loads. At-rest soil pressure is exerted on a retaining wall when it is restrained against rotation. In contrast, active soil pressure will be exerted on a wall if its top is allowed to rotate or yield a distance of roughly 0.001 times its height or greater.

If the subject retaining walls will be free to rotate at the top, they should be designed for an active earth pressure equivalent to that generated by a fluid weighing 35 pcf for level backfill against the wall. For restrained wall, an at-rest equivalent fluid pressure of 55 pcf should be used in design, again assuming level backfill against the wall. These values assume that drainage provisions are incorporated, free draining gravel backfill is used, and hydrostatic pressures are not allowed to develop against the wall.

During a seismic event, lateral earth pressures acting on below-grade structural walls will increase by an incremental amount that corresponds to the earthquake loading. Based on the Mononobe Okabe equation, level conditions above the wall, and peak horizontal accelerations appropriate for the site location, seismic loading should be modeled using the active or at-rest earth pressures

recommended above, plus an incremental rectangular-shaped seismic load of magnitude  $6.5H$ , where  $H$  is the total height of the wall.

We assume relatively level ground surface below the base of the walls. As such, we recommend passive earth pressure of 320 pcf for use in design, assuming wall footings are cast against competent native soils or engineered fill. If the ground surface slopes down and away from the base of any of the walls, a lower passive earth pressure should be used and GeoPacific should be contacted for additional recommendations.

A coefficient of friction of 0.42 may be assumed along the interface between the base of the wall footing and subgrade soils. The recommended coefficient of friction and passive earth pressure values do not include a safety factor, and an appropriate safety factor should be included in design. The upper 12 inches of soil should be neglected in passive pressure computations unless it is protected by pavement or slabs on grade.

The above recommendations for lateral earth pressures assume that the backfill behind the subsurface walls will consist of properly compacted structural fill, and no adjacent surcharge loading. If the walls will be subjected to the influence of surcharge loading within a horizontal distance equal to or less than the height of the wall, the walls should be designed for the additional horizontal pressure. For uniform surcharge pressures, a uniformly distributed lateral pressure of 0.3 times the surcharge pressure should be added. Traffic surcharges may be estimated using an additional vertical load of 250 psf (2 feet of additional fill), in accordance with local practice.

The recommended equivalent fluid densities assume a free-draining condition behind the walls so that hydrostatic pressures do not build-up. This can be accomplished by placing a 12 to 18-inch wide zone of sand and gravel containing less than 5 percent passing the No. 200 sieve against the walls. A 3-inch minimum diameter perforated, plastic drain pipe should be installed at the base of the walls and connected to a suitable discharge point to remove water in this zone of sand and gravel. The drain pipe should be wrapped in filter fabric (Mirafi 140N or other as approved by the geotechnical engineer) to minimize clogging.

Wall drains are recommended to prevent detrimental effects of surface water runoff on foundations – not to dewater groundwater. Drains should not be expected to eliminate all potential sources of water entering a basement or beneath a slab-on-grade. An adequate grade to a low point outlet drain in the crawlspace is required by code. Underslab drains are sometimes added beneath the slab when placed over soils of low permeability and shallow, perched groundwater.

Water collected from the wall drains should be directed into the local storm drain system or other suitable outlet. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. Down spouts and roof drains should not be connected to the wall drains in order to reduce the potential for clogging. The drains should include clean-outs to allow periodic maintenance and inspection. Grades around the proposed structure should be sloped such that surface water drains away from the building.

GeoPacific should be contacted during construction to verify subgrade strength in wall keyway excavations, to verify that backslope soils are in accordance with our assumptions, and to take density tests on the wall backfill materials.

Structures should be located a horizontal distance of at least 1.5H away from the back of the retaining wall, where H is the total height of the wall. GeoPacific should be contacted for additional foundation recommendations where structures are located closer than 1.5H to the top of any wall.

### 6.10 Seismic Design

The Oregon Department of Geology and Mineral Industries (DOGAMI), Oregon HazVu: 2020 Statewide GeoHazards Viewer indicates that the site is in an area where *very strong* ground shaking is anticipated during an earthquake. Structures should be designed to resist earthquake loading in accordance with the methodology described in the 2018 International Building Code (IBC) with applicable Oregon Structural Specialty Code (OSSC) revisions (current 2020). We recommend Site Class C be used for design per the OSSC, and as defined in ASCE 7. Design values determined for the site using the ATC online Hazards by Location tool are summarized in Table 2 and are based upon existing soil conditions.

**Table 2 - Recommended Earthquake Ground Motion Parameters (ASCE 7-16)**

Parameter	Value
Location (Lat, Long), degrees	45.352, -122.824
Probabilistic Ground Motion Values, 2% Probability of Exceedance in 50 yrs	
Peak Ground Acceleration $PGA_M$	0.455 g
Short Period, $S_s$	0.83 g
1.0 Sec Period, $S_1$	0.391 g
Soil Factors for Site Class C:	
$F_a$	1.2
$F_v$	1.5
$SD_s = 2/3 \times F_a \times S_s$	0.664 g
$SD_1 = 2/3 \times F_v \times S_1$	0.391 g
Seismic Design Category	D

### 6.11 Soil Liquefaction

The DOGAMI, Oregon HazVu: 2020 Statewide GeoHazards Viewer indicates that the site is not mapped for soil liquefaction during an earthquake. In our explorations, to a maximum depth of 11 feet bgs, we encountered residual soil and weathered rock above the water table, which are not considered susceptible to liquefaction. Soil liquefaction is a phenomenon wherein saturated soil deposits temporarily lose strength and behave as a liquid in response to ground shaking caused by strong earthquakes. Soil liquefaction is generally limited to loose sands and granular soils located below the water table, and fine-grained soils with a plasticity index less than 8; however, some studies have shown there to be liquefaction potential in fine-grained soils with a plasticity index as high as 15.



## 7 UNCERTAINTIES AND LIMITATIONS

We have prepared this report for the owner and their consultants for use in design of this project only. This report should be provided in its entirety to prospective contractors for bidding and estimating purposes; however, the conclusions and interpretations presented in this report should not be construed as a warranty of the subsurface conditions. Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, GeoPacific should be notified for review of the recommendations of this report, and revision of such if necessary.

Sufficient geotechnical monitoring, testing and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by explorations. Recommendations for design changes will be provided should conditions revealed during construction differ from those anticipated, and to verify that the geotechnical aspects of construction comply with the contract plans and specifications.

Within the limitations of scope, schedule and budget, GeoPacific attempted to execute these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, expressed or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.

We appreciate this opportunity to be of service.

Sincerely,

**GEO-PACIFIC ENGINEERING, INC.**



Tanya Battye, E.I.T.  
Geotechnical Staff



EXPIRES: 06/30/2021

James D. Imbrie, G.E.  
Principal Engineer

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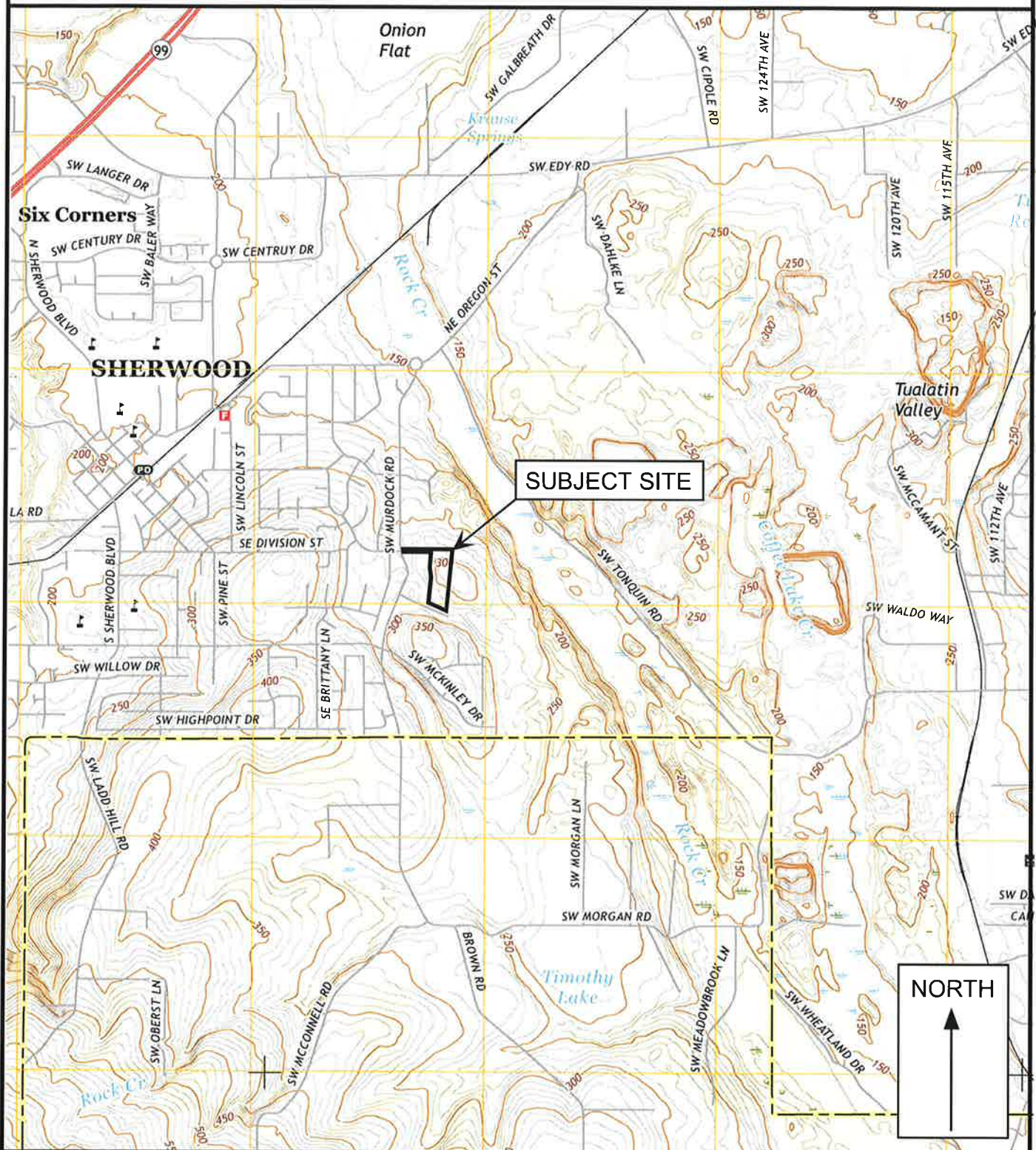
**Real-World Geotechnical Solutions  
Investigation • Design • Construction Support**

## **FIGURES**



14835 SW 72nd Avenue  
Portland, Oregon 97224  
Tel: (503) 598-8445 Fax: (503) 941-9281

### VICINITY MAP



#### Legend

Approximate Scale 1 in = 2,000 ft

Date: 2/13/2020

Drawn by: TEB

Base map: U.S. Geological Survey, 20170328, USGS US Topo 7.5-minute map for Sherwood, OR 2017;  
USGS - National Geospatial Technical Operations Center (NGTOC).

Project: 23008 SW Murdock Road  
Sherwood, Oregon

Project No. 20-5429

FIGURE 1




14835 SW 72nd Avenue  
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# SITE AERIAL AND EXPLORATION LOCATIONS



## Legend

- TP-1 Test Pit Designation,
- Approximate Location,
- Depth of Rock, and Depth of Fill

 Site Boundary

0 100'  
APPROXIMATE SCALE 1"=100'

Date: 2.20.2020  
Drawn by: MTB

Project: 23008 SW Murdock Road  
Sherwood, Oregon

Project No. 20-5429

FIGURE 2



**Real-World Geotechnical Solutions**  
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## **EXPLORATION LOGS**



14835 SW 72nd Avenue  
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# TEST PIT LOG

Project: 23008 SW Murdock Road  
 Sherwood, Oregon

Project No. 20-5429

Exploration No. **TP-1**

Depth (ft)	Sample Type	tons/sq. ft.	Moisture Content (%)	Water Bearing Zone	Material Description
0-1					Soft, organic SILT (OL), brown, 0-6 inches, lacking horizons, damp [Fill/Topsoil]
1-2		1.5			Soft to medium stiff, SILT (ML) with some well-rounded gravel, gravel is 1/4-1/2 inch in diameter, silt is light brown to gray with disturbed composition and layering, plastic, trace wood and concrete debris, moist [Undocumented Fill]
2-3		2.0			
3-4		1.0			Concrete floor slab fragment, approximately 1x2x4 feet
4-5		1.5			
5-6					
6-7					Medium stiff, moderately organic SILT (OL-ML), dark brown to reddish brown, plastic, moist [Buried Topsoil Horizon]
7-8					
8-9					Dense, fractured and weathered, BASALT, (R1-R3), matrix of reddish brown clayey SILT to silty CLAY (ML-CL), plastic, moist [Columbia River Basalt Formation]
9-10					
10-11					
11-12					Test Pit terminated at 11 feet.
12-13					No groundwater or seepage encountered in excavation.
13-14					

LEGEND



Bag Sample



Split-Spoon



Shelby Tube Sample



Seepage



Static Water Table



Water Bearing Zone

Date Drilled: 2.19.2020

Logged By: MTB

Surface Elevation: 312 Feet



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# TEST PIT LOG

Project: 23008 SW Murdock Road  
 Sherwood, Oregon

Project No. 20-5429

Exploration No. **TP-2**

Depth (ft)	Sample Type	tons/sq. ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1		1.25			Soft, organic SILT (OL), black, 0-6 inches, lacking horizons, damp [Fill/Topsoil]
2		2.0			
3		2.25			Soft to stiff, organic SILT (OL-ML) with gravel, silt is light brown to gray with disturbed composition and layering, plastic, trace wood debris, organic smell, moist [Undocumented Fill]
4		3.5			
6					Stiff, organic SILT (OL), dark reddish brown, plastic, moist [Buried Topsoil Horizon]
7					Very dense, weathered, BASALT, (R2-R4), some fracturing, matrix of reddish brown clayey SILT to silty CLAY (ML-CL), plastic, moist [Columbia River Basalt Formation]
8					Test Pit terminated at 7.5 feet.
9					No groundwater or seepage encountered in excavation.
10					
11					
12					
13					
14					

LEGEND



100 to 1,000 g



Split-Spoon



Shelby Tube Sample



Seepage



Static Water Table



Water Bearing Zone

Date Drilled: 2.19.2020

Logged By: MTB

Surface Elevation: 296 Feet







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 Portland, Oregon 97224  
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# TEST PIT LOG

Project: 23008 SW Murdock Road  
 Sherwood, Oregon

Project No. 20-5429

Exploration No. **TP-3**

Depth (ft)	Sample Type	tons/sq. ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1		0.75			Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon]
2		0.75			Soft, SILT (ML) loam, reddish-brown, friable, numerous small tree roots, moist [Loess]
3		1.25			Grades to weathered BASALT fragments in silty loam to clay matrix.
4		4.5			Dense, BASALT, (R3), gray with red coloration along fracture lines, some vesicles and secondary mineralization, moist [Columbia River Basalt Formation]
5					
6					Test Pit terminated at 5.5 feet.
7					No groundwater encountered in excavation.
8					
9					
10					
11					
12					
13					
14					

LEGEND



Bag Sample



Split-Spoon



Shelby Tube Sample



Seepage



Static Water Table



Water Bearing Zone

Date Drilled: 2.19.2020

Logged By: MTB

Surface Elevation: 306 Feet



14835 SW 72nd Avenue  
 Portland, Oregon 97224  
 Tel: (503) 598-8445 Fax: (503) 941-9281

# TEST PIT LOG

Project: 23008 SW Murdock Road  
 Sherwood, Oregon

Project No. 20-5429

Exploration No. **TP-4**

Depth (ft)	Sample Type	tons/sq. ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1					Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon]
1					Dense, BASALT, (R3 to R4), gray with red coloration along fracture lines, some vesicles and secondary mineralization, moist [Columbia River Basalt Formation]
2					Test Pit terminated at 1.5 feet.  No groundwater encountered in excavation.
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					

LEGEND



100 to 1,000 g



Split-Spoon



Shelby Tube Sample



Seepage



Static Water Table



Water Bearing Zone

Date Drilled: 2.19.2020

Logged By: MTB

Surface Elevation: 292 Feet



14835 SW 72nd Avenue  
 Portland, Oregon 97224  
 Tel: (503) 598-8445 Fax: (503) 941-9281

# TEST PIT LOG

Project: 23008 SW Murdock Road  
 Sherwood, Oregon

Project No. 20-5429

Exploration No. **TP-5**

Depth (ft)	Sample Type	tons/sq. ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1					Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon]
1					Dense, BASALT, (R3 to R4), gray with red coloration along fracture lines, some vesicles and secondary mineralization, moist [Columbia River Basalt Formation]
2					<p>Test Pit terminated at 1.5 feet.</p> <p>No groundwater encountered in excavation.</p>
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					

LEGEND



100 to 1,000 g



Split-Spoon



Shelby Tube Sample



Seepage



Static Water Table



Water Bearing Zone

Date Drilled: 2.19.2020

Logged By: MTB

Surface Elevation: 282 Feet




14835 SW 72nd Avenue  
 Portland, Oregon 97224  
 Tel: (503) 598-8445 Fax: (503) 941-9281

# TEST PIT LOG

Project: 23008 SW Murdock Road  
 Sherwood, Oregon

Project No. 20-5429

Exploration No. **TP-6**

Depth (ft)	Sample Type	tons/sq. ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1		1.25			Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon]
2		2.5			Soft, SILT (ML) loam, reddish-brown, friable, numerous small tree roots, moist [Loess]
3		2.5			Grades to weathered BASALT fragments in reddish-brown, silty loam to clay matrix, seepage at 4 feet.
4		4.5			Dense, BASALT, (R3 to R4), gray with red coloration along fracture lines, some vesicles and secondary mineralization, moist to very moist [Columbia River Basalt Formation]
5					Test Pit terminated at 5 feet.
6					Groundwater seepage encountered in excavation at 4 feet, visually estimated flow of 1/2 gallon per minute.
7					
8					
9					
10					
11					
12					
13					
14					

LEGEND



100 to 1,000 g



Split-Spoon



Shelby Tube Sample



Seepage



Static Water Table



Water Bearing Zone

Date Drilled: 2.19.2020

Logged By: MTB

Surface Elevation: 285 Feet



14835 SW 72nd Avenue  
 Portland, Oregon 97224  
 Tel: (503) 598-8445 Fax: (503) 941-9281

# TEST PIT LOG

Project: 23008 SW Murdock Road  
 Sherwood, Oregon

Project No. 20-5429

Exploration No. **TP-7**

Depth (ft)	Sample Type	tons/sq. ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1					Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon] <hr style="border-top: 1px dashed black;"/> Dense, BASALT, (R3 to R4), gray with red coloration along fracture lines, some vesicles and secondary mineralization, moist [Columbia River Basalt Formation]
2					Test Pit terminated at 1.5 feet.  No groundwater encountered in excavation.
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					

**LEGEND**



Bag Sample



Split-Spoon



Shelby Tube Sample



Seepage



Static Water Table



Water Bearing Zone

Date Drilled: 2.19.2020

Logged By: MTB

Surface Elevation: 296 Feet



14835 SW 72nd Avenue  
 Portland, Oregon 97224  
 Tel: (503) 598-8445 Fax: (503) 941-9281

# TEST PIT LOG

Project: 23008 SW Murdock Road  
 Sherwood, Oregon

Project No. 20-5429

Exploration No. **TP-8**

Depth (ft)	Sample Type	tons/sq.ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1		1.5			Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon] — —
2		2.0			Soft, clayey SILT (ML), light brown, plastic, slight organic smell, some gravel, moist [Undocumented Fill]
3		2.0			
4		4.0			
5					----- Very stiff, silty CLAY (CL) reddish-brown, plastic, with weathered BASALT fragments gravel to cobble sized, moist [Residual Soil]
6					----- Dense, BASALT, (R3), gray with red coloration along fracture lines, some vesicles and secondary mineralization, moist to very moist [Columbia River Basalt Formation]
7					Test Pit terminated at 6 feet.
8					No groundwater encountered in excavation.
9					
10					
11					
12					
13					
14					

LEGEND



Bag Sample



Split-Spoon



Shelby Tube Sample



Seepage



Static Water Table



Water Bearing Zone

Date Drilled: 2.19.2020

Logged By: MTB

Surface Elevation: 294 Feet



14835 SW 72nd Avenue  
 Portland, Oregon 97224  
 Tel: (503) 598-8445 Fax: (503) 941-9281

# TEST PIT LOG

Project: 23008 SW Murdock Road  
 Sherwood, Oregon

Project No. 20-5429

Exploration No. **TP-9**

Depth (ft)	Sample Type	tons/sq. ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1		1.5			Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon]
2		2.0			Stiff, SILT (ML), brown, trace weathered basalt pebbles, some charcoal fragments, trace small roots, moist [Disturbed Native]
3		2.0			
4		4.0			Very stiff, silty CLAY (CL) reddish-brown, plastic, with weathered BASALT fragments gravel to cobble sized, moist [Residual Soil]
6					Dense, BASALT, (R3), gray with red coloration along fracture lines, some vesicles and secondary mineralization, moist to very moist [Columbia River Basalt Formation]
7					Test Pit terminated at 6 feet.  No groundwater encountered in excavation.
8					
9					
10					
11					
12					
13					
14					

LEGEND



100 to 1,000 g



Split-Spoon



Shelby Tube Sample



Seepage



Static Water Table



Water Bearing Zone

Date Drilled: 2.19.2020

Logged By: MTB

Surface Elevation: 301 Feet



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 Portland, Oregon 97224  
 Tel: (503) 598-8445 Fax: (503) 941-9281

# TEST PIT LOG

Project: 23008 SW Murdock Road  
 Sherwood, Oregon

Project No. 20-5429

Exploration No. **TP-10**

Depth (ft)	Sample Type	tons/sq. ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1					Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon]
2					Very stiff, silty CLAY (CL), reddish-brown, plastic, with high concentration of weathered BASALT fragments (R1-R2), gravel to cobble sized, moist [Residual Soil]
3					
4					
5					Dense, heavily weathered BASALT, (R1 to R2), reddish black with black staining along fracture lines, some vesicles and secondary mineralization, silty CLAY (CL) matrix, orange to tan, moist [Columbia River Basalt Formation]
6					
7					
8					
9					Test Pit terminated at 8.5 feet.  No groundwater encountered in excavation.
10					
11					
12					
13					
14					

LEGEND



Bag Sample



Split-Spoon



Shelby Tube Sample



Seepage



Static Water Table



Water Bearing Zone

Date Drilled: 2.19.2020

Logged By: MTB

Surface Elevation: 313 Feet



# DEQ Northwest Region Cleanup Program

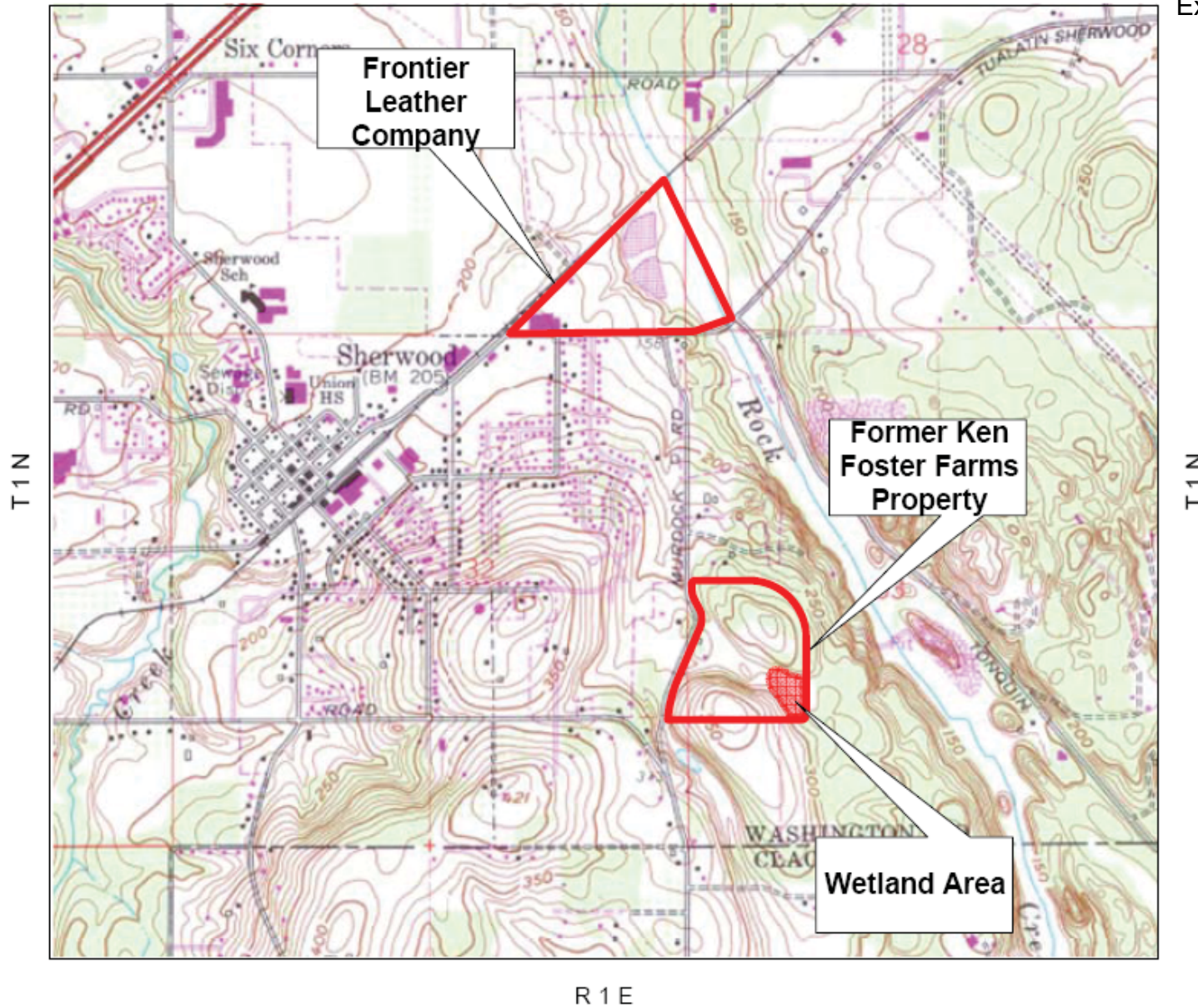
## **Proposed Cleanup Plan KFF Site, Sherwood Oregon**

**Mark Pugh, Project Manager  
DEQ Northwest Region Cleanup Program**

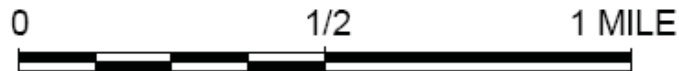
Sept. 22, 2016  
Sherwood, Oregon

# Presentation Outline

- Background Information
  - Site History
  - Previous Investigations
- Remedial Action Areas
- Cleanup Options
- Proposed Plan
- Question and Answer Session



Adapted from: Sherwood, Or Quadrangle 7.5' x 7.5' Minute Series USGS Topographic Quadrangle Map, 1961, Revised 1985. National Geodetic Vertical Datum of 1927.



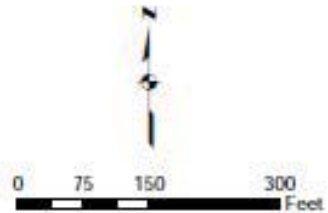
# Site History

- Historical farm land covering approximately 40 acres
- Rolling topography with generally thin soil layer and shallow basalt bedrock
- Tannery waste placed on the ground surface between 1962-1971; lime added to control odor; tilled into soil
- Tannery waste contains primarily trivalent chromium (CrIII), with relatively low concentrations of hexavalent chromium (CrVI)
- Farm land initially subdivided into 10 parcels and developed in the late 70s- mid-80s ; additional subdivision for single family residential use
- Approximately 2 acre wetland area





- Legend**
- Groundwater well
  - Fence line
  - Engineered soil cell
  - Approximate fill area
  - Approximate wetland area
  - 2700 Tax lot number
  - Tax lot
  - Tax lot with NFA determination
  - Drive way



Oregon Department of Environmental Quality  
 Ken Foster Farm  
 Sherwood, Oregon

Site Map  
 Figure 2  
 March 2015

PS

# Previous Investigations

## DEQ (2005) Preliminary Assessment

## EPA (2006) Integrated Assessment

- Total Chromium (primarily CrIII) detected across the site
- CrVI not identified as a concern
- Referred to DEQ for additional followup

## DEQ (2007) DEQ Risk Assessment

**2011**-Change in CrVI cleanup level (130X lower)

# Settlement

## 2010

DEQ begins settlement negotiations with responsible parties

## May 2011

Global settlement - \$2,600,000 cash payment from parties in exchange for liability release from DEQ

## December 2013

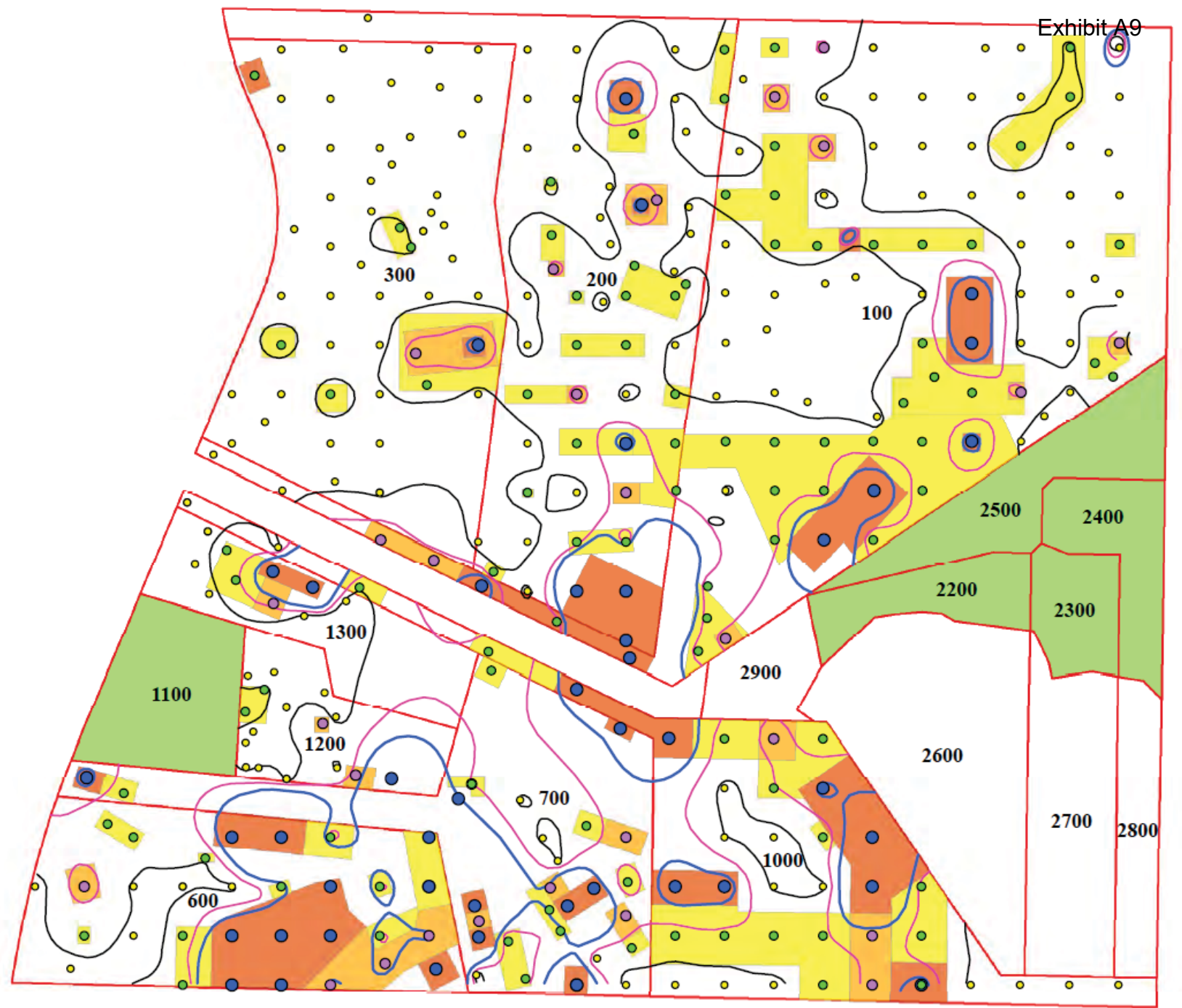
Court Issues final decision

- Total settlement \$2.6 million
- \$2.3 million available for cleanup



# DEQ Remedial Investigation-2013

- Potential Human Health Risk from CrVI in soil on most tax lots
- Potential Ecological Risk to birds and benthic organisms from CrIII in soil/sediment







# Remedial Action Objectives

**RAO# 1.** Prevent current residents from exposure to upland soils containing Cr(VI) resulting greater than 1 in 1,000,000 cancer risk

**RAO#2.** Prevent future residents from exposure to upland soils containing Cr(VI) resulting greater than 1 in 1,000,000 risk

**RAO#3.** Reduce transport of chromium, lead, and mercury in upland surface soil to wetlands that would result in further sediment contamination

# Cleanup Options

- Capping
- Removal
- Treatment
- Institutional Controls
  - Presence of Contamination
  - Maintain Protective Remedy
    - Easement and Equitable Servitudes
    - Deed Notice
    - Other measures selected or approved by the Director

# KFF Cleanup Alternatives

- Capping in Place
- Comprehensive Capping in Place
- On-Site Consolidation and Capping
- Excavation and Off-Site Disposal

# Capping in Place

- + Cost Effective
- + Relatively easy to implement
- Leaves exposed contamination susceptible to contact by residents, and storm runoff
- Concerns of compromising cap and re-distributing contamination during site development
- DEQ would likely require confirmation testing



# Comprehensive Capping in Place

- + Highly effective
- + Reduces potential for mobilization of residual contamination
- + No confirmation testing needed
- High Cost\*
- Larger Cap Area to Maintain

# On-Site Consolidation and Capping

- + Highly effective
- + Coordinated with grading plan
- + Reduce cap maintenance area
- + Reduces potential for mobilization of residual contamination
- High Cost\*

# Excavation and Off-site Disposal

- + Reduces contaminant mass
- + Reliable
- + No cap maintenance
- Bedrock prevents complete removal
- May require imported fill for grading
- Implementation risk (truck traffic;dust)
- Leaves exposed contamination susceptible to contact by residents and storm runoff

# Proposed Cleanup Plan

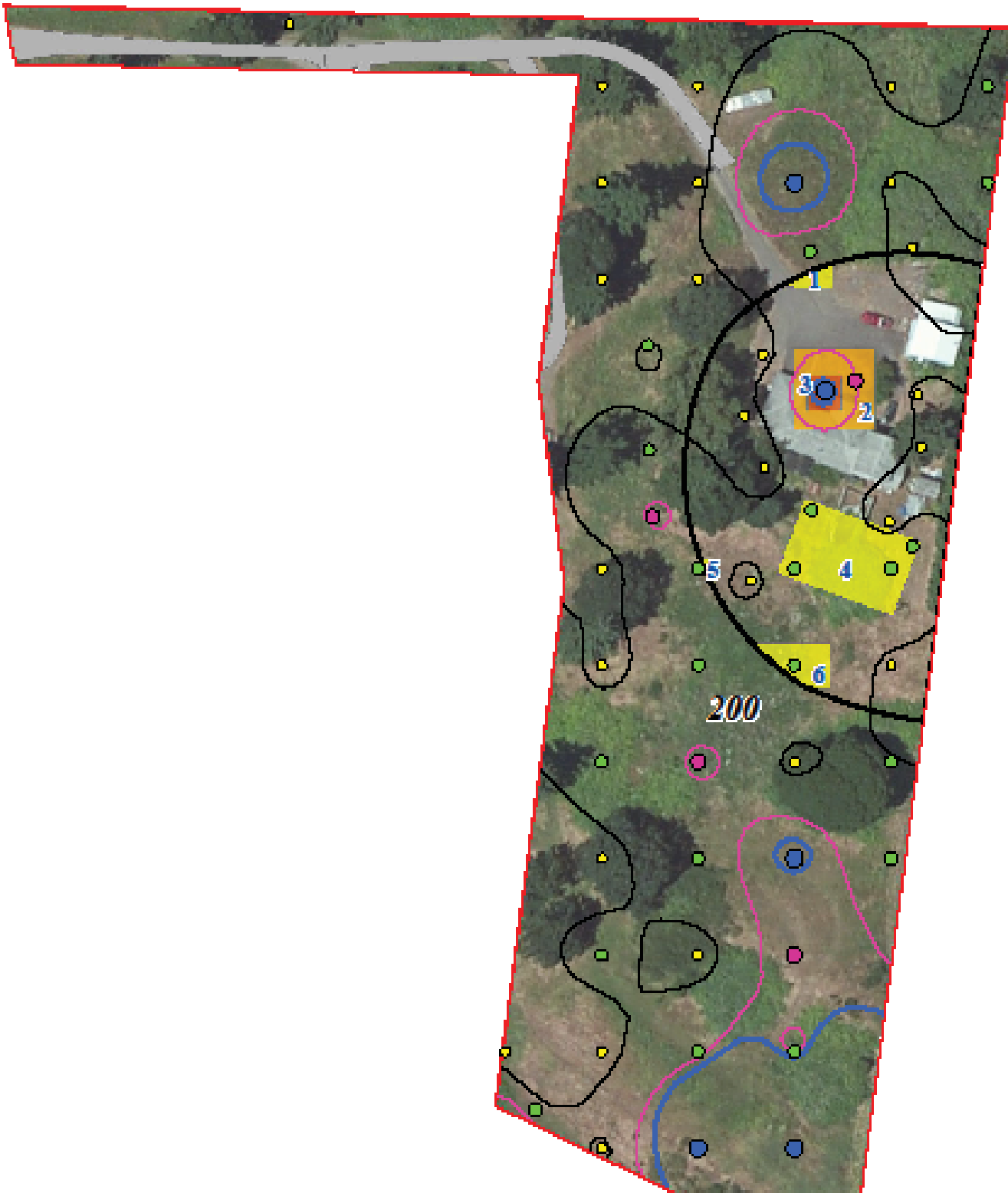
- **Current Use (DEQ)**
  - Yard Areas
  - Tax Lots 100,200,700,1200
- **Future Use (Owners/developers)**
  - Undeveloped Properties/Areas

# Proposed Cleanup Plan for Current Use

- Capping Preferred-Cost Effective
- \$700,000 estimated cost
- Consolidation and capping and/or excavation and off-site disposal
- Maintenance/Public Communication
  - ECSI on-line database
  - Ongoing Coordination with City of Sherwood
  - Real Estate Disclosure Laws
  - DEQ Periodic Inspection
- NFA/Certificate of Completion recorded on deed\*
- Off-Site Properties to south

\*Not in Staff Report







Legend





# Proposed Cleanup Plan for Future Use

- Owner/developer implement cleanup
- Comprehensive capping preferred
- Cleanup costs defrayed through apportionment of settlement funds based on area cleaned up
- Apportionment amount based on relative tax lot size

# Proposed Cleanup Plan for Future Use (cont'd)

- \$1,400,000 available for apportionment
- Apportionment Agreement
- Flexibility in cleanup method
- Maintenance/Public Communication
  - ECSI on-line database
  - Ongoing Coordination with City of Sherwood
  - Real Estate Disclosure Laws (NFA letter)
  - DEQ Periodic Inspection

\*Not in Staff Report

# DEQ Roles and Responsibilities

- Preparation of agreements and other administrative documents
- Oversight and technical assistance
- Conduct public notice and comment
- Provide cap specifications for incorporation into property-specific plans

# DEQ Roles and Responsibilities

## (cont'd)

- Soil Management Plan
- Cap Inspection
- Identification and Testing of Cap Material\*

\*Not in Staff Report

# Next Steps

- DEQ accept comments through September 2016
- Review and respond to comments as appropriate
- Prepare Record of Decision with selected remedy-  
October 2016
- Agreements with individual owners/developers  
(ongoing)
- Planning and work plan preparation fall 2016-winter  
2017
- DEQ implement remedy on current use property in  
summer 2017

Mark Pugh  
DEQ Northwest Region Office  
700 NE Multnomah Street  
Suite 600  
Portland, OR 97232  
(503) 229-5587

[pugh.mark@deq.state.or.us](mailto:pugh.mark@deq.state.or.us)

# Prospective Purchaser Agreement for a portion of the Ken Foster Farm Site in Sherwood, Oregon

**Comments due:** 5 p.m., Jan. 31, 2020

**Project location:** 23008 SW Murdock Road in Sherwood, Oregon

**Proposal:** The Oregon Department of Environmental Quality invites public comment on its proposed consent judgment for a prospective purchaser agreement with Jacob Miller, LLC for a portion of the Ken Foster Farm site in Sherwood, Oregon.

**Highlights:** DEQ created the prospective purchaser agreement program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that expedites the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a contaminated site.

Jacob Miller, LLC proposes developing a 5.4-acre property into 12 to 14 residential lots and non-residential tracts. The lots will be remediated to applicable DEQ human-health risk-based concentrations for residential use by capping, soil removal and off-site disposal, and/or consolidation and capping on non-residential tracts. All tracts will meet human health risk-based concentrations for use as open-space.

The soil quality on the property will be verified thorough confirmation soil testing. The entire site will be covered with a protective layer of clean soil or hardscape such as roads, driveways, etc. prior to occupation. If testing shows that soil contamination on any portion of the site remains above applicable cleanup standards after remediation, the area will be covered with an engineered cap equally protective as that described in the Record of Decision. To the extent that the cap requires long-term maintenance, the requirement will be memorialized in a deed notice or easement and equitable servitude recorded on the property deed.

Upon completion of cleanup work DEQ will reimburse Jacob Miller, LLC up to \$307,023 based on approximately \$57,000 per acre for the 5.4-acre property. The proposed consent judgment also will provide Jacob Miller, LLC with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed consent judgment will also provide Jacob Miller LLC with third party liability protection.

**Background:** The 5.4-acre subject property is part of the Ken Foster Farm site, a 40-acre tract of former pasture land at 23000 to 23500 SW Murdock Road in Sherwood, Washington County, Oregon. Between 1962 and 1971, tannery wastes from the former Frontier Leather Tannery were applied to the land at the KFF site as a soil amendment.

In 2011, DEQ entered into a settlement in the form of a consent judgment with former owners and operators of the tannery and several former and current land owners of property at the KFF site. Under terms of the settlement, DEQ was issued a cash payment of approximately 2.6 million dollars for cleanup of tannery-related contamination.

From 2013 to June 2015, DEQ completed a remedial investigation and feasibility study. The results showed that many samples contained hexavalent chromium levels above the DEQ human health risk-based concentration for residential use. DEQ evaluated remedial alternatives and concluded that soil removal and/or capping could both be protective and effective remedial alternatives for the residential



**Cleanup Program**  
710 N. A. Multnomah St.  
Suite 600  
Portland, OR 97232  
Phone: 503-229-5696  
800-452-4011  
Fax: 503-229-6124  
Contact: Mark Pugh

properties. DEQ documented its recommended cleanup alternative in a Record of Decision issued in January 2017.

**How to comment:** Send comments to DEQ Project Manager, Mark Pugh at 700 NE Multnomah St., Portland, OR 97232 or [pugh.mark@deq.state.or.us](mailto:pugh.mark@deq.state.or.us).

**Find more information:** Visit DEQ's Environmental Cleanup Site Information database at <https://go.usa.gov/xV3zw>

If you do not have web access and want to review the project file, contact the DEQ project manager at 503 229-5587.

Environmental Cleanup Site Information (ECSI) ID: 2516

**The next step:** DEQ will consider all public comments received by the date and time stated above before making a final decision on whether to enter into the proposed consent judgment. Upon issuance of this Consent Order, DEQ will provide public notice of the consent judgment through posting notice on the DEQ Public Notice webpage, and will make copies of the consent judgment available by posting on the Environmental Cleanup Site Information database.

**Alternative formats:** DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).

[www.oregon.gov/DEQ](http://www.oregon.gov/DEQ)

*DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.*

## Prospective Purchaser Agreement for a portion of the Ken Foster Farm Site in Sherwood, Oregon

**Comments due:** 5 p.m., Dec. 1, 2019

**Project location:** 23120 SW Murdock Road in Sherwood, Oregon

**Proposal:** The Oregon Department of Environmental Quality invites public comment on its proposed consent judgment for a prospective purchaser agreement with JT Roth Construction, Inc. for a portion of the Ken Foster Farm site in Sherwood, Oregon.

**Highlights:** DEQ created the prospective purchaser agreement program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that expedites the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a contaminated site.

JT Roth proposes developing a 9.5-acre property into 23 residential lots and five non-residential tracts. The lots will be remediated to applicable DEQ human-health risk-based concentrations for residential use by capping, soil removal and off-site disposal, or consolidation and capping on non-residential tracts. For non-residential tracts this will be accomplished through soil removal and consolidation. All tracts will meet human health risk-based concentrations for use as open-space.

The soil quality on the property will be verified thorough confirmation soil testing. The entire site will be covered with a protective layer of clean soil or hardscape such as roads, driveways, etc. prior to occupation. If testing shows that soil contamination on any portion of the site remains above applicable cleanup standards after remediation, the area will be covered with an engineered cap equally protective as that described in the Record of Decision. To the extent that the cap requires long-term maintenance, the requirement will be memorialized in a deed notice or easement and equitable servitude recorded on the property deed.

Upon completion of cleanup work DEQ will reimburse JT Roth up to \$540,138 based on approximately \$57,000 per acre for the 9.5-acre property. The proposed consent judgment also will provide JT Roth with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed consent judgment will also provide JT Roth with third party liability protection.

**Background:** The 9.5-acre subject property is part of the Ken Foster Farm site, a 40-acre tract of former pasture land at 23000 to 23500 SW Murdock Road in Sherwood, Washington County, Oregon. Between 1962 and 1971, tannery wastes from the former Frontier Leather Tannery were applied to the land at the KFF site as a soil amendment.

In 2011, DEQ entered into a settlement in the form of a consent judgment with former owners and operators of the tannery and several former and current land owners of property at the KFF site. Under terms of the settlement, DEQ was issued a cash payment of approximately 2.6 million dollars for cleanup of tannery-related contamination.



State of Oregon  
Department of  
Environmental  
Quality

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Contact: Mark Pugh

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# Public Notice

Exhibit A9

From 2013 to June 2015, DEQ completed a remedial investigation and feasibility study. The results showed that many samples contained hexavalent chromium levels above the DEQ human health risk-based concentration for residential use. DEQ evaluated remedial alternatives and concluded that soil removal and/or capping could both be protective and effective remedial alternatives for the residential properties. DEQ documented its recommended cleanup alternative in a Record of Decision issued in January 2017.

**How to comment:** Send comments to DEQ Project Manager, Mark Pugh at 700 NE Multnomah St., Portland, OR 97232 or [pugh.mark@deq.state.or.us](mailto:pugh.mark@deq.state.or.us).

**Find more information:** Visit DEQ's Environmental Cleanup Site Information database at <https://go.usa.gov/xV3zw>

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State of Oregon  
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and enhancing the  
quality of Oregon's air,  
land and water.*

# EMERIO *Design*

CIVIL ENGINEERS & PLANNERS

---

September 24, 2020

City of Sherwood Planning  
22560 SW Pine St  
Sherwood, OR 97140

**RE:** Submitting Land Use Applications as a single application

Dear Eric Rutledge,

The attached land use application forms are for the properties located at 23008 SW Murdock Road (Yuzon) and 23100 SW Murdock Road (Miller). The proposed PUD development site includes two (2) parcels, however, the development is being proposed under a single land use application.

Respectfully,

*Steve Miller*

Steve Miller - Senior Planner/Project Manager  
Emerio Design, LLC  
6445 SW Fallbrook Pl., Suite 100  
Beaverton, OR 97008



Home of the Tualatin River National Wildlife Refuge

Case No. \_\_\_\_\_  
Fee \_\_\_\_\_  
Receipt # \_\_\_\_\_  
Date \_\_\_\_\_  
TYPE \_\_\_\_\_

**City of Sherwood  
Application for Land Use Action**

**Type of Land Use Action Requested: (check all that apply)**

- Annexation
- Plan Amendment (Proposed Zone \_\_\_\_\_)
- Planned Unit Development
- Site Plan (square footage of building and parking area)
- Variance (list standards to be varied in description)
- Conditional Use
- Partition (# of lots \_\_\_\_\_)
- Subdivision (# of lots \_\_\_\_\_)
- Other: \_\_\_\_\_

*By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.*

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov). Click on Government/Finance/Fee Schedule.

**Owner/Applicant Information:**

Applicant: Emerio Design, LLC / Attn: Steve Miller Phone: (541) 318-7487 Cell  
 Applicant Address: 6445 SW Fallbrook Pl. #100 Beaverton 97008 Email: stevem@emeriodesign.com  
 Owner: Steve Miller Phone: 503 544 9283  
 Owner Address: 23008 SW Murdock Road Email: mliller\_ktm150@gmail.com  
 Contact for Additional Information: Steve Miller

**Property Information:**

Street Location: 23008 SW Murdock Rd.  
 Tax Lot and Map No: 2S133CB00200  
 Existing Structures/Use: The site is developed with a single-family dwelling and one (1) detached accessory structure.  
 Existing Plan/Zone Designation: Very Low Density Residential (VLDR)  
 Size of Property(ies) 5.37

**Proposed Action:**

Purpose and Description of Proposed Action:

The Applicant is proposing a 41 Lot Residential PUD subdivision, with 17 of the 41 lots being located on the subject property.

Proposed Use: Residential Subdivision - PUD

Proposed No. of Phases (one year each): \_\_\_\_\_

## LAND USE APPLICATION FORM

**Authorizing Signatures:**

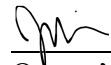
---

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date



\_\_\_\_\_  
6/16/2020

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

**The following materials must be submitted with your application or it will not be accepted at the counter.** Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

- 3 Copies of Application Form\*** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc.
- At least 3 folded** sets of plans\*
- At least 3 copies** of narrative addressing application criteria\*
- Fee** (along with calculations utilized to determine fee if applicable)
- Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

\* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.



Home of the Tualatin River National Wildlife Refuge

Case No. \_\_\_\_\_  
Fee \_\_\_\_\_  
Receipt # \_\_\_\_\_  
Date \_\_\_\_\_  
TYPE \_\_\_\_\_

### City of Sherwood Application for Land Use Action

**Type of Land Use Action Requested: (check all that apply)**

- Annexation
- Plan Amendment (Proposed Zone \_\_\_\_\_)
- Planned Unit Development
- Site Plan (square footage of building and parking area)
- Variance (list standards to be varied in description)
- Conditional Use
- Partition (# of lots \_\_\_\_\_)
- Subdivision (# of lots \_\_\_\_\_)
- Other: \_\_\_\_\_

*By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.*

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov). Click on Government/Finance/Fee Schedule.

**Owner/Applicant Information:**

Applicant: Emerio Design, LLC / Attn: Steve Miller Phone: (541) 318-7487 Cell  
 Applicant Address: 6445 SW Fallbrook Pl. #100 Beaverton 97008 Email: stevem@emeriodesign.com  
 Owner: Dennis and Paula Yuzon Phone: \_\_\_\_\_  
 Owner Address: 23120 SW Murdock Road Email: \_\_\_\_\_  
 Contact for Additional Information: Steve Miller

**Property Information:**

Street Location: 23120 SW Murdock Rd.  
 Tax Lot and Map No: 2S133CB00100  
 Existing Structures/Use: The site is developed with a single-family dwelling, swimming pool, and one (1) accessory structure.  
 Existing Plan/Zone Designation: Very Low Density Residential (VLDR)  
 Size of Property(ies) 9.95

**Proposed Action:**

**Purpose and Description of Proposed Action:**

The Applicant is proposing a 41 Lot Residential PUD subdivision, with 24 of the 41 lots being located on the subject property.

Proposed Use: Residential Subdivision - PUD

Proposed No. of Phases (one year each): \_\_\_\_\_

## LAND USE APPLICATION FORM

### Authorizing Signatures:

---

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

*Dennis A. Guyon*

*6/16/20*

**The following materials must be submitted with your application or it will not be accepted at the counter.** Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

- 3 Copies of Application Form\*** completely filled out and signed by the property owner (or person with authority to make decisions on the property).
- Copy of Deed** to verify ownership, easements, etc.
- At least 3 folded sets of plans\***
- At least 3 copies** of narrative addressing application criteria\*
- Fee** (along with calculations utilized to determine fee if applicable)
- Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

\* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.





Home of the Tualatin River National Wildlife Refuge

Case No. \_\_\_\_\_  
 Fee \_\_\_\_\_  
 Receipt # \_\_\_\_\_  
 Date \_\_\_\_\_  
 TYPE \_\_\_\_\_

**City of Sherwood  
 Application for Land Use Action**

**Type of Land Use Action Requested: (check all that apply)**

- |  |  |
|--|--|
| <input type="checkbox"/> Annexation  | <input type="checkbox"/> Conditional Use               |
| <input type="checkbox"/> Plan Amendment (Proposed Zone _____)                    | <input type="checkbox"/> Partition (# of lots _____)   |
| <input checked="" type="checkbox"/> Planned Unit Development                     | <input type="checkbox"/> Subdivision (# of lots _____) |
| <input type="checkbox"/> Site Plan (square footage of building and parking area) | <input type="checkbox"/> Other: _____                  |
| <input type="checkbox"/> Variance (list standards to be varied in description)   |  |

*By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.*

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at [www.sherwoodoregon.gov](http://www.sherwoodoregon.gov). Click on Government/Finance/Fee Schedule.

**Owner/Applicant Information:**

Applicant: <u>Emerio Design, LLC</u>	Phone: <u>(541) 318-7487 Cell</u>
Applicant Address: <u>6445 SW Fallbrook Pl. #100, Beaverton, OR 97008</u>	Email: <u>stevem@emeriodesign.com</u>
Owner: <u>JT Roth Construction, Inc.</u>	Phone: <u>(503) 806-0943</u>
Owner Address: <u>12600 SW 72nd Ave STE 200, Portland, OR 97223</u>	Email: <u>timr@jtrothinc.com</u>
Contact for Additional Information: <u>Tim Roth</u>	

**Property Information:**

Street Location: Tract E - Denali Meadows PUD

Tax Lot and Map No: N/A

Existing Structures/Use: N/A

Existing Plan/Zone Designation: VLDR

Size of Property(ies) 6,084 Sq. Ft.

**Proposed Action:**

Purpose and Description of Proposed Action:

PUD

Proposed Use: right-of-way and portion of Lots 19 and 20

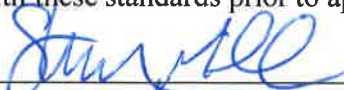
Proposed No. of Phases (one year each): Single Phase

## LAND USE APPLICATION FORM


**Authorizing Signatures:**

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

  
 Applicant's Signature

10-20-2020  
 Date

  
 Owner's Signature

10-20-20  
 Date

**The following materials must be submitted with your application or it will not be accepted at the counter.** Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

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# Chicago Title Company

Exhibit A11

10151 SE Sunnyside Road, Suite 300  
Clackamas, Oregon 97015  
Phone: 503.786.3940 Fax: 866.892.3853  
E-mail: trios@ctt.com

## METROSCAN PROPERTY PROFILE Washington (OR)

### OWNERSHIP INFORMATION

Owner	: Yuzon Dennis A	Parcel Number	: R1292443
CoOwner	: Yuzon Paula B	Ref Parcel #	: 2S133CB 00100
Site Address	: 23120 SW Murdock Rd Sherwood 97140	T: 02S R: 01W S: 33 Q: SW QQ: NW	
Mail Address	: 23120 SW Murdock Rd Sherwood Or 97140	Bldg #	1 Of 1
Telephone	:		

### SALES INFORMATION

Transfer Date	: 11/01/1986	Document #	:
Sale Price	: \$50,000	Deed Type	: Deed
% Owned	: 100	Vesting Type	:
Prior Transfer Date	:	Prior Document #	: 86052739
Prior Sales Price	: \$50,000		

### PROPERTY DESCRIPTION

Map Page Grid :  
 Census Tract : 321.04 Block: 2  
 Neighborhood : 4TL0  
 School District : Sherwood  
 Subdivision/Plat:  
 Class Code : Single Family Res  
 Land Use : 1910 Res,Potential Development,Improved  
 Legal : ACRES 9.95  
 :  
 :

### ASSESSMENT AND TAX INFORMATION

Mkt Land	: \$312,840
Mkt Structure	: \$373,550
Mkt Total	: \$686,390
%Improved	: 54
M50 Total	: \$653,540
Levy Code	: 08810
17-18 Taxes	: \$12,391.18
Millage Rate	: 18.9601

### PROPERTY CHARACTERISTICS

Bedrooms	: 4	Lot Acres	: 9.95	Year Built	: 1992
Bathrooms	: 4.00	Lot SqFt	: 433,422	EffYearBlt	: 1992
HeatMethod:	Heat Pump	BsmFin SF	:	Floor Cover:	Wood
Pool	: Yes	BsmUnfinSF:		Foundation	: Concrete Ftg
Appliances	:	Bldg SqFt	: 5,148	Roof Shape:	Gable
Dishwasher:	Yes	1stFlrSF	: 2,356	Roof Matl	: Composition
Hood Fan	:	UpperFISF	: 2,792	InteriorMat	: Drywall
Deck	: Multiple	Porch SqFt	:	Paving Matl	: Asphalt
GarageType:	Attached	Attic SqFt	:	Ext Finish	: Wood Std Shtg
Garage SF	: 1,174	Deck SqFt	:	Const Type	: Wd Stud\shgt

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed

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FORM No. 967—Stevens-Ness Law Publishing Co., Portland, Ore. 97204

SPECIAL WARRANTY DEED—STATUTORY FORM  
INDIVIDUAL GRANTOR

87011209

HAZEL E. FOSTER Grantor,  
conveys and specially warrants to MICHAEL GIBBONS Grantee,  
the following described real property free of encumbrances created or suffered by the Grantor except as specifically set forth herein, situated in WASHINGTON County, Oregon to-wit:

Beginning at an iron rod on the East line of the Northwest one-quarter of the Southwest one-quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, which bears North 0° 45' 56" West, 874.54 feet from the Southeast corner of said Northwest one-quarter; thence continuing North 0° 45' 56" West, 440.0 feet to the Northeast corner of said Northwest one-quarter; thence South 89° 29' 17" West along the North line of said Northwest one-quarter, 580.0 feet to an iron rod; thence South 65° 53' 10" West, 863.26 feet to an iron rod; thence North 65° 41' 52" West, 679.60 feet to an iron rod on the Easterly line of County Road No. 2257, (S.W. Murdock Road); thence South 21° 09' 26" West along said Easterly line, 50.07 feet to an iron rod; thence South 65° 41' 52" East, 700.25 feet to an iron rod; thence North 54° 34' 40" East, 826.66 feet to the place of beginning.

1-2

This Deed is in fulfillment of that certain contract dated 6/6/83  
Recorded 6/7/83, Fee No. 83017687, Washington County records;

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The said property is free of all encumbrances created or suffered by the Grantor except Easement recorded 4/28/17, in Book 108, page 555, Easement recorded 8/14/48, in Book 288, page 4; Waiver of remonstrance of record; Conditions and restrictions in Contract of Sale between Foster and Gibbons, dated 6/6/83; Zoning ordinances, building and use restrictions, reservations in Federal\*  
The true consideration for this conveyance is \$ 59,500.00. (Here comply with the requirements of ORS 93.030) (patents, beneficial utility easements of record);

Dated this 3 day of June, 1983

*Hazel E. Foster*  
Hazel E. Foster



STATE OF OREGON, County of Washington) ss. June 3, 1983  
Personally appeared the above named Hazel E. Foster

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me: Mary A. McCougall  
Notary Public for Oregon—My commission expires: 7/15/84

(OFFICIAL SEAL)

SPECIAL WARRANTY DEED

FOSTER

GRANTOR

GIBBONS

GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:  
Dennis and Paula Yuzon  
17690 Cheyenne Way  
Tualatin, OR 97068

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements shall be sent to the following address  
same as above

NAME, ADDRESS, ZIP

STATE OF OREGON

STATE OF OREGON

County of Washington

SS

SPACE RESERVE FOR RECORDER'S

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of Assessment and Taxation, Ex-Officio County Clerk

1987 MAR -6 PM 1:42

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TICOR TITLE  
INSURANCE

86052739

ASSIGNMENT AND CONVEYANCE BY OWNER  
OF VENDEE'S INTEREST IN LAND SALE CONTRACT

THIS ASSIGNMENT, made and entered into this 12 day of November, 1986, by and between MICHAEL GIBBONS (hereinafter referred to as "Assignor") and DENNIS A. and PAULA B. YUZON (husband and wife) (hereinafter referred to as "Assignee").

RECITALS:

WHEREAS, Assignor is the owner of the vendee's interest in a land sale contract dated June 6, 1983, between HAZEL E. FOSTER as vendor and MICHAEL GIBBONS as vendee, which contract was recorded in Washington County, State of Oregon, on June 7, 1983, Fee No. 83019568, the "Contract." The property which is being transferred hereunder is described more particularly in Exhibit "A" attached hereto and by this reference incorporated herein.

WHEREAS, the vendee's interest in the Contract is subject to those certain rights, easements, liens and encumbrances (the "Underlying Obligations") set forth on Exhibit "B" attached hereto and by this reference incorporated herein.

WHEREAS, Assignor desires to assign and convey his interest in the Contract and the Property to Assignee, and Assignee desires to acquire such interests on the terms and conditions set forth below.

NOW, THEREFORE, the parties agree as follows:

1. Assignment and Conveyance. Assignor hereby assigns his interest in the Contract and conveys his interest in the Property to Assignee.

2. Assignor's Covenants. Assignor covenants as follows:

2.1 He is the owner of the vendee's interest in the Contract;

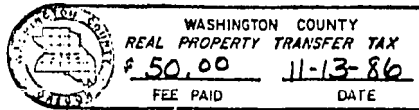
2.2 He is not in default under the terms of the Contract or the Underlying Obligations;

2.3 The vendee's interest in the Contract is free of all liens and encumbrances except the Underlying Obligations, and,

2.4 The unpaid balance of the purchase price due under the Contract is \$40,954.70, with interest paid to October 29, 1986.

Page 1 - ASSIGNMENT AND CONVEYANCE

1-5



3. Assignee's Assumption. Assignee hereby assumes the obligations of the vendee under the Contract and agrees to defend, indemnify and hold Assignor harmless therefrom.

4. Consideration. The consideration paid for this assignment is the sum of \$50,000.

5. Closing, Title Insurance. Assignor shall, on closing and recording, furnish a purchaser's title insurance policy an amount equal to the sales price of \$50,000, insuring Assignee a marketable title as of the date hereof free and clear of liens and encumbrances except the usual printed exceptions, and the exceptions shown on Exhibit "B" hereto.

6. Attorneys' Fees. In the event action is instituted to enforce any term of this Assignment and Conveyance, the prevailing party shall recover from the losing party reasonable attorney fees incurred in such action as set by the trial court and, in the event of an appeal, as set by the appellate courts.

IN WITNESS WHEREOF, the Parties have executed this assignment this 22 day of November, 1986.

ASSIGNOR:

Michael Gibbons

ASSIGNEE:

Dennis Yuzon  
Paula Yuzon

STATE OF OREGON )  
Washington ) ss.  
County of ~~Multnomah~~ )

SUBSCRIBED and SWORN to before me this 29 day of  
October, 1986.

Dennis Yuzon and Paula Yuzon executed this document 10/28/86;  
Michael Gibbons executed this document 10/29/86;

Mary G. McLaughlin  
Notary Public for Oregon  
My Commission Expires: 7/15/88

The contract vendor, Hazel E. Foster, hereby consents to the above assignment of the vendee's interest in the contract.

Page 2 - ASSIGNMENT AND CONVEYANCE

2

NOV 13 1986

The unpaid balance indicated in Paragraph 2.4 is accurate. The vendee, Michael Gibbons, is not in default.

DATED: Nov. 12, 1986

Hazel E. Foster

12:4:150

STATE OF OREGON,  
County of Washington } ss.

FORM NO. 23 — ACKNOWLEDGMENT  
STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

BE IT REMEMBERED, That on this 12 day of November, 19 86  
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within  
named Hazel E. Foster

known to me to be the identical individual described in and who executed the within instrument and  
acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed  
my official seal the day and year last above written.



May A. McDougall  
Notary Public for Oregon.  
My Commission expires 7/15/88

Page 3 - ASSIGNMENT AND CONVEYANCE

3



## EXHIBIT "A"

Beginning at an iron rod on the East line of the Northwest one-quarter of the Southwest one-quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, which bears North  $0^{\circ} 45' 56''$  West, 874.54 feet from the Southeast corner of said Northwest one-quarter; thence continuing North  $0^{\circ} 45' 56''$  West, 440.0 feet to the Northeast corner of said Northwest one-quarter; thence South  $89^{\circ} 29' 17''$  West along the North line of said Northwest one-quarter, 580.0 feet to an iron rod; thence South  $05^{\circ} 53' 10''$  West, 863.26 feet to an iron rod; thence North  $65^{\circ} 41' 52''$  West, 679.60 feet to an iron rod on the Easterly line of County Road No. 2257, (S.W. Murdock Road); thence South  $21^{\circ} 09' 26''$  West along said Easterly line, 50.07 feet to an iron rod; thence South  $65^{\circ} 41' 52''$  East, 700.25 feet to an iron rod; thence North  $54^{\circ} 34' 40''$  East, 826.66 feet to the place of beginning.

12:5:109

4

NOV 13 1986

EXHIBIT "B"

An easement, including the terms and provisions thereof,  
From: E. Murdock and Sarah Murdock  
To: Pacific Telephone and Telegraph  
Recorded: April 28, 1917 Book: 108 Page: 555  
Affects: Not Specified  
For: Anchor and wires

An easement, including the terms and provisions thereof,  
From: Kenneth F. Foster and Hazel Foster, his wife  
To: The Pacific Telephone and Telegraph Company,  
a California Corporation  
Recorded: August 14, 1948 Book: 288 Page: 4  
Affects: Not Specified  
For: Power poles

Waiver of remonstrance and consent to local improvement,  
including the terms and provisions thereof,  
Filed by: Hazel E. Foster  
Dated: May 12, 1983  
Recorded: May 17, 1983 Fee No.: 83016886  
Records of Washington County, Oregon

Waiver of remonstrance and consent to local improvement,  
including the terms and provisions thereof,  
Filed by: Hazel E. Foster  
Dated: May 24, 1983 Fee No.: 83017818  
Records of Washington County, Oregon.  
For: Street Improvement

Conditions and Restrictions Contained in Contract of Sale,  
Vender: Hazel E. Foster  
Vendee: Michael Gibbons  
Dated: June 6, 1983  
Recorded: June 7, 1983 Fee No.: 83019568  
Records of Washington County, Oregon.

12:5:113

STATE OF OREGON }  
County of Washington } SS

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of Assessment and Taxation, Ex-Officio County Clerk

Tax Statements to:  
Mr. & Mrs. Jensen  
1769 Oregon Way  
Tualatin, OR 97062

1986 NOV 13 AM 9:29

5

TICOR No. 851—ASSIGNMENT OF REAL ESTATE CONTRACT by Vendor-Buyer  
1-1-74  
OF

TICOR TITLE  
INSURANCE

ASSIGNMENT OF CONTRACT

86041491

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, for the consideration hereinafter stated,

has sold and assigned and hereby does grant, bargain, sell, assign and set over unto HAZEL E. POSTER

TICOR TITLE INSURANCE COMPANY HAS RECORDED THIS INSTRUMENT BY REQUEST AS AN ACCOMMODATION ONLY AND HAS NOT EXAMINED IT FOR REGULARITY AND SUFFICIENCY OR AS TO ITS EFFECT UPON THE TITLE TO ANY REAL PROPERTY THAT MAY BE DESCRIBED THEREIN.

his heirs, successors and

assigns, all of the vendor's right, title and interest in and to that certain contract for the sale of real estate dated

June 1, 1983, between HAZEL E. POSTER

as seller and BRIAN REED PUZISS

as buyer, which contract is recorded in the Deed\* Miscellaneous\* Records of Washington County, Oregon, in book/reel/volume No. at page thereof, or as ~~Book/Reel/Volume/~~ ~~Page~~ No. 83019057 (indicate which), (reference to said recorded contract hereby being expressly made), together with all of the right, title and interest of the undersigned in and to the real estate described therein; the undersigned hereby expressly covenants with and warrants to the assignee above named that the undersigned is the owner of the vendor's interest in the real estate described in said contract of sale and that the unpaid balance of the purchase price thereof is not more than \$ with interest paid thereon to 19 ; further, upon compliance by said assignee with the terms of said contract, the undersigned directs that conveyance of said real estate be made and delivered to the order of said assignee.

The true and actual consideration, paid for this transfer, stated in terms of dollars, is \$ 1.00

However, the actual consideration consists of a parcel of other property as value given as promised which is part of the consideration (indicate which).

In construing this assignment, it is understood that if the context so requires, the singular shall be taken to mean and include the plural, the masculine shall include the feminine and the neuter and that wherever by all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to one or more individuals and/or corporations.

IN WITNESS WHEREOF, the undersigned assignor has hereunto set his hand; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its board of directors.

DATED: September 19 86 X / s / Brian Reed Puziss

(If executed by a corporation, affix corporate seal.)

STATE OF OREGON, )  
County of Washington, ) ss.  
September 19 86.  
Personally appeared the above named  
Brian Reed Puziss

STATE OF OREGON, County of Washington, ) ss.  
19  
Personally appeared \_\_\_\_\_ and \_\_\_\_\_ who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of \_\_\_\_\_ a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

and acknowledged the foregoing instrument to be his voluntary act and deed.  
Before me:  
Notary Public for Oregon  
My commission expires: 1/5/87

Notary Public for Oregon  
My commission expires:  
(OFFICIAL SEAL)

\*201-12 whichever is applicable. NOTE—The contents between the symbols } if not applicable, should be deleted. See ORS 93.020 if the contract is not already of record. It should be recorded, preferably in the Deed Records.

GRANTOR'S NAME AND ADDRESS  
GRANTEE'S NAME AND ADDRESS  
After recording return to:  
Hazel Foster  
715 S. Columbia  
Newberg, OR 97132  
Until a change is requested all fee statements shall be sent to the following address:  
Hazel Foster  
715 S. Columbia  
Newberg, OR 97132

STATE OF OREGON } ss  
County of Washington }  
I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.  
Donald W. Mason, Director of Assessment and Taxation, Ex-Officio County Clerk  
1986 SEP 15 PM 1:07

FORM No. 831—ASSIGNMENT OF REAL ESTATE CONTRACT by Vendor-Buyer

STEVENS REED LAW PUBLISHED BY THE OREGON BAR ASSOCIATION, PORTLAND, OR 97208

11-74  
OF

**TICOR TITLE  
INSURANCE**

ASSIGNMENT OF CONTRACT

86041490

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, for the consideration hereinafter stated,

has sold and assigned and hereby does grant, bargain, sell, assign and set over unto **HAZEL E. FOSTER**

**TICOR TITLE INSURANCE COMPANY HAS RECORDED THIS INSTRUMENT BY REQUEST OF THE ASSIGNEE ONLY AND HAS NOT EXAMINED IT FOR REGULARITY AND SUFFICIENCY OR AS TO ITS EFFECT UPON THE TITLE TO ANY REAL PROPERTY THAT MAY BE DESCRIBED THEREIN.**

assigns, all of the vendee's right, title and interest in and to that certain contract for the sale of real estate dated

June 1, 1983, between **HAZEL E. FOSTER**

as seller and **BRIAN REED PUZZISS**

as buyer, which contract is recorded in the Deed\* Miscellaneous\* Records of Washington County, Oregon, in book/roll/volume No. \_\_\_\_\_ at page \_\_\_\_\_ thereof, or as described in file/roll/volume No. 83019058 (indicate which), (reference to said recorded contract hereby being expressly made), together with all of the right, title and interest of the undersigned in and to the real estate described therein; the undersigned hereby expressly covenants with and warrants to the assignee above named that the undersigned is the owner of the vendee's interest in the real estate described in said contract of sale and that the unpaid balance of the purchase price thereof is not more than \$ \_\_\_\_\_ with interest paid thereon to \_\_\_\_\_; further, upon compliance by said assignee with the terms of said contract, the undersigned directs that conveyance of said real estate be made and delivered to the order of said assignee.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 1.00

However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which):

In construing this assignment, it is understood that if the context so requires, the singular shall be taken to mean and include the plural, the masculine shall include the feminine and the neuter and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to one or more individuals and/or corporations.

IN WITNESS WHEREOF, the undersigned assignor has hereunto set his hand; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its board of directors.

DATED: September 6, 1986.

X *Brian Reed Puziss*  
Brian Reed Puziss.

(If executed by a corporation, affix corporate seal.)

STATE OF OREGON, )  
County of Washington, ) ss.  
September 6, 1986.  
Personally appeared the above named  
Brian Reed Puziss

STATE OF OREGON, County of Washington, ) ss.  
Personally appeared \_\_\_\_\_ and \_\_\_\_\_, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of \_\_\_\_\_

and acknowledged the foregoing instrument to be his voluntary act and deed.  
(OFFICIAL SEAL)  
Notary Public for Oregon  
My commission expires: 2/5/88

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, each of them acknowledged said instrument to be its voluntary act and deed.  
Before me:  
Notary Public for Oregon  
My commission expires:  
(OFFICIAL SEAL)

\*Strike through words not applicable. NOTE—the symbols } and } ss. if not applicable, should be deleted. See ORS 93.020. If the contract is not already of record, it should be recorded, preferably in the Deed Branch.

CREATOR'S NAME AND ADDRESS  
Hazel Foster  
715 S. Columbia  
Newberg, OR 97132  
NAME ADDRESS ZIP  
Hazel Foster  
715 S. Columbia  
Newberg, OR 97132  
NAME ADDRESS ZIP

STATE OF OREGON } ss  
County of Washington }  
I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was authentic and recorded in book of records of said county.  
Donald W. Mason, Director of Assessment and Taxation Ex-Officio County Clerk  
1986 SEP 15 PM 1:07

86001022

TICOR TITLE  
INSURANCE COMPANY

REAL ESTATE CONTRACT AMENDMENT

About the 5th day of June, 1983, HAZEL E. FOSTER entered a real estate contract as seller with MICHAEL GIBBONS as buyer, which contract was recorded as fee number 83019566, Washington County, Oregon.

That contract required monthly payments of not less than \$654.15 each, including interest.

The parties to that contract now desire to amend it. Buyer wishes to reduce his monthly payment obligation, while seller believes the interest rate in the original contract is favorable to her and accordingly seeks a slower payoff. Accordingly, it is hereby agreed that monthly payments under said contract will be reduced to not less than \$434.40 each, including interest at the original contract rate.

The parties agree that all portions of the original contract inconsistent with the new terms are hereby amended, the remaining terms being ratified and confirmed.

DATED this 31 day of December, 1985.

TICOR TITLE INSURANCE COMPANY HAS RECORDED THIS INSTRUMENT BY REQUEST AS AN ACCOMMODATION ONLY AND HAS NOT EXAMINED IT FOR REGULARITY AND SUFFICIENCY OR AS TO ITS EFFECT UPON THE TITLE TO ANY REAL PROPERTY THAT MAY BE DESCRIBED THEREIN.

*Hazel E. Foster*  
HAZEL E. FOSTER

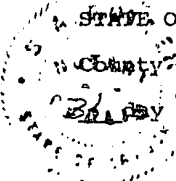
*Michael Gibbons*  
MICHAEL GIBBONS



STATE OF OREGON )  
County of Washington ) ss.

The foregoing instrument was acknowledged before me this 31 day of December, 1985, by HAZEL E. FOSTER.

*S.A. Goff*  
Notary Public for Oregon  
My Commission Expires: 7/14/86



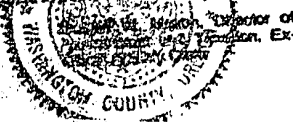
STATE OF OREGON )  
County of Washington ) ss.

The foregoing instrument was acknowledged before me this 31 day of December, 1985, by MICHAEL GIBBONS.

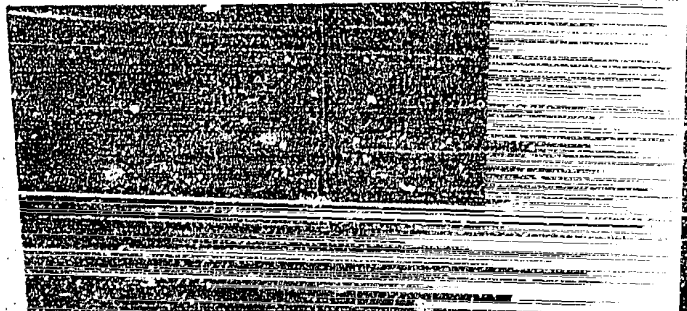
*S.A. Goff*  
Notary Public for Oregon  
My Commission Expires: 7/14/86

STATE OF OREGON )  
County of Washington ) ss.

I, Donald W. Wilson, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument was duly received and recorded in the office of said county.



JAN -7 AM '86



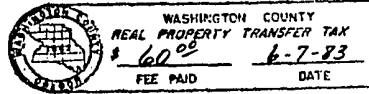
6 7 83

FORM No. 706—CONTRACT—REAL ESTATE... Title Insurance Company... CONTRACT—REAL ESTATE 83019568... THIS CONTRACT, Made this 6 day of June, 1983, between HAZEL E. FOSTER, hereinafter called the seller, and MICHAEL GIBBONS, hereinafter called the buyer.

WITNESSETH: That in consideration of the mutual covenants and agreements herein contained, the seller agrees to sell unto the buyer and the buyer agrees to purchase from the seller all of the following described lands and premises situated in Washington County, State of OREGON, to-wit: as described on attached sheet headed Exhibit A and incorporated by this reference.

3447-11837

MICHAEL D. ONEIL Attorney at Law 11878 SW King James Pl Tigard Oregon 97223



Attorney represents Seller

for the sum of Fifty Nine Thousand Five Hundred Dollars (\$ 59,500.00 ) (hereinafter called the purchase price) on account of which Ten Thousand Dollars (\$10,000.00) is paid on the execution hereof... the buyer agrees to pay the remainder of said purchase price (to-wit: \$ 49,500.00 ) to the order of the seller in monthly payments of not less than Six Hundred Fifty Four and 15/100 Dollars (\$ 654.15 ) each, payable on the 20th day of each month hereafter beginning with the month of July, 1983... and continuing until said purchase price is fully paid.

The buyer warrants in and covenants with the seller that the real property described in this contract is... The buyer shall be entitled to possession of said lands on this contract date... The seller agrees that at all times he will keep the premises and the buildings, now or hereafter erected thereon, in good condition and repair and will not suffer or permit any waste or strip thereon...

The seller agrees that at his expense and within thirty days from the date hereof, he will furnish unto buyer a title insurance policy inuring to an amount equal to said purchase price... #special warranty

(IMPORTANT NOTICE Delete, by lining out, whichever phrase and whichever warranty (A) or (B) is not applicable. If warranty (A) is applicable and if seller is a creditor, in such word as defined in the Truth-in-Lending Act and Regulation Z, the seller MUST comply with the Act and Regulation by making required disclosures for this purpose, use Stevens-Nass Form No. 1308 or similar. If the contract becomes a first lien to finance the purchase of a dwelling use Stevens-Nass Form No. 1307 or similar.)

To be done by Seller if applicable... NAME AND ADDRESS... Michael Gibbons 13360 S.W. Farmington Rd. Beaverton, OR 97005... NAME AND ADDRESS... Michael Gibbons 13360 S.W. Farmington Rd. Beaverton, OR 97005

STATE OF OREGON, ss. County of... I certify that the within instrument was received for record on the day of 1983 at o'clock M., and recorded in book/reel volume No. on page or as document, fee file/instrument/microfilm No. Record of Deeds of said county. Witness my hand and seal of County affixed. NAME TITLE By Deputy

JUN 7 1983

6783

And it is understood and agreed between said parties that time is of the essence of this contract, and in case the Buyer shall fail to make the payments above required, or any of them, punctually within 30 days of the time limited therefor, or fail to keep any agreement herein contained, then the seller at his option shall have the following rights: (1) to declare this contract null and void; (2) to declare the whole unpaid principal balance of said purchase price with the interest thereon at once due and payable; (3) to withhold said deed and other documents from execution; and (4) to terminate this contract by suit in equity, and in any of such cases, all rights and interest created or then existing in favor of the Buyer in and to the premises shall automatically cease and the Seller and the right to the possession of said premises shall revert to and remain in said seller without any act of re-entry, or any other act of said seller to be performed and without any right of the Buyer of return, reclamation or compensation for moneys paid on account of the purchase of said premises, as absolutely, fully and perfectly, as if this contract and such payments had never been made, and in case of such default all payments theretofore made on this contract are to be retained by and belong to said seller as the agreed and reasonable rent of said premises up to the time of such default. And the said seller, in case of such default, shall have the right immediately, or at any time thereafter, in case upon the land above, without any process of law, and take immediate possession thereof, together with all the improvements and appurtenances thereon or therein belonging.

The Buyer further agrees that failure by the seller at any time to require performance by the Buyer of any provision hereof shall in no way affect his right hereunder to enforce the same, nor shall any action by said seller at any time in any branch in any provision hereof be held to be a waiver of any succeeding breach of any such provision, or as a waiver of the provisions hereof.

Default shall not occur as to any deficiency in Buyer's performance hereunder other than the required monthly payments, unless Buyer fails to correct that deficiency within thirty (30) days after Seller has sent Buyer written notice specifying such deficiency.

In addition to remedies allowed Seller above, the Seller at her election, upon Buyer's default, shall have the remedy of specific performance.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 59,500.00

In case suit or action is instituted to enforce this contract or to enforce any provision hereof, the losing party in said suit or action agrees to pay such sum as the final court may adjudge reasonable, as attorney's fees in the defense of the prevailing party in said suit or action and if an appeal is taken from any judgment or decree of such final court, the losing party further promises to pay such sum as the appellate court shall adjudge reasonable as the prevailing party's attorney's fees in such appeal.

In construing this contract, it is understood that the seller or the Buyer may be more than one person or a corporation, that if the contract so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical changes shall be made assumed and applied to make the provisions hereof apply equally to corporations and to individuals.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but their respective heirs, executors, administrators, personal representatives, successors in interest and assigns as well.

IN WITNESS WHEREOF, said parties have executed this instrument in triplicate; if either of the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal affixed hereto by its officer duly authorized thereunto by order of its board of directors.

NOTE—The sentence between the symbols ( ), if not applicable, should be deleted. See ORS 93 030.

STATE OF OREGON, ) STATE OF OREGON, County of Washington ) ss.
County of Washington ) June 6, 19 83
June 3, 19 83 Personally appeared Michael Gibbons XX

Personally appeared the above named HAZEL E. POSTER and MICHAEL GIBBONS who being duly sworn, each for himself and not one for the other did say that the former is the president and that the latter is the secretary of

and acknowledged the foregoing instrument to be their voluntary act and deed. and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that this instrument was signed and sealed in the presence and recognition of the undersigned Notary Public, and in the presence of the undersigned Notary Public for Oregon. Before me: May A. McQuigge Notary Public for Oregon My commission expires: 7/15/84

ORS 93.035 (1) All instruments contracting to convey fee title to any real property, at a time more than 12 months from the date that the instrument is executed and the parties are bound, shall be acknowledged, in the manner provided for acknowledgment of deeds, by the conveyor of the title to be conveyed. Such instruments, or a memorandum thereon, shall be recorded by the conveyor not later than 15 days after the instrument is executed and the parties are bound thereby.

ORS 93.030(3) Violation of ORS 93.035 is punishable, upon conviction, by a fine of not more than \$100.

ADDITIONAL CONTRACT TERMS:
(1) Buyer will give Seller the paid receipt annually upon Buyer's payment of real property taxes. (2) Seller will prepare and deposit at her expense a fulfillment deed with an escrow agent satisfactory to her upon instructions to deliver the deed only upon Buyer's full payment and performance of this contract. (3) The parties understand and agree that the entire contract balance hereunder will be amortized and paid off in approximately ten years. (4) It is expressly agreed that this property, the Buyer, his heirs, successors and assigns forever shall be subject to the Conditions and Restrictions shown on Exhibit B attached hereto and by this reference hereby incorporated herein which shall hereafter appertain to the described property and forever run therewith; the Buyer for himself, his heirs, successors and assigns covenants with the Seller, her heirs, successors and assigns that the terms of the said Conditions and Restrictions shall forever be performed by them. (5) Buyer acknowledges he has inspected this property and all applicable regulations, that the property is sold without warranties other than those of title, and that he accepts the same in present condition without reference to any representations by Seller. (6) Buyer will not subcontract, assign or otherwise transfer voluntarily or involuntarily any interest in this property or under this contract during the term of this contract without the prior written consent of the Seller, which may not be unreasonably withheld, Seller's right to deny consent is limited to her assessment of the proposed grantee's financial capacity, to perform in a manner that protects the Seller's interest. In case of a dispute, Seller and Buyer herein shall appoint a representative who shall choose a third party, impartial to the matter, and the decision of the majority shall prevail. (7) Buyer accepts the premises subject to the conditions and restrictions established in the minor land partitioning, 81-65-MP. (8) If the property is currently under real property tax deferral for any reason, Buyer will continue it so or be responsible to Seller for any penalty for its removal from said deferral. (9) Buyer acknowledges that a portion of this property is classified as a Significant National Resource and some density transfer may be required with development. (10) Delinquent real estate taxes shall constitute a default under this contract.

2

JUN 7 1983

6 7 83

EXHIBIT A

Beginning at an iron rod on the East line of the Northwest one-quarter of the Southwest one-quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, which bears North 0° 45' 56" West, 874.54 feet from the Southeast corner of said Northwest one-quarter; thence continuing North 0° 45' 56" West, 440.0 feet to the Northeast corner of said Northwest one-quarter; thence South 89° 29' 17" West along the North line of said Northwest one-quarter, 580.0 feet to an iron rod; thence South 05° 53' 10" West, 863.26 feet to an iron rod; thence North 65° 41' 52" West, 679.60 feet to an iron rod on the Easterly line of County Road No. 2257, (S.W. Murdock Road); thence South 21° 09' 26" West along said Easterly line, 50.07 feet to an iron rod; thence South 65° 41' 52" East, 700.25 feet to an iron rod; thence North 54° 34' 40" East, 826.66 feet to the place of beginning.

SUBJECT TO: City of Sherwood Ordinance No. 730, recorded October 30, 1980, fee number 80039610, Washington County Records, creating liens pursuant to a Local Improvement District for water and sewer (Rock Creek Water and Sewer LID); Easement, including the terms and provisions thereof, recorded April 28, 1917, Book 108, page 555, Records of Washington County, Oregon; Easement, including the terms and provisions thereof, recorded August 14, 1948, Book 288, page 4, Records of Washington County, Oregon; Waiver of remonstrance and consent to local improvement, including the terms and provisions thereof, dated May 12, 1983, recorded fee number 83016886, Records of Washington County, Oregon; and zoning ordinances, building and use restrictions, reservations in federal patents, beneficial utility easements of record and findings and conditions of said minor land partitioning.

Seller agrees to pay all assessment installments of both principal and interest of above described local improvement district when due.

H.E.P.

*Hazel E. Foster*

*Michael Gibbons*

3

After recording return to: Michael Gibbons, 2200 S.W. Farrington Rd., Beaverton, OR 97005

I certify that the within instrument was received for record on the day of ... 19... at ... o'clock ... M., and recorded in book ... volume No. ... on page ... or as document fee ... instrument microfilm No. ... Record of Deeds of said county. Witness my hand and seal of County this ... day.

By Deputy

JUN 7 1983



6 7 83

EXHIBIT B  
CONDITIONS AND RESTRICTIONS

No old buildings shall be moved on said real property.

No noxious or offensive trade shall be carried on upon property, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

All building exteriors shall be completed and painted within one and one-half years from the time construction is commenced. All dwellings must be 1,000 square feet or more on the main level.

All mobile homes must comply with all zoning, sanitation and building requirements of Washington County.

All animals must be reasonably controlled to avoid their being a nuisance to other homeowners. All homesites will be maintained in a reasonably neat manner with no rubbish, and unused automobiles will be adequately housed.

*Elizabeth Foster*

*Michael Hibbons*

STATE OF OREGON  
County of Washington

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of Assessment and Taxation, Ex-Officio Chief Deputy Clerk

1700  
A

1983 JUN -7 AM 9:45

After recording return to  
Michael Hibbons  
3330 S.W. Farmington Ave.  
Beaverton, OR 97001

Unless a change is requested all tax statements shall be sent to the following address  
Michael Hibbons  
3330 S.W. Farmington Ave.  
Beaverton, OR 97001

I certify that the within instrument was received for record on the day of 19 at o'clock M, and recorded in book and volume No on page or as document for file instrument number No Record of Deeds of said county. Witness my hand and seal of County office of

By Deputy

1-4

JUN 7 1983



# Chicago Title Company

Exhibit A11

10151 SE Sunnyside Road, Suite 300  
Clackamas, Oregon 97015  
Phone: 503.786.3940 Fax: 866.892.3853  
E-mail: trios@ctt.com

## METROSCAN PROPERTY PROFILE Washington (OR)

### OWNERSHIP INFORMATION

Owner	: Miller Timothy M	Parcel Number	: R1449882
CoOwner	:	Ref Parcel #	: 2S133CB 00200
Site Address	: 23008 SW Murdock Rd Sherwood 97140	T: 02S R: 01W S: 33 Q: SW QQ: NW	
Mail Address	: PO Box 398 Sherwood Or 97140	Bldg #	1 Of 1
Telephone	:		

### SALES INFORMATION

Transfer Date	: 06/13/2012	Document #	: 47854
Sale Price	: \$243,250 Full	Deed Type	: Warranty
% Owned	: 100	Vesting Type	:
Prior Transfer Date	:	Prior Document #	: 87028888
Prior Sales Price	: \$52,500		

### PROPERTY DESCRIPTION

Map Page Grid :  
 Census Tract : 321.04 Block: 2  
 Neighborhood : 4TL0  
 School District : Sherwood  
 Subdivision/Plat:  
 Class Code : Single Family Res  
 Land Use : 1910 Res,Potential Development,Improved  
 Legal : ACRES 5.37  
 :  
 :

### ASSESSMENT AND TAX INFORMATION

Mkt Land	: \$176,380
Mkt Structure	: \$319,390
Mkt Total	: \$495,770
%Improved	: 64
M50 Total	: \$495,770
Levy Code	: 08810
17-18 Taxes	: \$9,399.84
Millage Rate	: 18.9601

### PROPERTY CHARACTERISTICS

Bedrooms	: 4	Lot Acres	: 5.37	Year Built	: 1988
Bathrooms	: 3.00	Lot SqFt	: 233,917	EffYearBlt	: 1988
HeatMethod	: Forced	BsmFin SF	:	Floor Cover	: Wood
Pool	:	BsmUnfinSF:		Foundation	: Concrete Ftg
Appliances	: Yes	Bldg SqFt	: 3,283	Roof Shape	: Hip
Dishwasher	:	1stFlrSF	: 2,723	Roof Matl	: Comp Shingle
Hood Fan	:	UpperFISF	: 560	InteriorMat	: Drywall
Deck	:	Porch SqFt	: 266	Paving Matl	: Asphalt
GarageType	: Attached	Attic SqFt	:	Ext Finish	: Wood Std Shtg
Garage SF	: 484	Deck SqFt	:	Const Type	: Wd Stud\shgt

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed

46/244

Washington County, Oregon 2012-047854  
06/13/2012 10:58:52 AM  
D-DW Cnt=1 Stn=22 I REED  
\$15.00 \$5.00 \$11.00 \$15.00 \$244.00 - Total = \$290.00



01715693201200478540030039

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.



Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk

RECORDING REQUESTED BY:

Chicago Title Company of Oregon  
5300 SW Meadows Road, Suite 100  
Lake Oswego, OR 97035

GRANTOR:

Terrance D. Stearns and Lori G. Stearns  
32045 NE Corral Creek Rd.  
Newberg OR 97132

GRANTEE:

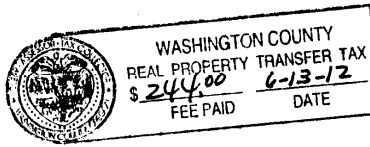
Timothy M. Miller  
23008 SW Murdock Road  
Sherwood OR 97140

SEND TAX STATEMENTS TO:

Timothy M. Miller  
same as above

AFTER RECORDING RETURN TO:

Timothy M. Miller  
23008 SW Murdock Rd.  
Sherwood, OR 97140  
Escrow No: 472512498502FB-CT42



23008 SW Murdock Road  
Sherwood, OR 97140

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED - STATUTORY FORM  
(INDIVIDUAL or CORPORATION)

Terrance D. Stearns and Lori G. Stearns, as tenants in common,

Grantor, conveys and warrants to

Timothy M. Miller

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

A portion of that certain tract of land in the Southwest quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, described in that certain contract to Brian Reed Puziss recorded as Document No. 83019057, Washington County, Oregon, Deed Records, said portion being more particularly described as follows:

Beginning at an iron rod on the South line of said Puziss Tract, which point bears South 65° 41' 52" East 409.25 feet from the Southwest corner thereof, and running thence North 05° 53' 10" East 360.00 feet to an iron rod; thence North 09° 02' 41" West 139.67 feet to an iron rod; thence North 05° 53' 10" East 210.00 feet to an iron rod, which bears Southerly 40.00 feet (when measured at right angles) from the North line of the Southwest quarter of said Section 33; thence South 89° 29' 17" West, parallel with said North line, 390.00 feet to a point on the Easterly right-of-way line of Murdock Road (County Road No. 2257); thence Northwesterly, along a 447.46 foot radius curve to the right (the long chord of which bears North 12° 37' 04" West 40.91 feet) 40.92 feet, to a point on the North line of said Southwest quarter; thence along the boundary of said Puziss tract, North 89° 29' 17" East 697.05 feet, South 05° 53' 10" West 863.26 feet and North 65° 41' 52" West 270.00 feet to the point of beginning.

The true consideration for this conveyance is \$243,250.00.


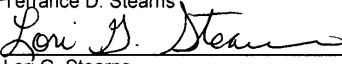
ENCUMBRANCES: Please see attached Exhibit A.

472512498502FB-CT42  
Deed (Warranty - Statutory (Individual or Corporation))

Chicago Title Insurance Co. 472512498502-42

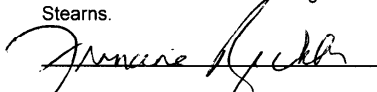
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated June 11, 2012; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

  
Terrance D. Stearns  
  
Lori G. Stearns

STATE OF OREGON  
County of Clackamas

This instrument was acknowledged before me on 6-11-12 by Terrance D. Stearns and Lori G. Stearns.

  
Notary Public for Oregon

My Commission Expires: 4-9-15  
(SEAL)



472512498502FB-CT42  
Deed (Warranty - Statutory (Individual or Corporation))

EXHIBIT "A"

1. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Hazel E. Foster  
Purpose: Utilities  
Recording Date: November 13, 1986  
Recording No.: 86-052740

2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Portland General Electric Company  
Purpose: Underground distribution line  
Recording Date: December 8, 1989  
Recording No.: 89-059742

46/244

Washington County, Oregon  
06/13/2012 10:58:52 AM  
D-DW Cnt=1 Stn=22 I REED  
\$15.00 \$5.00 \$11.00 \$15.00 \$244.00 - Total =\$290.00

2012-047854

RECORDING REQUESTED BY:

Chicago Title Company of Oregon  
5300 SW Meadows Road, Suite 100  
Lake Oswego, OR 97035



01715693201200478540030039

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.



Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk

GRANTOR:

Terrance D. Stearns and Lori G. Stearns  
32045 NE Corral Creek Rd.  
Newberg OR 97132

GRANTEE:

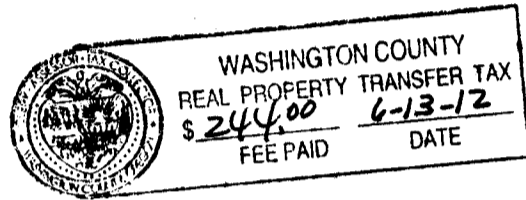
Timothy M. Miller  
23008 SW Murdock Road  
Sherwood OR 97140

SEND TAX STATEMENTS TO:

Timothy M. Miller  
same as above

AFTER RECORDING RETURN TO:

Timothy M. Miller  
23008 SW Murdock Rd.  
Sherwood, OR 97140  
Escrow No: 472512498502FB-CT42



23008 SW Murdock Road  
Sherwood, OR 97140

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED - STATUTORY FORM  
(INDIVIDUAL or CORPORATION)

Terrance D. Stearns and Lori G. Stearns, as tenants in common,

Grantor, conveys and warrants to

Timothy M. Miller

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

A portion of that certain tract of land in the Southwest quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, described in that certain contract to Brian Reed Puzziss recorded as Document No. 83019057, Washington County, Oregon, Deed Records, said portion being more particularly described as follows:

Beginning at an iron rod on the South line of said Puzziss Tract, which point bears South 65° 41' 52" East 409.25 feet from the Southwest corner thereof, and running thence North 05° 53' 10" East 360.00 feet to an iron rod; thence North 09° 02' 41" West 139.67 feet to an iron rod; thence North 05° 53' 10" East 210.00 feet to an iron rod, which bears Southerly 40.00 feet (when measured at right angles) from the North line of the Southwest quarter of said Section 33; thence South 89° 29' 17" West, parallel with said North line, 390.00 feet to a point on the Easterly right-of-way line of Murdock Road (County Road No. 2257); thence Northwesterly, along a 447.46 foot radius curve to the right (the long chord of which bears North 12° 37' 04" West 40.91 feet) 40.92 feet, to a point on the North line of said Southwest quarter; thence along the boundary of said Puzziss tract, North 89° 29' 17" East 697.05 feet, South 05° 53' 10" West 863.26 feet and North 65° 41' 52" West 270.00 feet to the point of beginning.

The true consideration for this conveyance is \$243,250.00.



ENCUMBRANCES: Please see attached Exhibit A.

472512498502FB-CT42  
Deed (Warranty - Statutory (Individual or Corporation))

Chicago Title Insurance Co. 472512498502-42

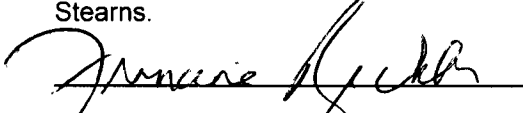
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated June 11, 2012; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

  
Terrance D. Stearns  
  
Lori G. Stearns

STATE OF OREGON  
County of Clackamas

This instrument was acknowledged before me on 6-11-12 by Terrance D. Stearns and Lori G. Stearns.

  
Notary Public for Oregon

My Commission Expires: 4-9-15

(SEAL)



EXHIBIT "A"

1. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Hazel E. Foster

Purpose: Utilities

Recording Date: November 13, 1986

Recording No.: 86-052740

2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Portland General Electric Company

Purpose: Underground distribution line

Recording Date: December 8, 1989

Recording No.: 89-059742



## Prelim Title Report

Title Officer: Kevin Kimball  
Email:  
Title No.: 472520004169

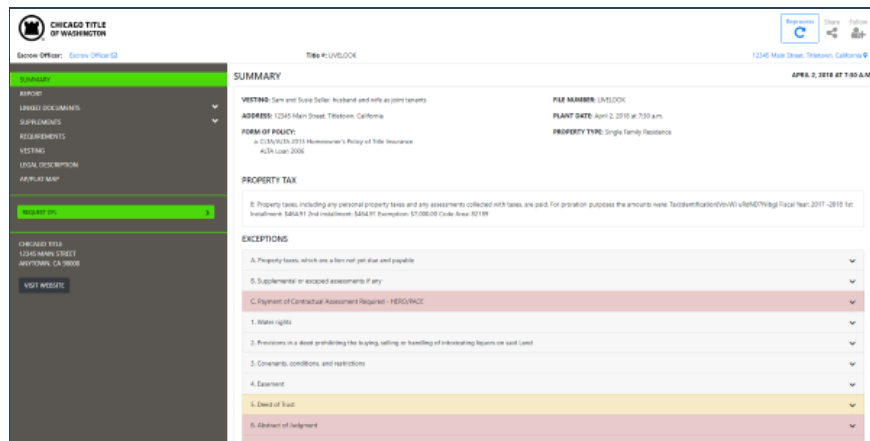
Property Address: 23008 SW Murdock Road, Sherwood, OR 97140

## Introducing LiveLOOK

LiveLOOK title document delivery system is designed to provide 24/7 real-time access to all information related to a title insurance transaction.

Access title reports, exception documents, an easy-to-use summary page, and more, at your fingertips and your convenience.

[To view your new Chicago Title LiveLOOK report, Click Here](#)



The screenshot displays the Chicago Title LiveLOOK web interface. The header includes the Chicago Title logo and navigation links for Home, Sign In, and Logout. The main content area is titled "Title # LIVELOOK" and shows a "SUMMARY" section with the following details:

- VESTING:** Sam and Sara Seller, Richard and wife as joint tenants
- ADDRESS:** 1245 Main Street, Tiburon, California
- FILE NUMBER:** LIVELOOK
- PLANT DATE:** April 2, 2019 at 7:59 a.m.
- FORM OF POLICY:** A CHICAGO TITLE Homeowner's Policy of Title Insurance ALTA Loan 2006
- PROPERTY TYPE:** Single Family Residence

Below the summary, there are sections for "PROPERTY TAX" and "EXCEPTIONS". The "EXCEPTIONS" section is expanded to show a list of items:

- A. Property taxes, which are a lien not yet due and payable
- B. Supplemental or escaped assessments if any
- C. Payment of Contractual Assessment Required - HES/PA/CZ
1. Water rights
2. Provisions in a deed prohibiting the buying, selling or handling of mineralizing claims on said land
3. Covenants, conditions, and restrictions
4. Easement
5. Deed of Trust
6. Abstract of Judgment

**Effortless, Efficient, Compliant, and Accessible**



## PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Chicago Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Florida corporation.

**Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.**

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

*Countersigned*

A handwritten signature in cursive script that reads "Maggie Metcalf". The signature is written in black ink and is positioned above a horizontal line.



1433 SW 6th Avenue, Portland, OR 97201  
 (503)646-4444 FAX (503)469-4198

## PRELIMINARY REPORT

**TITLE OFFICER:** Kevin Kimball

**ORDER NO.:** 472520004169

**TO:** Chicago Title  
 Zachary Taylor  
 10151 SE Sunnyside Road, Suite 300  
 Clackamas, OR 97015

**OWNER/SELLER:** Timothy M. Miller

**BUYER/BORROWER:** TBD

**PROPERTY ADDRESS:** 23008 SW Murdock Road, Sherwood, OR 97140

**EFFECTIVE DATE:** May 22, 2020, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2006 <b>Owner's Standard</b>	\$ TBD	\$ TBD
Government Lien Search		\$ 25.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Timothy M. Miller

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF SHERWOOD, COUNTY OF WASHINGTON, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**EXHIBIT "A"**  
Legal Description

A portion of that certain tract of land in the Southwest quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, described in that certain contract to Brian Reed Puzziss recorded as Document No. 83019057, Washington County, Oregon, Deed Records, said portion being more particularly described as follows:

Beginning at an iron rod on the South line of said Puzziss Tract, which point bears South 65°41'52" East 409.25 feet from the Southwest corner thereof, and running thence North 05°53'10" East 360.00 feet to an iron rod; thence North 09°02'41" West 139.67 feet to an iron rod; thence North 05°53'10" East 210.00 feet to an iron rod, which bears Southerly 40.00 feet (when measured at right angles) from the North line of the Southwest quarter of said Section 33; thence South 89°29'17" West, parallel with said North line, 390.00 feet to a point on the Easterly right-of-way line of Murdock Road (County Road No. 2257); thence Northwesterly, along a 447.46 foot radius curve to the right (the long chord of which bears North 12°37'04" West 40.91 feet) 40.92 feet, to a point on the North line of said Southwest quarter; thence along the boundary of said Puzziss tract, North 89°29'17" East 697.05 feet, South 05°53'10" West 863.26 feet and North 65°41'52" West 270.00 feet to the point of beginning.

**AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:**

**GENERAL EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

**SPECIFIC ITEMS AND EXCEPTIONS**

6. City Liens, if any, in favor of the City of Sherwood. An inquiry has been directed to the City Clerk concerning the status of said liens and a report will follow if such liens are found.
7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
 

Granted to:	Hazel E. Foster
Purpose:	Utilities
Recording Date:	November 13, 1986
<a href="#">Recording No:</a>	<a href="#">86-052740</a>
Affects:	Reference is hereby made to said document for full particulars
8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
 

Granted to:	Portland General Electric Company
Purpose:	Underground distribution line
Recording Date:	December 8, 1989
<a href="#">Recording No:</a>	<a href="#">89-059742</a>
Affects:	Reference is hereby made to said document for full particulars

9. In order to complete this report, the Company requires a Statement of Information to be completed by the following party(s),

Party(s): Timothy M. Miller

The Company reserves the right to add additional items or make further requirements after review of the requested Statement of Information.

NOTE: The Statement of Information is necessary to complete the search and examination of title under this order. Any title search includes matters that are indexed by name only, and having a completed Statement of Information assists the Company in the elimination of certain matters which appear to involve the parties but in fact affect another party with the same or similar name. Be assured that the Statement of Information is essential and will be kept strictly confidential to this file.

10. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.
11. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

12. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

#### **ADDITIONAL REQUIREMENTS/NOTES:**

- A. Property taxes for the fiscal year shown below are paid in full.

Fiscal Year:	2019-2020
Amount:	\$9,953.61
Levy Code:	088.10
<u>Account No.:</u>	<u>R1449882</u>
Map No.:	2S133CB00200

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- B. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA policy unless removed prior to issuance.

- C. Note: The name(s) of the proposed insured(s) furnished with this application for title insurance is/are:

No names were furnished with the application. Please provide the name(s) of the buyers as soon as possible.

- D. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
- E. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.
- F. Washington County imposes a transfer tax of \$1.00 per \$1,000 (or fraction thereof) of the selling price in a real estate transfer, unless the county approves an exemption application. Exemption criteria and applications are available at the county's website, see:  
<http://www.co.washington.or.us/AssessmentTaxation/Recording/TransferTaxExemption/index.cfm>.
- G. Note: No search has been made or will be made for water, sewer, or storm drainage charges unless the city/service district claims them as liens (i.e., foreclosable) and reflects them on its lien docket at the date of closing. Buyers should check with the appropriate city bureau or water/service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.
- H. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.
- I. Recording Charge (Per Document) is the following:
 

County	First Page	Each Additional Page
Multnomah	\$86.00	\$5.00
Washington	\$81.00	\$5.00
Clackamas	\$93.00	\$5.00

Note: When possible the company will record electronically. An additional charge of \$5.00 applies to each document that is recorded electronically.

Note: Please send any documents for recording to the following address:  
 Portland Title Group  
 Attn: Recorder  
 1433 SW 6th Ave.  
 Portland, OR. 97201
- J. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.
- K. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

L. NOTE: IMPORTANT INFORMATION REGARDING PROPERTY TAX PAYMENTS

Fiscal Year:	July 1st through June 30th
Taxes become a lien on real property, but are not yet payable:	July 1st
Taxes become certified and payable (approximately on this date):	October 15th
First one third payment of taxes is due:	November 15th
Second one third payment of taxes is due:	February 15th
Final payment of taxes is due:	May 15th

Discounts: If two thirds are paid by November 15th, a 2% discount will apply. If the full amount of the taxes are paid by November 15th, a 3% discount will apply.

Interest: Interest accrues as of the 15th of each month based on any amount that is unpaid by the due date. No interest is charged if the minimum amount is paid according to the above mentioned payment schedule.



**EXHIBIT ONE****2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06)  
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions or location of any improvement erected on the land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 

(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed or agreed to by the Insured Claimant;
  - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

**SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

**2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06)  
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions or location of any improvement erected on the land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 

(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed or agreed to by the Insured Claimant;
  - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

**SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.



Inquire before you wire!

## WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.  
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

**Federal Bureau of Investigation:**

<http://www.fbi.gov>

**Internet Crime Complaint Center:**

<http://www.ic3.gov>

## FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective April 9, 2020

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

### **Collection of Personal Information**

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

### **Collection of Browsing Information**

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

### **Other Online Specifics**

**Cookies.** When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

### **Use of Personal Information**

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

### **When Information Is Disclosed**

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

### **Security of Your Information**

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

### **Choices With Your Information**

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

### **Information From Children**

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

### **International Users**

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

### **FNF Website Services for Mortgage Loans**

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

### **Your Consent To This Privacy Notice; Notice Changes; Use of Comments or Feedback**

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice. We may use comments or feedback that you submit to us in any manner without notice or compensation to you.

**Accessing and Correcting Information; Contact Us**

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests to [privacy@fnf.com](mailto:privacy@fnf.com), by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.  
601 Riverside Avenue,  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer



Fidelity National Title  
Client Services Group  
900 SW 5<sup>th</sup> Ave, Mezzanine  
Portland, OR 97204  
O: 503-227-5478 F: 503-274-5472  
csrequest@fnf.com

Thursday, October 08, 2020

The enclosed radius search was created using data purchased from GeoAdvantage and Metro. This data is derived from county tax records and is deemed reliable, but is not guaranteed. Fidelity National Title cannot be held liable for any additions, deletions, or errors in this search.

This research was completed on the date stated above.

Thank you.

Enclosures:

- Data summary of parcels to be notified
- Map of subject parcel, radius, and parcels to be notified
- County assessor maps for parcels to be notified
- Labels

**Owner Name:** J T Roth Construction Inc  
**Co-Owner:**  
**Site Addr:** 23120 SW Murdock Rd Sherwood OR 97140  
**Owner Addr:** 12600 SW 72nd Ave 200 Tigard OR 97223  
**Bedroom:** 4    **Bath:** 4    **Year Blt:** 1992  
**Legal:** ACRES 9.95

**Parcel ID:** R1292443    **Tax ID:** 2S133CB00100  
**Recording Date:** 04/03/2020  
**Use:** Urban Developable Tract Improved  
**Assessed Total:** \$693,330.00    **Sale Price:**  
**Bldg SqFt:** 5,148 SqFt    **Acres:** 9.95 Acres

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**Owner Name:** Miller, Timothy M  
**Co-Owner:**  
**Site Addr:** 23008 SW Murdock Rd Sherwood OR 97140  
**Owner Addr:** PO Box 398 Sherwood OR 97140  
**Bedroom:** 4    **Bath:** 3    **Year Blt:** 1988  
**Legal:** ACRES 5.37

**Parcel ID:** R1449882    **Tax ID:** 2S133CB00200  
**Recording Date:** 06/13/2012  
**Use:** Urban Developable Tract Improved  
**Assessed Total:** \$525,950.00    **Sale Price:** \$243,250.00  
**Bldg SqFt:** 3,283 SqFt    **Acres:** 5.37 Acres

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ParcelID	Site Address	Site City	Site ZIP	Acres	Bldg Area	Fin Area	Owner
R1173349	22778 SW Cochran Dr	Sherwood	97140	0.16 Acres	2,116 SqFt	2,116 SqFt	Codling, Michael D
R1173358	22790 SW Cochran Dr	Sherwood	97140	0.21 Acres	1,994 SqFt	1,994 SqFt	Ruehl, E Martin
R1173367	22798 SW Cochran Dr	Sherwood	97140	0.20 Acres	1,640 SqFt	1,640 SqFt	Sinclair, Jeffery L
R1173376	22848 SW Upper Roy St	Sherwood	97140	0.19 Acres	2,560 SqFt	2,560 SqFt	Crosby, Michael
R1173385	14675 SW May Ct	Sherwood	97140	0.17 Acres	1,032 SqFt	1,032 SqFt	Taufest, Shelly M
R1173394	14647 SW May Ct	Sherwood	97140	0.17 Acres	1,789 SqFt	1,789 SqFt	Roach, Walter S
R1173401	14631 SW May Ct	Sherwood	97140	0.17 Acres	1,789 SqFt	1,789 SqFt	Gray, Brian James
R1173410	14619 SW May Ct	Sherwood	97140	0.22 Acres	1,728 SqFt	1,728 SqFt	Ferland, Thomas Scott Jr
R1173429	14605 SW May Ct	Sherwood	97140	0.19 Acres	1,444 SqFt	1,444 SqFt	Stieg, Terri L
R1173438	14610 SW May Ct	Sherwood	97140	0.24 Acres	1,050 SqFt	1,050 SqFt	Bettis, Joey R
R1173447	14624 SW May Ct	Sherwood	97140	0.23 Acres	1,008 SqFt	1,008 SqFt	Kelsch, Jordan T
R1173456	14638 SW May Ct	Sherwood	97140	0.18 Acres	1,040 SqFt	1,040 SqFt	White, Sierra Rene
R1173465	14652 SW May Ct	Sherwood	97140	0.22 Acres	1,040 SqFt	1,040 SqFt	Goff, Joshua R
R1173474	14668 SW May Ct	Sherwood	97140	0.22 Acres	1,368 SqFt	1,368 SqFt	Kuehn, Michael
R1173483	14682 SW May Ct	Sherwood	97140	0.21 Acres	1,032 SqFt	1,032 SqFt	Evitts, Lauren A
R1173492	14696 SW May Ct	Sherwood	97140	0.19 Acres	1,560 SqFt	1,560 SqFt	Allison, Juanita Gail
R1173508	22912 SW Upper Roy St	Sherwood	97140	0.18 Acres	1,032 SqFt	1,032 SqFt	Lebrun, Julie M
R1173517	14863 SW Division St	Sherwood	97140	0.21 Acres	1,195 SqFt	1,195 SqFt	Davis, Scott P
R1173526	23015 SW Mansfield St	Sherwood	97140	0.22 Acres	1,446 SqFt	1,446 SqFt	McCall, Andrew
R1173535	22917 SW Upper Roy St	Sherwood	97140	0.19 Acres	1,084 SqFt	1,084 SqFt	Cornelius, James E
R1173544	22905 SW Upper Roy St	Sherwood	97140	0.16 Acres	1,782 SqFt	1,782 SqFt	Pratt, Jessica S
R1173553	22807 SW Upper Roy St	Sherwood	97140	0.17 Acres	1,412 SqFt	1,412 SqFt	Bravo, Justino
R1173562	14826 SW Cochran St	Sherwood	97140	0.19 Acres	1,092 SqFt	1,092 SqFt	Landauer, Larry & Marilyn
R1173571	14838 SW Cochran St	Sherwood	97140	0.20 Acres	1,070 SqFt	1,070 SqFt	Olinger, Elvira L
R1173615	14815 SW Cochran St	Sherwood	97140	0.17 Acres	1,072 SqFt	1,072 SqFt	Ely, Joseph S
R1173633	23018 SW Mansfield St	Sherwood	97140	0.19 Acres	1,008 SqFt	1,008 SqFt	Nelson, Randal Denton Jr
R1173642	23036 SW Mansfield St	Sherwood	97140	0.17 Acres	1,008 SqFt	1,008 SqFt	Raibley, Jonathan L
R1173651	23054 SW Mansfield St	Sherwood	97140	0.16 Acres	1,032 SqFt	1,032 SqFt	Watson, Ira J
R1173660	23049 SW Mansfield St	Sherwood	97140	0.18 Acres	1,008 SqFt	1,008 SqFt	Bellinger, Toni L
R1173722	22965 SW Upper Roy St	Sherwood	97140	1.51 Acres			Sherwood, City Of
R1277353	23000 SW Murdock Rd	Sherwood	97140	4.88 Acres	2,124 SqFt	2,124 SqFt	Jt Roth Construction Inc
R2000662	23072 SW Mansfield St	Sherwood	97140	0.17 Acres	1,324 SqFt	3,136 SqFt	Brown, Christopher J
R2000663	23090 SW Mansfield St	Sherwood	97140	0.17 Acres	1,130 SqFt	1,130 SqFt	McLeod, Allen D
R2000664	23096 SW Mansfield St	Sherwood	97140	0.17 Acres	1,040 SqFt	1,040 SqFt	Serna, Adrienne
R2000665	23095 SW Mansfield St	Sherwood	97140	0.19 Acres	1,304 SqFt	1,304 SqFt	McNeil, Steven
R2000666	23083 SW Mansfield St	Sherwood	97140	0.18 Acres	1,336 SqFt	1,336 SqFt	Lukens, Debra A
R2000667	23075 SW Mansfield St	Sherwood	97140	0.18 Acres	1,040 SqFt	1,040 SqFt	Cook, Dustin C
R2007010	22520 SW Fair Oaks Ct	Sherwood	97140	1.20 Acres	2,040 SqFt	2,040 SqFt	Sparks Family Living Trus
R2007011	22550 SW Fair Oaks Ct	Sherwood	97140	2.49 Acres	1,994 SqFt	1,994 SqFt	Bolliger, Michael E Rev Li
R2007012	14391 SW Fair Oaks Dr	Sherwood	97140	0.93 Acres	2,790 SqFt	2,630 SqFt	Folske, James R
R2007013	14345 SW Fair Oaks Dr	Sherwood	97140	1.02 Acres			Dressel Family Rev Trust

R2007014	14331 SW Fair Oaks Dr	Sherwood	97140	4.39 Acres	5,812 SqFt	5,812 SqFt	
R2007015	14325 SW Fair Oaks Dr	Sherwood	97140	1.00 Acres			
R2007016	14300 SW Fair Oaks Dr	Sherwood	97140	1.01 Acres	3,972 SqFt	3,972 SqFt	
R2007017	14340 SW Fair Oaks Dr	Sherwood	97140	1.00 Acres	2,284 SqFt	2,604 SqFt	
R2007018	14410 SW Fair Oaks Dr	Sherwood	97140	0.98 Acres	3,017 SqFt	3,017 SqFt	
R2007019	14490 SW Fair Oaks Dr	Sherwood	97140	1.02 Acres	1,954 SqFt	1,954 SqFt	
R2007020		Sherwood	97140	1.00 Acres			
R2007021		Sherwood	97140	0.85 Acres			
R2008947	13900 SW McKinley Dr	Sherwood	97140	19.86 Acres			
R2017588		Sherwood	97140	3.01 Acres			
R2017589	23500 SW Murdock Rd	Sherwood	97140	3.06 Acres	5,340 SqFt	5,340 SqFt	
R2019381		Sherwood	97140	12.69 Acres			
R2022299	22836 SW Kathy St	Sherwood	97140	0.21 Acres	1,512 SqFt	1,512 SqFt	
R2022300	22822 SW Kathy St	Sherwood	97140	0.19 Acres	1,496 SqFt	1,496 SqFt	
R2022301	22810 SW Kathy St	Sherwood	97140	0.17 Acres	1,581 SqFt	1,581 SqFt	
R2022302	22788 SW Kathy St	Sherwood	97140	0.16 Acres	1,470 SqFt	1,470 SqFt	
R2022303	22756 SW Kathy St	Sherwood	97140	0.15 Acres	1,604 SqFt	1,604 SqFt	
R2022304	22734 SW Kathy St	Sherwood	97140	0.14 Acres	1,610 SqFt	1,610 SqFt	
R2022305	22722 SW Kathy St	Sherwood	97140	0.14 Acres	1,707 SqFt	1,707 SqFt	
R2022306	22700 SW Kathy St	Sherwood	97140	0.14 Acres	1,624 SqFt	1,624 SqFt	
R2022307	22678 SW Kathy St	Sherwood	97140	0.14 Acres	1,812 SqFt	1,812 SqFt	
R2022308	22656 SW Kathy St	Sherwood	97140	0.14 Acres	1,378 SqFt	1,378 SqFt	
R2022309	22634 SW Kathy St	Sherwood	97140	0.14 Acres	1,532 SqFt	1,532 SqFt	
R2022310	14520 SW Willamette St	Sherwood	97140	0.15 Acres	1,792 SqFt	1,792 SqFt	
R2022313	22629 SW Kathy St	Sherwood	97140	0.12 Acres	1,488 SqFt	1,488 SqFt	
R2022314	22651 SW Kathy St	Sherwood	97140	0.18 Acres	1,472 SqFt	1,472 SqFt	
R2022315	22673 SW Kathy St	Sherwood	97140	0.18 Acres	1,472 SqFt	1,472 SqFt	
R2022316	22695 SW Kathy St	Sherwood	97140	0.18 Acres	1,485 SqFt	1,485 SqFt	
R2022317	22717 SW Kathy St	Sherwood	97140	0.18 Acres	2,213 SqFt	2,213 SqFt	
R2022318	22739 SW Kathy St	Sherwood	97140	0.17 Acres	1,977 SqFt	1,977 SqFt	
R2022319	22761 SW Kathy St	Sherwood	97140	0.13 Acres	1,884 SqFt	1,884 SqFt	
R2022320	22783 SW Kathy St	Sherwood	97140	0.12 Acres	1,868 SqFt	1,868 SqFt	
R2022321	22805 SW Kathy St	Sherwood	97140	0.13 Acres	1,884 SqFt	1,884 SqFt	
R2022322	22827 SW Kathy St	Sherwood	97140	0.13 Acres	1,903 SqFt	1,903 SqFt	
R2028962	22849 SW Kathy St	Sherwood	97140	0.13 Acres	1,570 SqFt	1,570 SqFt	
R2028963	22871 SW Kathy St	Sherwood	97140	0.13 Acres	1,778 SqFt	1,778 SqFt	
R2028964	22893 SW Kathy St	Sherwood	97140	0.12 Acres	1,269 SqFt	1,269 SqFt	
R2028965	22915 SW Kathy St	Sherwood	97140	0.18 Acres	1,804 SqFt	1,804 SqFt	
R2028966	22937 SW Kathy St	Sherwood	97140	0.24 Acres	1,799 SqFt	1,799 SqFt	
R2028967	22959 SW Kathy St	Sherwood	97140	0.20 Acres	2,013 SqFt	2,013 SqFt	
R2028968	22981 SW Kathy St	Sherwood	97140	0.12 Acres	1,511 SqFt	1,511 SqFt	
R2028969	22926 SW Upper Roy St	Sherwood	97140	0.15 Acres	1,697 SqFt	1,697 SqFt	
R2028970	22948 SW Upper Roy St	Sherwood	97140	0.15 Acres	2,678 SqFt	2,678 SqFt	
R2028971	22960 SW Upper Roy St	Sherwood	97140	0.14 Acres	2,068 SqFt	2,068 SqFt	
R2028972	22993 SW Kathy St	Sherwood	97140	0.16 Acres	2,232 SqFt	2,232 SqFt	
R2028973	22996 SW Kathy St	Sherwood	97140	0.16 Acres	1,584 SqFt	1,584 SqFt	

## Exhibit A12

Corrado C W & K S L/Tr

Corrado C W & K S L/Tr

Brim, David N

Vanfleet, Andrew

Fletcher, Jeff B

Gavin, Martin J

Tietje, Craig

United States Of America

Immanuel, Mary Esther

Eci Group LLC

Walker, Roger E

United States Of America

Bencomo, John

Micheo, Patti

Wilson, Ronald D

Sherwood, Sharon Ann

Alger, Matthew S

Asai, Jennifer M

Ladd, Gary A

Osenton 2002 Trust

Francis, Chase L

Bolden, Toby G

Gressel, Jordan L

Furrow, Cameron H

Hancock Mullen Trust

Middleton, Christian Doug

McLain, Geoffrey

Cash, Dwight C

Starbuck-Boettiger, Carrie

McCormick, Michele R

Francis, Dina M

Lim, Darrell

Bonser, Michael L

Ldd Holdings LLC

Joerg, Brett A

Copeland, Christopher

Reed, Jack F Jr

Lake, Robert R Rev Living

Scott, Christine M

Maginnis, Jeff

Yukumoto, Keith I

Sharp, Velma J

Wheaton, Sean P

Lindberg, Erik C

Robertson, Lori A

Biegel, David

R2028974	22970 SW Upper Roy St	Sherwood	97140	0.14 Acres	1,392 SqFt	1,392 SqFt	
R2028975	22978 SW Upper Roy St	Sherwood	97140	0.14 Acres	1,682 SqFt	1,682 SqFt	Biggs, Sylvia A Rev Living
R2028976	22998 SW Upper Roy St	Sherwood	97140	0.16 Acres	1,100 SqFt	1,100 SqFt	Sherwood, City Of
R2028977	22984 SW Kathy St	Sherwood	97140	0.12 Acres	1,556 SqFt	1,556 SqFt	Nappi, Charlie
R2028978	22970 SW Kathy St	Sherwood	97140	0.14 Acres	1,506 SqFt	1,506 SqFt	Platt, John W
R2028979	14584 SW Kathy Ct	Sherwood	97140	0.20 Acres	1,481 SqFt	1,839 SqFt	Anderson, Teresa R
R2028980	14552 SW Kathy Ct	Sherwood	97140	0.25 Acres	1,746 SqFt	1,746 SqFt	Houston, Monty R Jr
R2028981	14520 SW Kathy Ct	Sherwood	97140	0.19 Acres	1,570 SqFt	1,570 SqFt	Birdsley, Jason L
R2028982	14525 SW Kathy Ct	Sherwood	97140	0.20 Acres	1,550 SqFt	1,550 SqFt	Evans, Casey J
R2028983	14557 SW Kathy Ct	Sherwood	97140	0.20 Acres	1,911 SqFt	1,911 SqFt	Maki Rev Living Trust
R2028984	14589 SW Kathy Ct	Sherwood	97140	0.15 Acres	1,620 SqFt	1,620 SqFt	Bensel, Chris A
R2028988	14725 SW Sunset Blvd	Sherwood	97140	0.94 Acres	2,813 SqFt	3,020 SqFt	Svela, Bruce P
R2029262	23128 SW Mansfield St	Sherwood	97140	0.18 Acres	1,842 SqFt	1,842 SqFt	Fink, Katharina M
R2029263	23150 SW Mansfield St	Sherwood	97140	0.16 Acres	1,379 SqFt	1,379 SqFt	Dunlap, Robert C
R2029264	23174 SW Mansfield St	Sherwood	97140	0.17 Acres	2,244 SqFt	2,244 SqFt	Tenly Properties Corp
R2029265	23196 SW Mansfield St	Sherwood	97140	0.16 Acres	2,578 SqFt	2,578 SqFt	Tenly Properties Corp
R2029266	23220 SW Mansfield St	Sherwood	97140	0.16 Acres	1,645 SqFt	1,645 SqFt	Nyangoro, Robbi
R2029267	23248 SW Mansfield St	Sherwood	97140	0.16 Acres	1,687 SqFt	1,687 SqFt	Creger, Donald A
R2029359	23189 SW Mansfield St	Sherwood	97140	0.16 Acres	1,575 SqFt	1,575 SqFt	Bryant, Chris
R2029360	23155 SW Mansfield St	Sherwood	97140	0.16 Acres	1,598 SqFt	1,598 SqFt	Swanson, Anthony L
R2029361	23131 SW Mansfield St	Sherwood	97140	0.16 Acres	1,572 SqFt	1,572 SqFt	Brandl, James
R2035187	23228 SW Brittany Pl	Sherwood	97140	0.28 Acres	3,546 SqFt	3,546 SqFt	Dehaze, Pierre
R2036745	14728 SW Smock St	Sherwood	97140	0.21 Acres	1,701 SqFt	1,701 SqFt	Beebe, Doran R
R2036746	14716 SW Smock St	Sherwood	97140	0.18 Acres	2,117 SqFt	2,117 SqFt	Siler, Richard Alan Jr
R2036747	14704 SW Smock St	Sherwood	97140	0.17 Acres	1,411 SqFt	1,411 SqFt	Powell, Donald Dwayne
R2036748	23295 SW Cascade Pl	Sherwood	97140	0.16 Acres	1,453 SqFt	1,453 SqFt	Lamare, Kathryn
R2036749	23277 SW Cascade Pl	Sherwood	97140	0.16 Acres	1,593 SqFt	1,593 SqFt	Chase, Jeffrey L
R2036750	23259 SW Cascade Pl	Sherwood	97140	0.16 Acres	1,730 SqFt	1,730 SqFt	Meredith, Nicholas
R2036751	23237 SW Cascade Pl	Sherwood	97140	0.16 Acres	2,042 SqFt	2,042 SqFt	Zartman, Paul O
R2036752	23219 SW Cascade Pl	Sherwood	97140	0.17 Acres	2,070 SqFt	2,070 SqFt	Hashimoto, Michael M Liv
R2036753	23173 SW Cascade Pl	Sherwood	97140	0.16 Acres	1,687 SqFt	1,687 SqFt	Cannon, Dean M
R2036754	23151 SW Cascade Pl	Sherwood	97140	0.17 Acres	1,496 SqFt	1,496 SqFt	Chan, Joseph L
R2036755	23137 SW Cascade Pl	Sherwood	97140	0.19 Acres	1,981 SqFt	1,981 SqFt	Manasco, Christian Ray
R2036756	23124 SW Cascade Pl	Sherwood	97140	0.26 Acres	1,917 SqFt	1,917 SqFt	Rettmann Family Living T
R2036757	23156 SW Cascade Pl	Sherwood	97140	0.26 Acres	2,068 SqFt	2,068 SqFt	Anderson, William
R2036758	23188 SW Cascade Pl	Sherwood	97140	0.16 Acres	1,633 SqFt	1,633 SqFt	Grosse Kevin E Trust
R2036759	23210 SW Cascade Pl	Sherwood	97140	0.17 Acres	2,002 SqFt	2,002 SqFt	Ring, Gregory P
R2036760	23232 SW Cascade Pl	Sherwood	97140	0.17 Acres	1,666 SqFt	1,666 SqFt	Ahrens, Robert W
R2036761	23254 SW Cascade Pl	Sherwood	97140	0.16 Acres	2,105 SqFt	2,105 SqFt	Magnuson, Jeffrey
R2036762	23272 SW Cascade Pl	Sherwood	97140	0.16 Acres	2,116 SqFt	2,116 SqFt	Casey, Cristin M
R2036763	23298 SW Cascade Pl	Sherwood	97140	0.16 Acres	1,680 SqFt	1,680 SqFt	Bradley, Lisa A
R2036764		Sherwood	97140	0.01 Acres			Sherwood, City Of
R2044564	23048 SW Cuthill Pl	Sherwood	97140	0.25 Acres	2,998 SqFt	2,998 SqFt	Edgell, Robert Alan
R2044565	23034 SW Cuthill Pl	Sherwood	97140	0.19 Acres	3,292 SqFt	3,292 SqFt	Cochrun, Kelly A
R2044566	23020 SW Cuthill Pl	Sherwood	97140	0.17 Acres	3,146 SqFt	3,146 SqFt	Triplett, Matthew C
R2044567	23006 SW Cuthill Pl	Sherwood	97140	0.25 Acres	3,214 SqFt	3,214 SqFt	Tillotson, Joseph L

## Exhibit A12

Bosworth, Katherine

R2044568	14875 SW Division St	Sherwood	97140	0.20 Acres	1,575 SqFt	1,575 SqFt	Lopez, Bertha M L
R2046435	23010 SW William Ave	Sherwood	97140	0.14 Acres	1,412 SqFt	1,412 SqFt	Freeman, Larea A
R2046436	23028 SW William Ave	Sherwood	97140	0.15 Acres	1,391 SqFt	1,391 SqFt	Gallagher, Tom
R2046437	23046 SW William Ave	Sherwood	97140	0.17 Acres	1,436 SqFt	1,436 SqFt	Lundy, Todd W
R2046438	23068 SW William Ave	Sherwood	97140	0.19 Acres	1,752 SqFt	1,752 SqFt	Hanson, Gregory Joseph
R2046439	23084 SW William Ave	Sherwood	97140	0.21 Acres	1,605 SqFt	1,605 SqFt	Thompson, Troy
R2046440	23102 SW William Ave	Sherwood	97140	0.21 Acres	1,552 SqFt	1,552 SqFt	Lee, Robin
R2046441	23118 SW William Ave	Sherwood	97140	0.20 Acres	1,630 SqFt	1,630 SqFt	Bergman, Sean D
R2046442	23136 SW William Ave	Sherwood	97140	0.18 Acres	1,391 SqFt	1,391 SqFt	Knapp, Jonathan F
R2046443	23154 SW William Ave	Sherwood	97140	0.16 Acres	1,624 SqFt	1,624 SqFt	Chiapella, Stephen T
R2046444	23172 SW William Ave	Sherwood	97140	0.15 Acres	1,563 SqFt	1,563 SqFt	Casey, Edward L Jr
R2046445	23190 SW William Ave	Sherwood	97140	0.16 Acres	1,502 SqFt	1,502 SqFt	Shotwell, Chadd M
R2046446	23208 SW William Ave	Sherwood	97140	0.15 Acres	1,534 SqFt	1,534 SqFt	Ruggiero, Carl J
R2046447	23226 SW William Ave	Sherwood	97140	0.13 Acres	1,624 SqFt	1,624 SqFt	Tilson, Aimee M
R2046448	23244 SW William Ave	Sherwood	97140	0.13 Acres	1,692 SqFt	1,692 SqFt	Gabler, Justin
R2046449	23260 SW William Ave	Sherwood	97140	0.12 Acres	1,536 SqFt	1,536 SqFt	Shelley, Michael W
R2046450	23278 SW William Ave	Sherwood	97140	0.12 Acres	1,521 SqFt	1,521 SqFt	Jo, Tristan J
R2046451	23296 SW William Ave	Sherwood	97140	0.12 Acres	1,384 SqFt	1,384 SqFt	Farr, James F III
R2046452	23314 SW William Ave	Sherwood	97140	0.12 Acres	1,752 SqFt	1,752 SqFt	Tran, Don
R2046453	23332 SW William Ave	Sherwood	97140	0.12 Acres	1,464 SqFt	1,464 SqFt	Leblanc, Carrie
R2046454	23350 SW William Ave	Sherwood	97140	0.12 Acres	1,528 SqFt	1,528 SqFt	Goetz, John B
R2046455	23368 SW William Ave	Sherwood	97140	0.21 Acres	1,663 SqFt	1,663 SqFt	Guthrie, Michael T
R2046456	23384 SW William Ave	Sherwood	97140	0.12 Acres	1,391 SqFt	1,391 SqFt	Antoni, Thomas R Jr
R2046457	23402 SW William Ave	Sherwood	97140	0.13 Acres	1,448 SqFt	1,448 SqFt	Dumasia, Hector D
R2046458	23418 SW William Ave	Sherwood	97140	0.13 Acres	1,679 SqFt	1,679 SqFt	Abesa, Melisa
R2046459	23427 SW William Ave	Sherwood	97140	0.19 Acres	1,342 SqFt	1,342 SqFt	Kloucek, Daniel D
R2046460	23409 SW William Ave	Sherwood	97140	0.13 Acres	1,468 SqFt	1,468 SqFt	Vanderford, Virginia
R2046461	23391 SW William Ave	Sherwood	97140	0.12 Acres	1,646 SqFt	1,646 SqFt	Myers, Lawrence C
R2046462	23375 SW William Ave	Sherwood	97140	0.12 Acres	1,808 SqFt	1,808 SqFt	Wang, David
R2046463	23359 SW William Ave	Sherwood	97140	0.12 Acres	1,793 SqFt	1,793 SqFt	Meisels, Kimberley R
R2046464	23343 SW William Ave	Sherwood	97140	0.12 Acres	1,530 SqFt	1,530 SqFt	Sigamani, Nirmal S
R2046465	23299 SW William Ave	Sherwood	97140	0.14 Acres	1,425 SqFt	1,425 SqFt	Jaeger, Bryan J
R2046466	23285 SW William Ave	Sherwood	97140	0.13 Acres	1,752 SqFt	1,752 SqFt	Martin, Kelly R
R2046467	23267 SW William Ave	Sherwood	97140	0.13 Acres	1,737 SqFt	1,737 SqFt	Bjorndal, Stephen C
R2046468	23251 SW William Ave	Sherwood	97140	0.13 Acres	1,391 SqFt	1,391 SqFt	Garcia, Jessica L
R2046469	23235 SW William Ave	Sherwood	97140	0.14 Acres	1,376 SqFt	1,376 SqFt	Porter, John
R2046470	23217 SW William Ave	Sherwood	97140	0.14 Acres	1,752 SqFt	1,752 SqFt	Parrish, Wilson B
R2046471	23201 SW William Ave	Sherwood	97140	0.14 Acres	1,938 SqFt	1,938 SqFt	Schulz, Amanda Elizabeth
R2046472	23183 SW William Ave	Sherwood	97140	0.15 Acres	1,608 SqFt	1,608 SqFt	Ballard, Lawrence J
R2046473	23165 SW William Ave	Sherwood	97140	0.15 Acres	1,630 SqFt	1,630 SqFt	Lokboj, Tanya
R2046474	23147 SW William Ave	Sherwood	97140	0.15 Acres	1,524 SqFt	1,524 SqFt	Whitmore, Gregory A
R2046475	23125 SW William Ave	Sherwood	97140	0.15 Acres	1,432 SqFt	1,432 SqFt	d'Elia, Jesse
R2046476	22965 SW Upper Roy St	Sherwood	97140	0.69 Acres			Sherwood, City Of
R2077145	14323 SW Whitney Ln	Sherwood	97140	0.26 Acres	3,513 SqFt	3,513 SqFt	Weller, Anthony R
R2077146	23581 SW McLoughlin Ct	Sherwood	97140	0.29 Acres	2,481 SqFt	2,481 SqFt	Silverforb, Robert
R2077147	23559 SW McLoughlin Ct	Sherwood	97140	0.25 Acres	2,260 SqFt	2,260 SqFt	Gulley, Richard S

## Exhibit A12

# Exhibit A12

Bowman, Todd

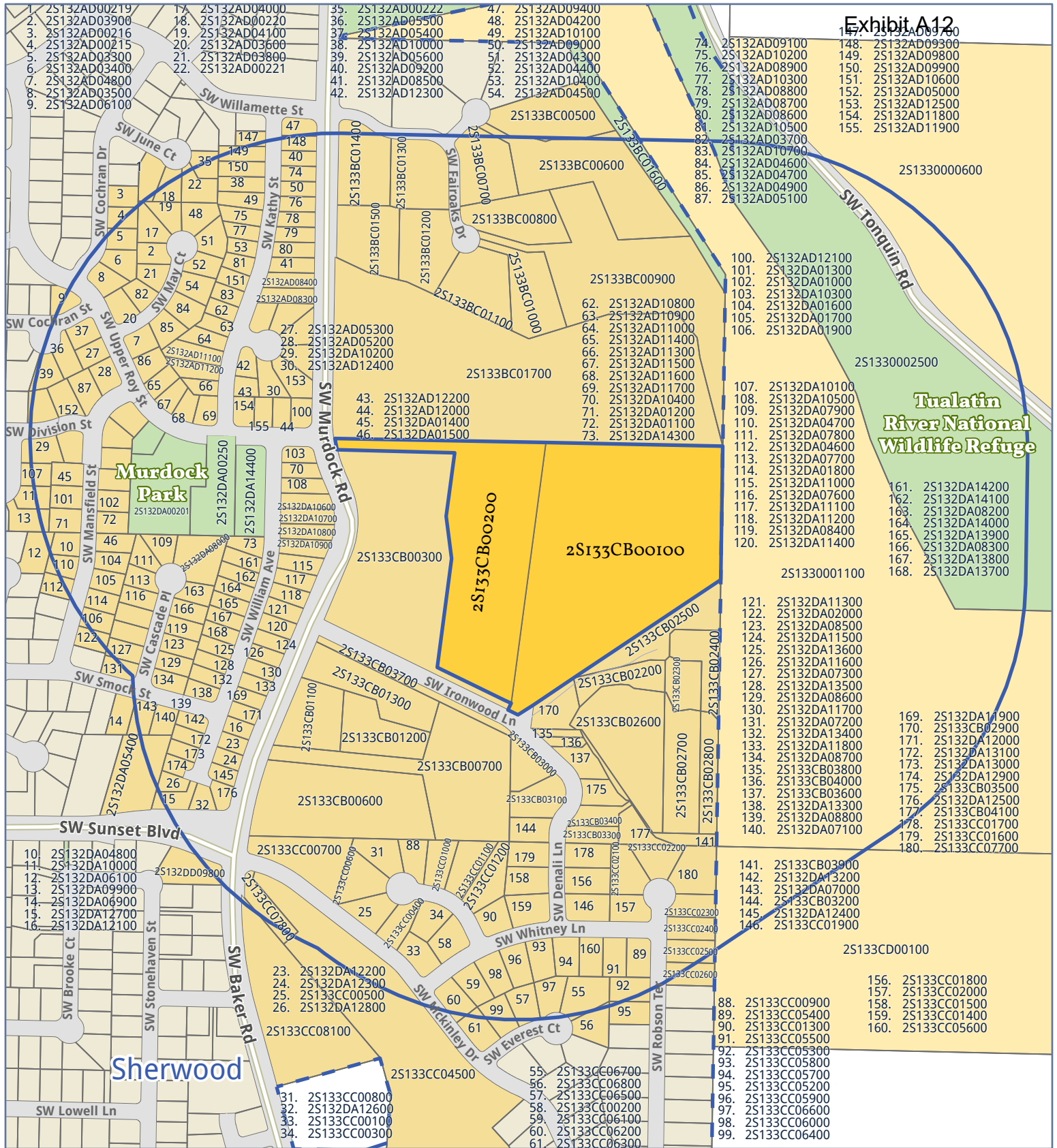
R2077148	23523 SW McLoughlin Ct	Sherwood	97140	0.28 Acres	5,497 SqFt	5,497 SqFt	Bowman, Todd
R2077149	23517 SW McLoughlin Ct	Sherwood	97140	0.31 Acres	4,073 SqFt	4,073 SqFt	Root Jack B Trust
R2077150	23505 SW McLoughlin Ct	Sherwood	97140	0.44 Acres	4,804 SqFt	4,624 SqFt	Douglass, Jay Paul W
R2077151	14479 SW McKinley Dr	Sherwood	97140	0.93 Acres	4,726 SqFt	4,630 SqFt	Hodge, Trevor L
R2077152	23508 SW McLoughlin Ct	Sherwood	97140	0.33 Acres	3,912 SqFt	3,912 SqFt	Anderson, Ryan J
R2077153	23526 SW McLoughlin Ct	Sherwood	97140	0.24 Acres	3,787 SqFt	3,787 SqFt	Kirby, Brock T
R2077154	23540 SW McLoughlin Ct	Sherwood	97140	0.30 Acres	3,406 SqFt	3,406 SqFt	Logan, Brian S
R2077155	23552 SW McLoughlin Ct	Sherwood	97140	0.41 Acres	2,737 SqFt	2,737 SqFt	Carter Family Rev Trust
R2077156	23574 SW McLoughlin Ct	Sherwood	97140	0.44 Acres	3,435 SqFt	3,435 SqFt	Hawkins, Ryan W
R2077157	23598 SW McLoughlin Ct	Sherwood	97140	0.24 Acres	3,550 SqFt	3,550 SqFt	Charles, Ronald Bart
R2077158	14219 SW Whitney Ln	Sherwood	97140	0.31 Acres	3,471 SqFt	3,471 SqFt	Delacey, William H
R2077159	23557 SW Denali Ln	Sherwood	97140	0.30 Acres	3,599 SqFt	3,599 SqFt	Thrower, Kirsten Victoria
R2077160	23525 SW Denali Ln	Sherwood	97140	0.25 Acres	3,609 SqFt	3,609 SqFt	Edmunds, Robert
R2077161	23524 SW Denali Ln	Sherwood	97140	0.28 Acres	4,115 SqFt	4,115 SqFt	Houghton Living Trust
R2077162	23558 SW Denali Ln	Sherwood	97140	0.30 Acres	4,523 SqFt	4,523 SqFt	Wong, James M Trust
R2077163	23580 SW Denali Ln	Sherwood	97140	0.30 Acres	3,078 SqFt	3,078 SqFt	Reid Family Trust
R2077164	14131 SW Whitney Ln	Sherwood	97140	0.26 Acres	3,080 SqFt	3,080 SqFt	Vezenet, Cedric
R2077165	23553 SW Robson Ter	Sherwood	97140	0.38 Acres	5,221 SqFt	5,102 SqFt	Owens, Kevin
R2077166	23514 SW Robson Ter	Sherwood	97140	0.32 Acres	2,775 SqFt	2,775 SqFt	MacDonald, Charles E
R2077167	23584 SW Robson Ter	Sherwood	97140	0.25 Acres	4,405 SqFt	4,405 SqFt	Barclay Living Trust
R2077168	23606 SW Robson Ter	Sherwood	97140	0.28 Acres	3,125 SqFt	3,028 SqFt	Biggs, Bret P Rev Living T
R2077169	23624 SW Robson Ter	Sherwood	97140	0.28 Acres	5,060 SqFt	5,060 SqFt	Wray Family Trust
R2077170	23652 SW Robson Ter	Sherwood	97140	0.27 Acres	4,595 SqFt	4,595 SqFt	Muessle D A & Megan M
R2077189	14300 SW McKinley Dr	Sherwood	97140	9.95 Acres	1,716 SqFt	1,716 SqFt	Bank Of New York Tr
R2077196	23721 SW Robson Ter	Sherwood	97140	0.23 Acres	3,255 SqFt	3,255 SqFt	Dombek, Robert M
R2077197	23675 SW Robson Ter	Sherwood	97140	0.25 Acres	3,276 SqFt	3,276 SqFt	Gill, Cory R
R2077198	14122 SW Whitney Ln	Sherwood	97140	0.24 Acres	3,637 SqFt	3,637 SqFt	Freixa, Vidal Roger
R2077199	14144 SW Whitney Ln	Sherwood	97140	0.23 Acres	3,171 SqFt	3,171 SqFt	Asbh LLC
R2077200	14166 SW Whitney Ln	Sherwood	97140	0.23 Acres	2,846 SqFt	2,846 SqFt	Deboer, Clarence G
R2077201	14188 SW Whitney Ln	Sherwood	97140	0.25 Acres	2,722 SqFt	2,722 SqFt	Snelling Family Trust
R2077202	14224 SW Whitney Ln	Sherwood	97140	0.25 Acres	3,812 SqFt	3,812 SqFt	Jb Properties Sherwood L
R2077203	14252 SW Whitney Ln	Sherwood	97140	0.25 Acres	2,517 SqFt	2,517 SqFt	Longmire, Timothy A
R2077204	14280 SW Whitney Ln	Sherwood	97140	0.25 Acres	2,661 SqFt	2,661 SqFt	Hoffbuhr, John & Donna L
R2077205	14300 SW Whitney Ln	Sherwood	97140	0.24 Acres	2,359 SqFt	2,359 SqFt	Mang, Norbert V
R2077206	14324 SW Whitney Ln	Sherwood	97140	0.25 Acres	3,555 SqFt	3,555 SqFt	Ngo, My-Trang Thi
R2077207	23797 SW Everest Ct	Sherwood	97140	0.25 Acres	3,555 SqFt	3,555 SqFt	Feller, Douglas W
R2077208	23775 SW Everest Ct	Sherwood	97140	0.24 Acres	3,147 SqFt	3,147 SqFt	Krauter Trust
R2077209	23753 SW Everest Ct	Sherwood	97140	0.25 Acres	2,491 SqFt	2,491 SqFt	McKinney, John J Family
R2077210	23731 SW Everest Ct	Sherwood	97140	0.24 Acres	3,835 SqFt	3,835 SqFt	Barton, Paul B
R2077211	23705 SW Everest Ct	Sherwood	97140	0.40 Acres	3,322 SqFt	3,322 SqFt	Zheng, Wen-Wen
R2077212	23718 SW Everest Ct	Sherwood	97140	0.28 Acres	3,478 SqFt	3,478 SqFt	Edelman Family Rev Trus
R2077221		Sherwood	97140	0.49 Acres			Sherwood, City Of
R2077222		Sherwood	97140	0.34 Acres			Sherwood, City Of
R2087627	23598 SW Stonehaven Si	Sherwood	97140	0.45 Acres	2,108 SqFt	2,214 SqFt	Tuggy, Nathanael A
R2098914	23364 SW Murdock Rd	Sherwood	97140	0.92 Acres	3,644 SqFt	3,644 SqFt	Rowlands, Mark W
R2098915	23376 SW Murdock Rd	Sherwood	97140	0.92 Acres	3,718 SqFt	3,718 SqFt	Huntington Family Trust

**Exhibit A12**

Huske, Patrick D

R2098916	23352 SW Murdock Rd	Sherwood	97140	1.16 Acres	3,997 SqFt	3,997 SqFt	Huske, Patrick D
R2152876	14092 SW Ironwood Ln	Sherwood	97140	0.51 Acres	3,844 SqFt	3,970 SqFt	Baugus, James Trust
R2152877	14074 SW Ironwood Ln	Sherwood	97140	0.43 Acres	4,673 SqFt	4,673 SqFt	Fuller Kimberly Trust
R2152878	14056 SW Ironwood Ln	Sherwood	97140	0.61 Acres	4,599 SqFt	4,424 SqFt	Brandt, Michael Steven
R2152879	14039 SW Ironwood Ln	Sherwood	97140	0.92 Acres	4,688 SqFt	4,688 SqFt	Byeman, Fred Jr
R2152880		Sherwood	97140	2.04 Acres			Ironwood Homes Inc
R2152881		Sherwood	97140	1.13 Acres			Ironwood Homes Inc
R2152882		Sherwood	97140	0.53 Acres			Ironwood Homes Inc
R2152883		Sherwood	97140	0.41 Acres			Ironwood Homes Inc
R2156287		Sherwood	97140	0.18 Acres			Sherwood, City Of
R2165518		Sherwood	97140	0.00 Acres			Sherwood, City Of
R2165520		Sherwood	97140	0.00 Acres			Sherwood, City Of
R2165524		Sherwood	97140	0.00 Acres			Sherwood, City Of
R2211172		Sherwood	97140	0.36 Acres			Jt Roth Construction Inc
R2211173		Sherwood	97140	0.45 Acres			Jt Roth Construction Inc
R2211174		Sherwood	97140	0.25 Acres			Jt Roth Construction Inc
R2211175				0.23 Acres			Wollmann Trust
R2211176		Sherwood	97140	0.25 Acres			Jt Roth Construction Inc
R2211177		Sherwood	97140	0.24 Acres			Jt Roth Construction Inc
R2211178		Sherwood	97140	0.26 Acres			Jt Roth Construction Inc
R2211179		Sherwood	97140	0.39 Acres			Denali, Hoa
R2211180		Sherwood	97140	0.09 Acres			Sherwood, City Of
R2211181		Sherwood	97140	0.26 Acres			Denali, Hoa
R2211182		Sherwood	97140	0.10 Acres			Denali, Hoa
R2211183		Sherwood	97140	0.27 Acres			Denali, Hoa

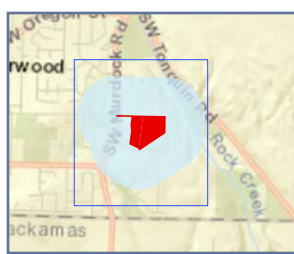
**Exhibit A12**



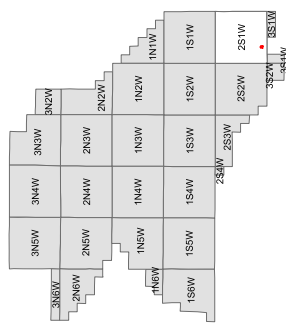
- Subject property
- Notification radius
- Notification parcels
- City limits
- Parks
- Incorporated area

Map prepared 10/8/2020  
by Fidelity National Title  
503.227.5478 - csrequest@fnf.com

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



2S132AD



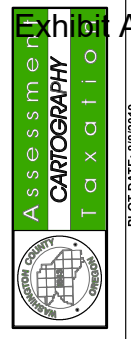
WASHINGTON COUNTY OREGON  
 SE 1/4 NE 1/4 SECTION 32 T2S R1W W.M.  
 SCALE 1"= 100'

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6	5	4	3	2	1	6	
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
6	5	4	3	2	1	6	

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BB	BA	AB	AA					
	B		A					
BC	BD	AC	AD	SECTION 32				
CB	CA	DB	DA					
CC	CD	DC	DD					
	C		D					

Cancelled Taxlots For: 2S132AD  
 201,300,400,500,501,7001,303,302,6800,6300.



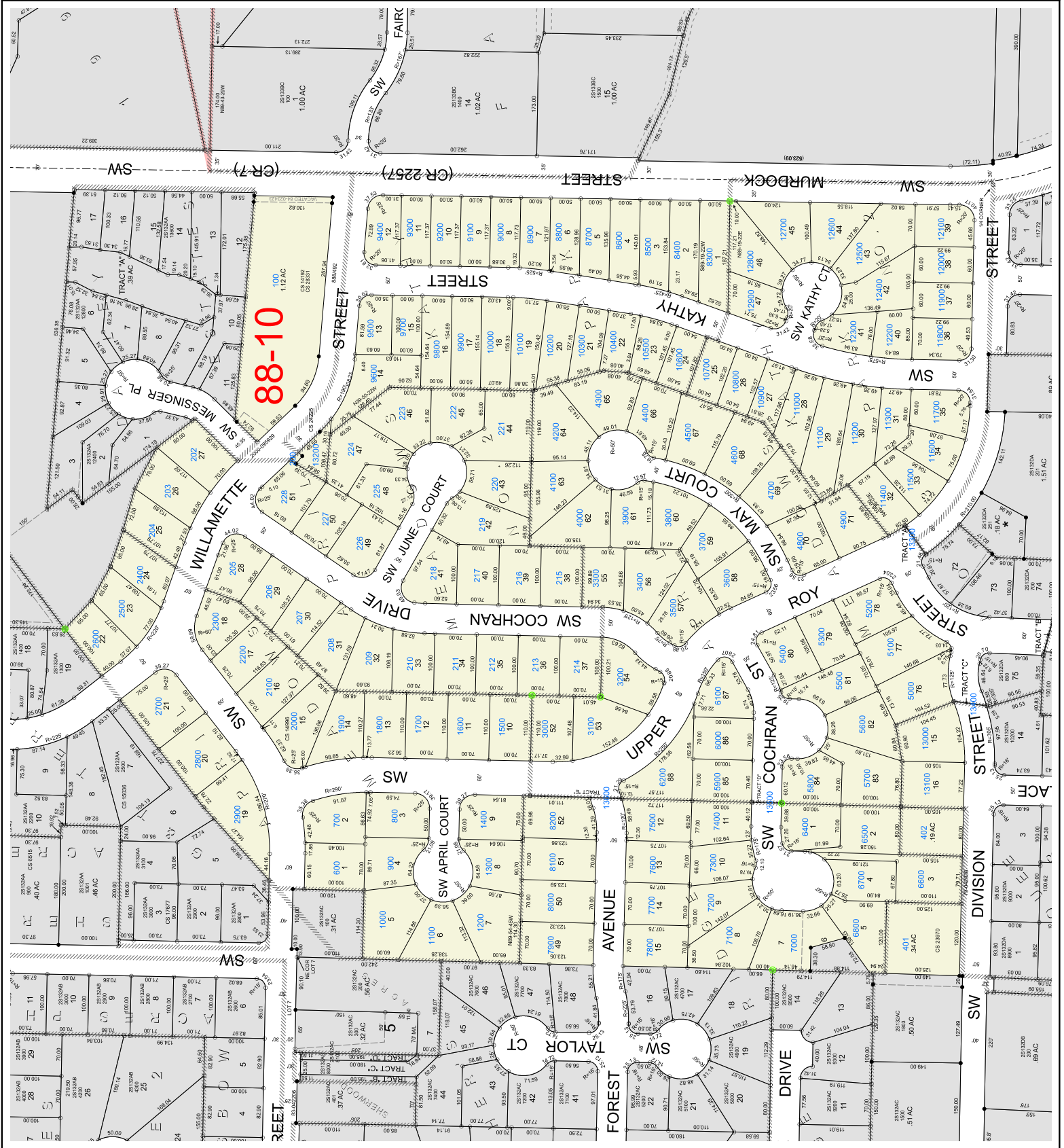
PLOT DATE: 8/6/2019

FOR ASSESSMENT PURPOSES  
 ONLY - DO NOT RELY ON  
 FOR OTHER USE

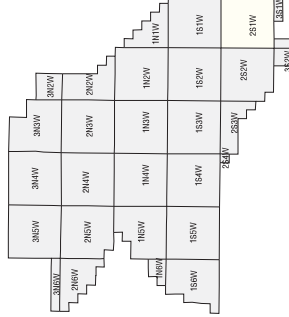
Map areas delineated by either gray shading or a cross-hatched pattern are for informational purposes only. Please consult the appropriate map for the most current information.

SHERWOOD  
 2S132AD

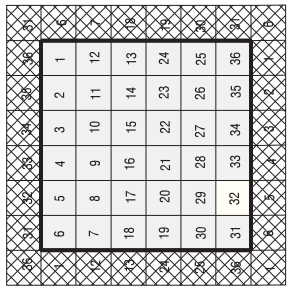
Digmap







WASHINGTON COUNTY OREGON  
 NET 1/4 SECTION 32 T2S R1W W.M.  
 SCALE 1" = 100'



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[www.co.washington.or.us](http://www.co.washington.or.us)

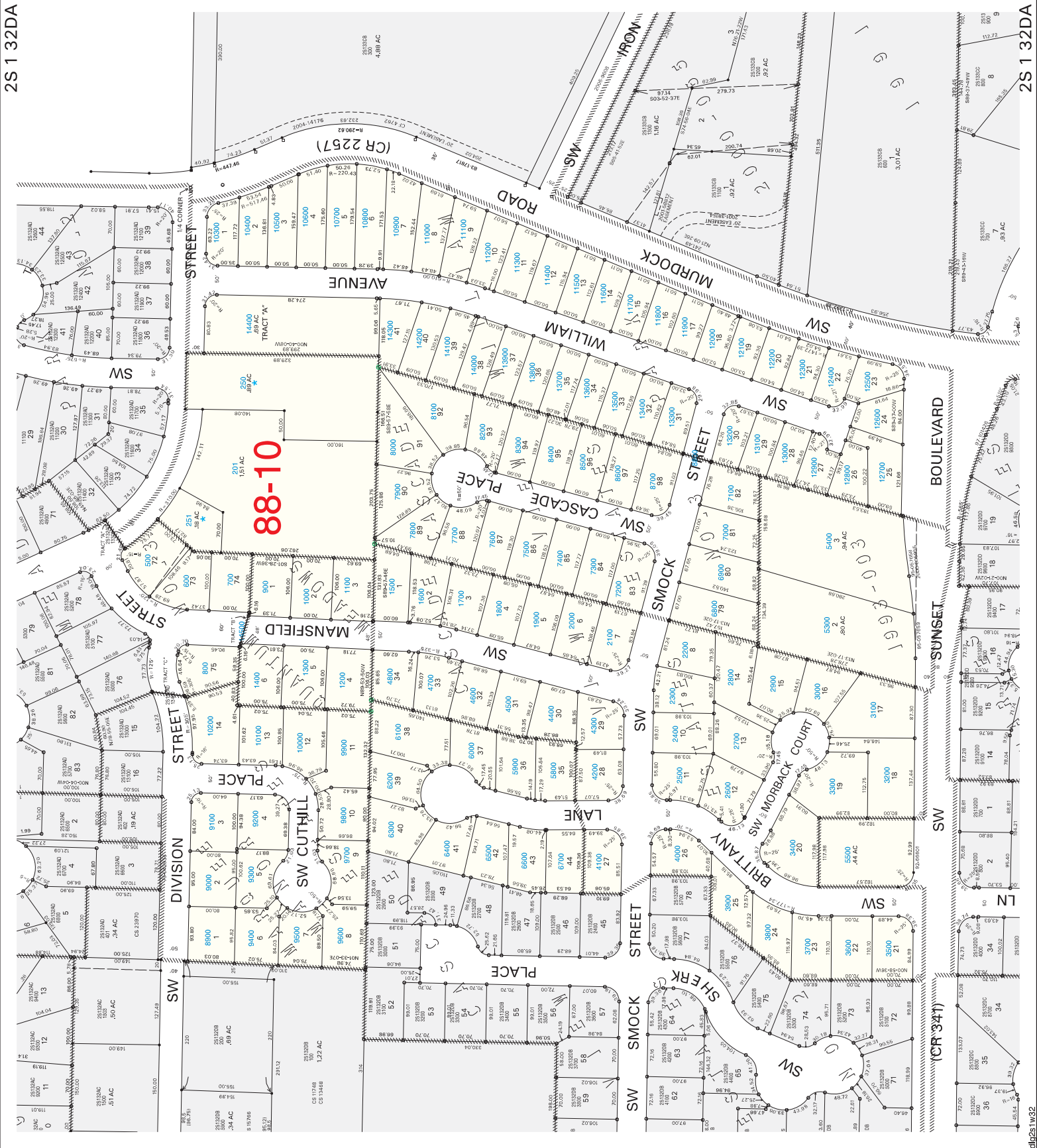
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BC	BD	AC	AD
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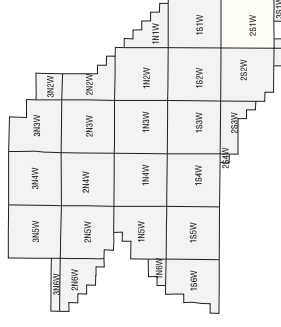
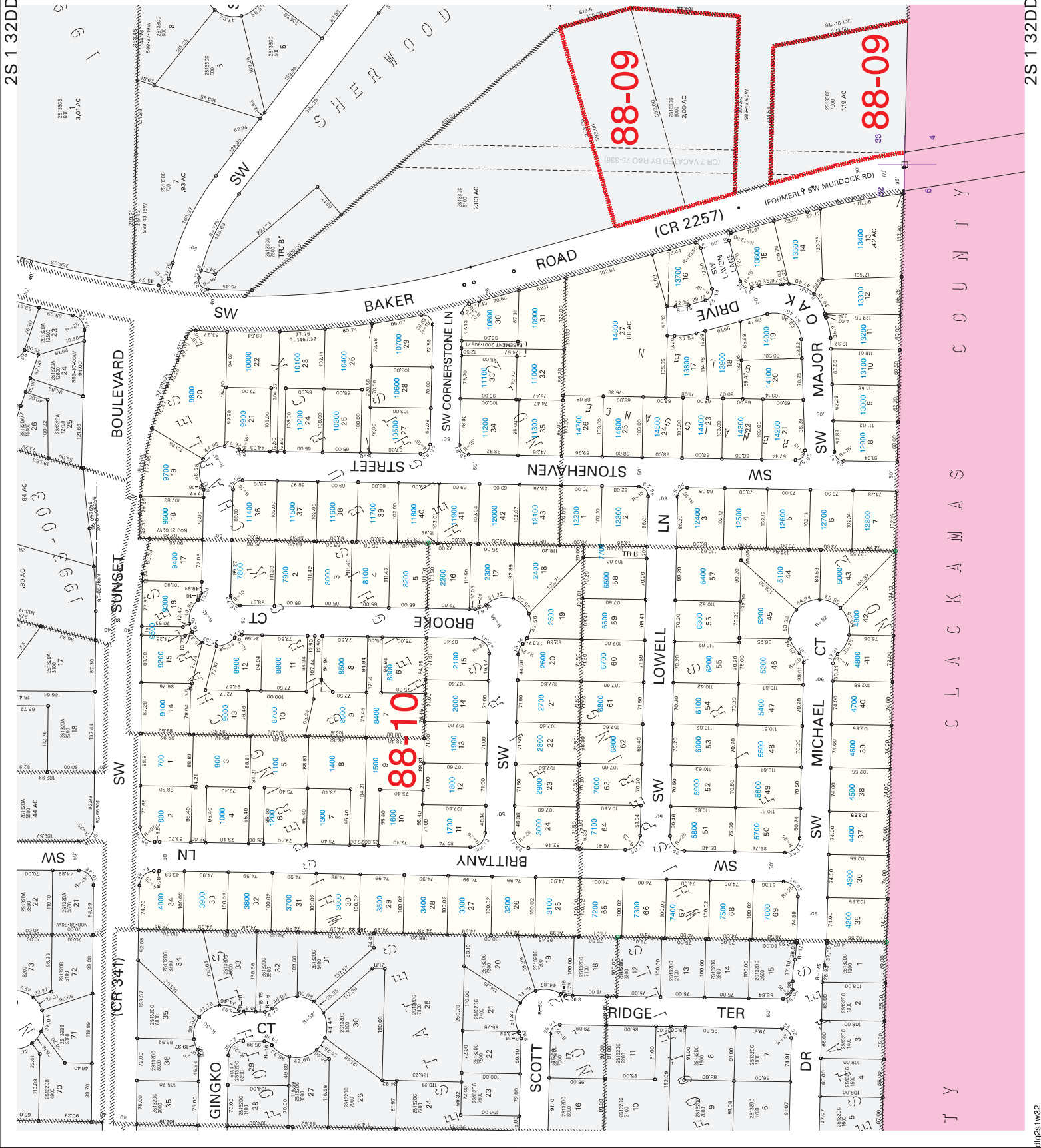
SECTION 32

Cancelled Taxlots For: 2S132DA  
 301-4900-5000, 5100-5200, 300-400, 100-1500, 5000-200

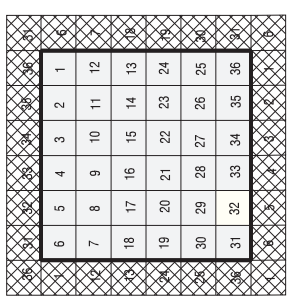


PLOT DATE: February 17, 2010  
**FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON THIS FOR OTHER USE**  
 Map areas delineated by either gray shading or a checked pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

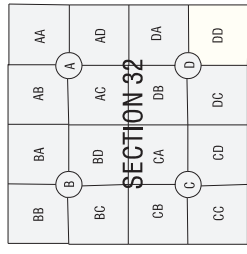




WASHINGTON COUNTY OREGON  
 SET 1/4 SECTION 32 T2S R1W W.M.  
 SCALE 1" = 100'



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[www.co.washington.or.us](http://www.co.washington.or.us)



Cancelled Taxlots For: 2S132DD  
 4100,600,100,200,300,400,500,13701.



PLOT DATE: February 02, 2009  
 FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON THIS FOR OTHER USE  
 Map areas delineated by either gray shading or a checked pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

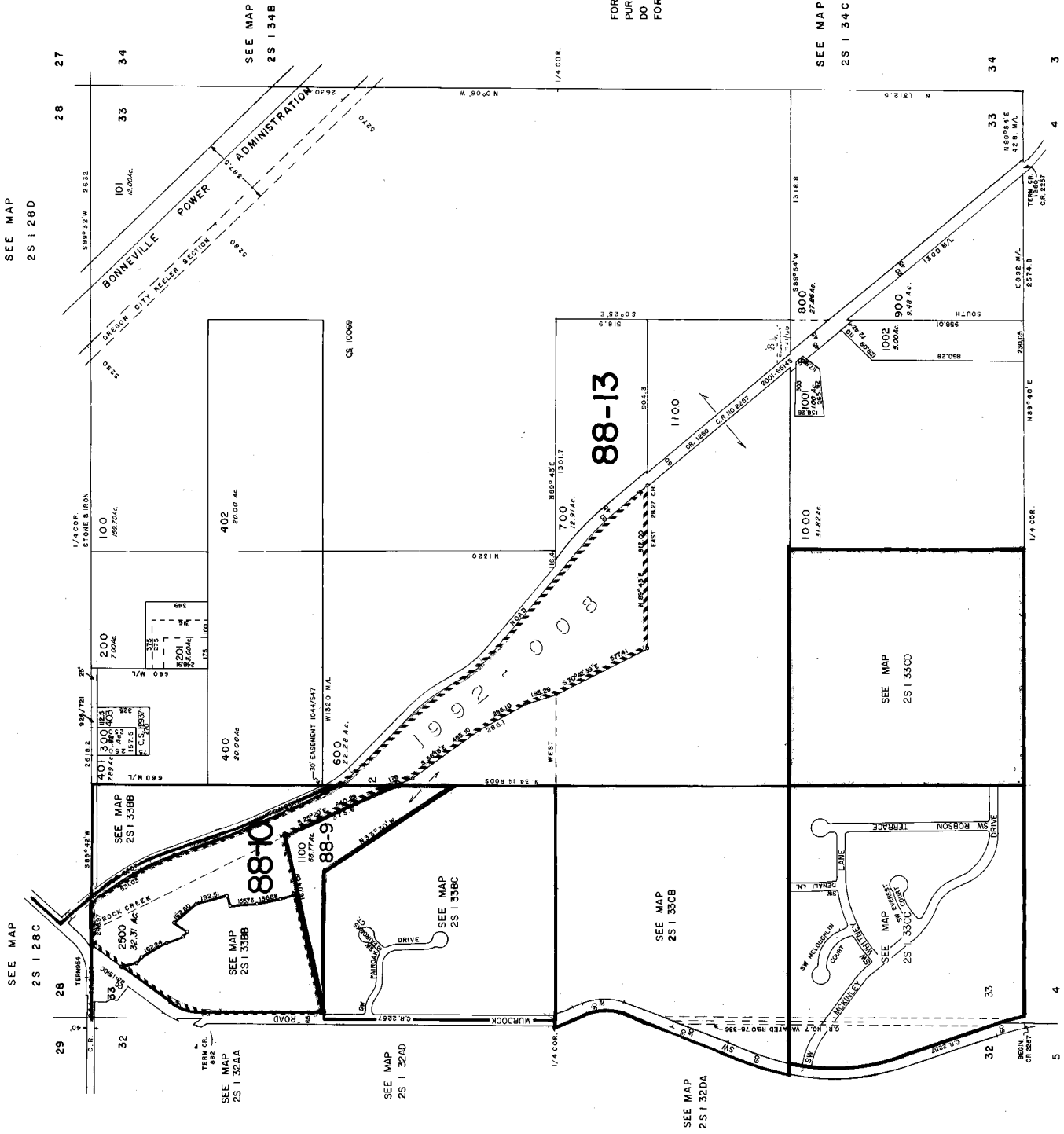
C L A C K A M A S C O U N T Y

SECTION 33 T2S R1W WM.  
WASHINGTON COUNTY OREGON

SCALE 1"=400'

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SHERWOOD

CANCELLED 1/4 ACRES  
1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, 5300, 5400, 5500, 5600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, 6400, 6500, 6600, 6700, 6800, 6900, 7000, 7100, 7200, 7300, 7400, 7500, 7600, 7700, 7800, 7900, 8000, 8100, 8200, 8300, 8400, 8500, 8600, 8700, 8800, 8900, 9000, 9100, 9200, 9300, 9400, 9500, 9600, 9700, 9800, 9900, 10000



SEE MAP  
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FOR ASSESSMENT  
PURPOSES ONLY  
DO NOT RELY ON  
FOR ANY OTHER USE

Exhibit A12

SHERWOOD  
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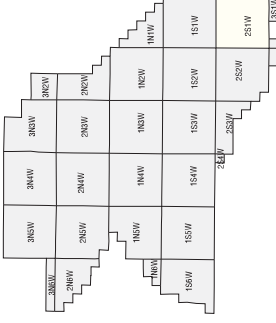
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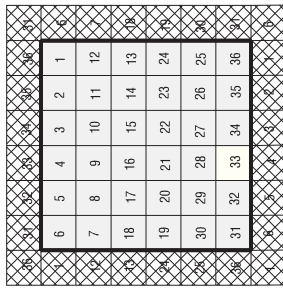
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WASHINGTON COUNTY OREGON  
 SW 1/4 NW 1/4 SECTION 33 T2S R1W W.M.  
 SCALE 1" = 100'



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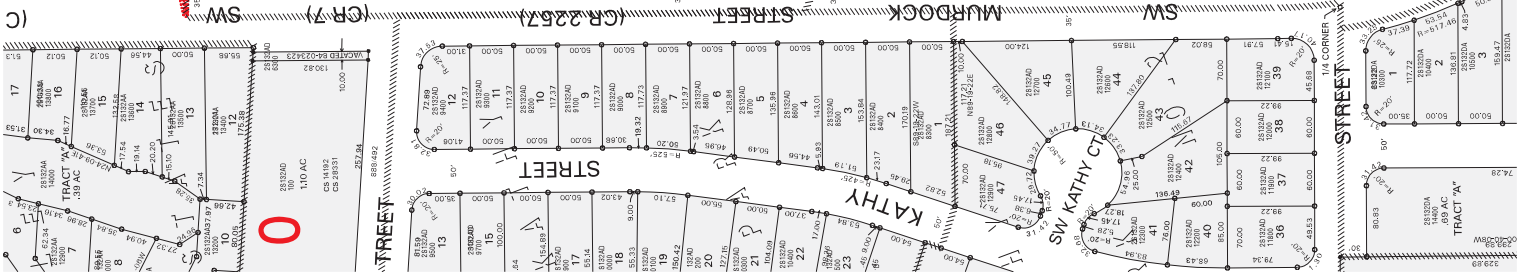
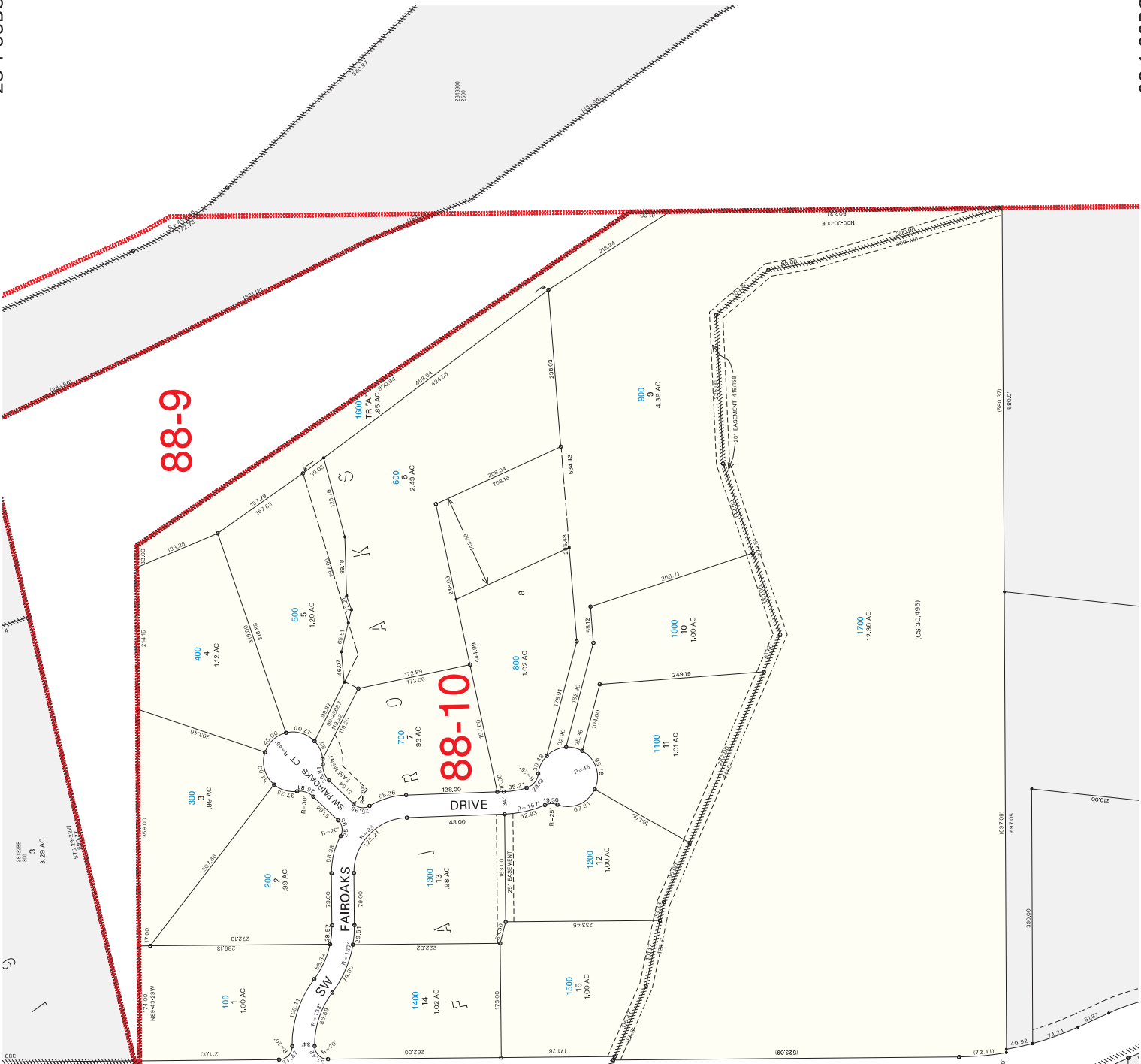
**SECTION 33**

SCALE 1" = 100'

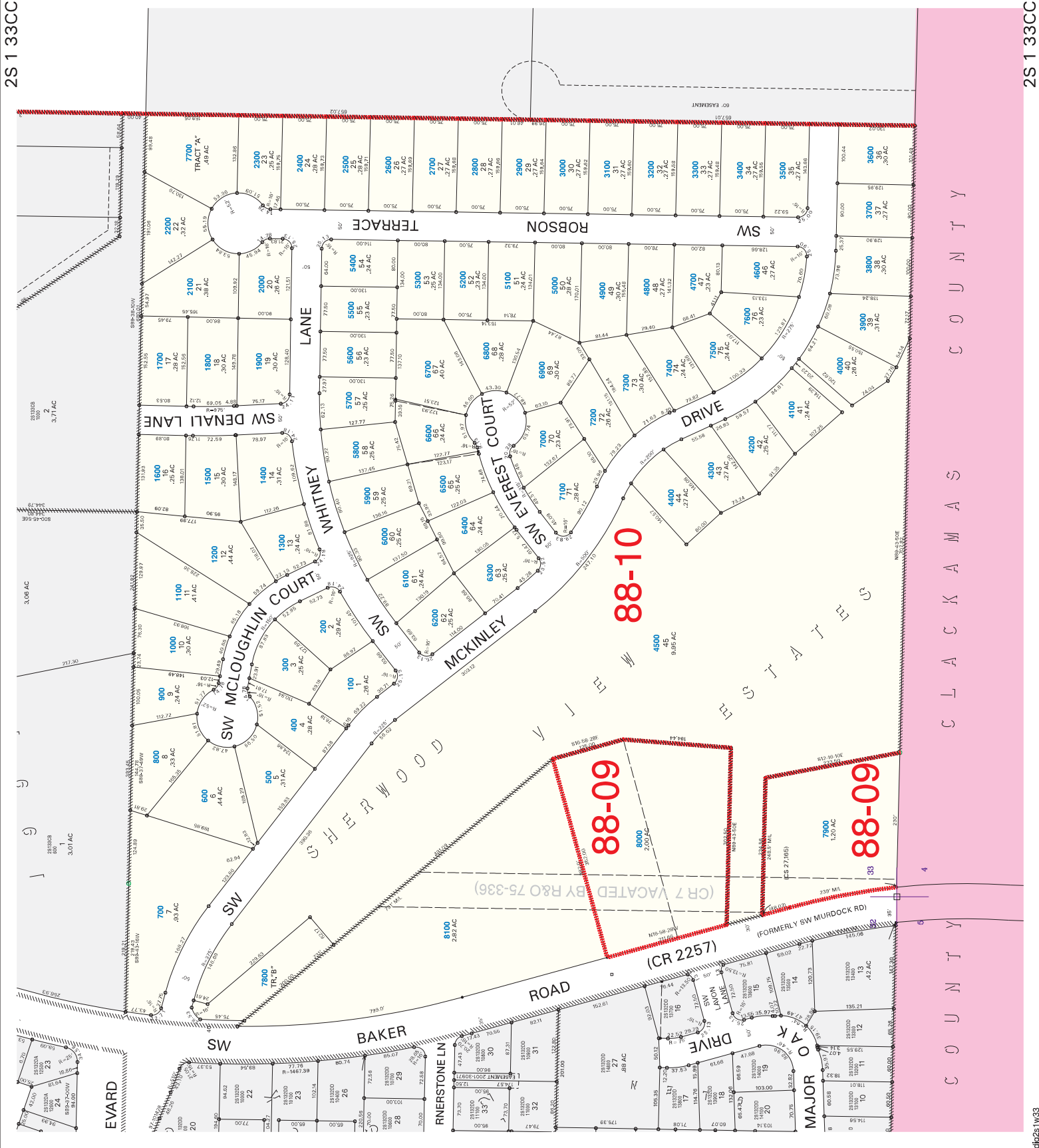


**Assessment**  
**CARTOGRAPHIX**  
**Taxation**

PLOT DATE: March 10, 2011  
**FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON THIS FOR OTHER USE**  
 Map areas delineated by either gray shading or a checkered pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.





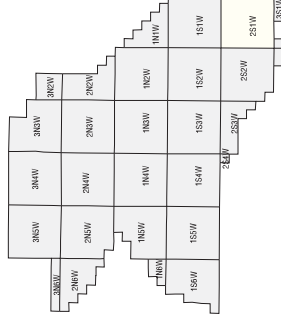


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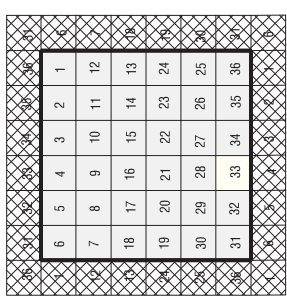
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WASHINGTON COUNTY OREGON  
SW 1/4 SW 1/4 SECTION 33 T2S R1W W.M.  
SCALE 1" = 100'



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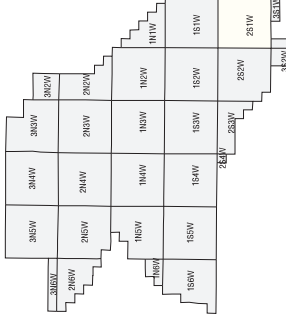
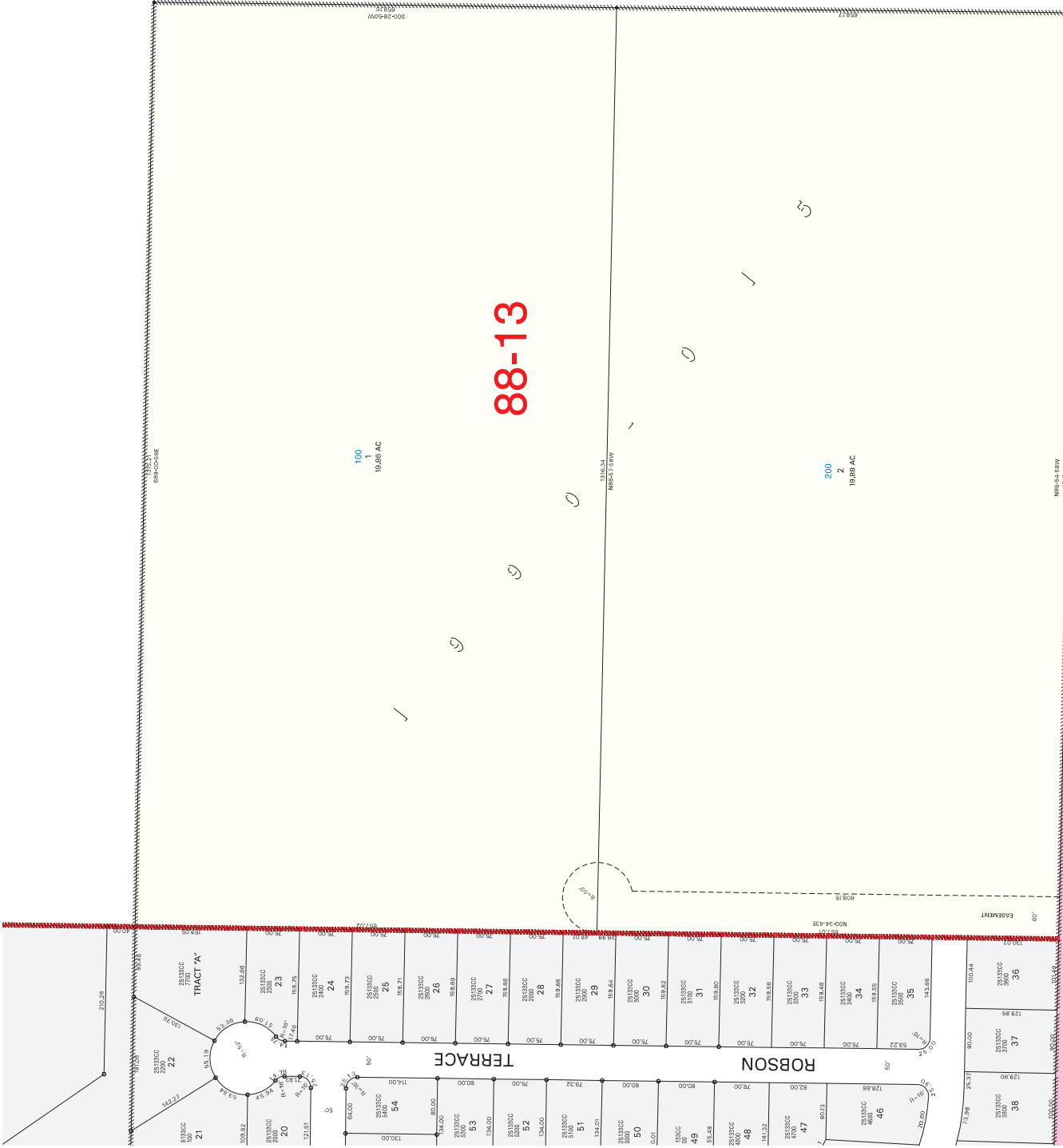
SECTION 33

SCALE 1" = 100'

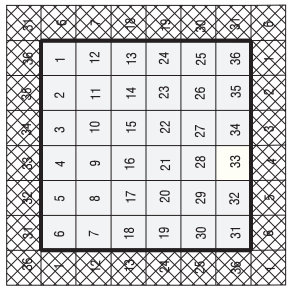


PLOT DATE: October 29, 2015  
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE  
Map areas delineated by either gray shading or a checkered pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

CLACKAMAS COUNTY



WASHINGTON COUNTY OREGON  
 SE 1/4 SW 1/4 SECTION 33 T2S R1W W.M.  
 SCALE 1" = 100'



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BB	BA	AB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD

SECTION 33



PLOT DATE: March 05, 2003  
 FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE  
 Map areas delineated by either gray shading or a checkered pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

A C K A M A S C O U N T Y

# EMERIO *Design*

May 18, 2020

Emerio Design, LLC  
6445 SW Fallbrook Pl., Suite 100  
Beaverton, OR 97008

**RE: NOTICE OF NEIGHBORHOOD MEETING**

Dear Property Owner,

I, Steve Miller, with Emerio Design, LLC, am representing the developer of the property shown on the attached map, located at 23008 SW Murdock Rd, just north of SW Ironwood Lane, Sherwood. This property can be legally identified as 2S133CB00200 and is zoned Very Low Density Residential (VLDR).

We are considering a proposed Planned Unit Development (PUD) for a 17 – Lot Subdivision. Before applying to the City of Sherwood Planning Department, I would like to take the opportunity to discuss the proposal with you.

The virtual Zoom Neighborhood meeting is scheduled for:

Tuesday, June 2<sup>nd</sup>, 2020

Join Zoom Meeting URL:

<https://us02web.zoom.us/j/88379051038>

Meeting begins promptly at 6:00 PM

The purpose of this meeting is to provide a forum for surrounding property owners to review the proposal before the formal application is submitted. This meeting gives you the opportunity to share with me any special information you know about the property involved. I will try to answer questions related to how the project meets relevant development standards consistent with Sherwood's land use regulations. Please note that this will be an informational meeting only on the preliminary development plans.

I look forward to discussing this proposal with you. Please feel free to contact me at (541) 318-7487 or [stevem@emeriodesign.com](mailto:stevem@emeriodesign.com) if you have questions prior to the meeting. If you would like to submit written comments and/or questions, please send them to my email address or to the mailing address below in my signature block. Also, if you would like me to forward you a meeting invite to the Zoom meeting, please email me and I will send you the Zoom meeting invitation.

Respectfully,

Steve Miller – Emerio Design, LLC  
6445 SW Fallbrook Place, Suite 100  
Beaverton, OR 97008



## Summary of June 2, 2020 Neighborhood Meeting for Miller Subdivision/Planned Unit Development

Steve Miller introduced himself as the planner from Emerio Design and noted neither he nor his company are the property owner, developer, contractor or builder. Rather, his firm has been hired by the developer to accomplish the land use planning, surveying and engineering necessary for the development. Mr. Miller provided a brief explanation of the project as follows:

- Seventeen (17) lot subdivision/planned unit development
- Single-family residential detached dwellings on each lot
- All houses will meet setback requirements of 15 feet front, 20 feet rear, 5 feet side, 20 feet garage
- All houses will meet maximum height requirements of 30 feet or two stories
- SW Ironwood Ln. will be improved adjacent to the site's frontage.
- A new public street will be extended through the project site and it will ultimately be extended to the north with the future redevelop of the adjacent property.
- All required street improvements will be built to city standards
- The development will be developed to city standards.
- The property is zoned VLDR and is part of the SE Sherwood Master Plan.
- The minimum lot size in a VLDR PUD is 10,000 square feet and all of the lots meet this lot size.
- A pre-application conference with the City of Sherwood was held for the project.
- A public hearing will be required and the same people that were notified for the neighborhood meeting will be notified for the public hearing.
- The required amount of open spaced will be provided.

There was a small audience of three (3) people who attended the neighborhood meeting and they had only a few questions.

1. Concerns about vehicular traffic on SW Murdock Rd. Mr. Miller noted that improvements to SW Murdock Rd. have already been made or will be made soon with the development of the Denali Meadows PUD.
2. Will SW Upper Roy St. be extended to the east across SW Murdock Rd. as part of the PUD? No, not at this time as the developer doesn't own the land to the north, which is necessary to make the street extension.
3. What is the maximum height? The maximum height of the houses is 30 feet or 2 stories.
4. Is there a public hearing for the PUD? Yes.
5. Is design review required? No, other than what is required as part of the PUD process.
6. What will the price of the houses be? Mr. Miller was unsure of the exact price point since floor plans and elevations have yet to be determined and it's based upon current market conditions as well. The houses will likely be higher-priced, upper-end houses though, to the best of his knowledge.
7. Will a traffic analysis be performed? No, the city is not requiring a traffic analysis for a 17-lot subdivision.
8. What is the status of the DEQ cleanup of the chromium? It is in process and will be completed prior to site development.
9. What is the size of the houses? Mr. Miller was not sure but guessed at two-story 3,000 to 4,000 square foot houses. Again, this is a guess as exact floor plans have yet to be chosen.
10. Is there a public park planned? No. The required open space is 15% and the development will meet the open space requirements as per the Code.

# EMERIO *Design*

January 24, 2020

Emerio Design, LLC  
6445 SW Fallbrook Pl., Suite 100  
Beaverton, OR 97008

**RE: NOTICE OF NEIGHBORHOOD MEETING**

Dear Property Owner,

I, Steve Miller, with Emerio Design, LLC, am representing the developer of the property shown on the attached map, located at 23120 SW Murdock Rd, just north of SW Ironwood Lane, Sherwood. This property can be legally identified as 2S133CB00100 and is zoned Very Low Density Residential (VLDR).

We are considering a proposed Planned Unit Development (PUD) for a 23 – Lot Subdivision. Before applying to the City of Sherwood Planning Department, I would like to take the opportunity to discuss the proposal with you.

The meeting is scheduled for:

Tuesday, February 11, 2020  
Tualatin Valley Fire and Rescue  
Station #33 Community Room  
15440 SW Oregon St.  
Sherwood, OR 97140  
Meeting begins promptly at 6:30 PM

The purpose of this meeting is to provide a forum for surrounding property owners to review the proposal before the formal application is submitted. This meeting gives you the opportunity to share with me any special information you know about the property involved. I will try to answer questions related to how the project meets relevant development standards consistent with Sherwood's land use regulations. Please note that this will be an informational meeting only on the preliminary development plans.

I look forward to discussing this proposal with you. Please feel free to contact me at (541) 318-7487 or [stevem@emeriodesign.com](mailto:stevem@emeriodesign.com) if you have questions prior to the meeting.

Respectfully,

Steve Miller – Emerio Design, LLC

## Summary of Neighborhood Meeting for Yuzon Subdivision/Planned Unit Development

Steve Miller introduced himself as the planner from Emerio Design and noted neither he nor his company are the property owner, developer, contractor or builder. Rather, his firm has been hired by the developer to accomplish the land use planning, surveying and engineering necessary for the development. Mr. Miller provided a brief explanation of the project as follows:

- Twenty-three lot subdivision/planned unit development
- Single-family residential detached dwellings on each lot
- All houses will meet setback requirements of 15 feet front, 20 feet rear (except 2 lots), 5 feet side, 20 feet garage
- All houses will meet maximum height requirements of 30 feet or two stories
- SW Ironwood Ln. will be improved adjacent to the site's frontage.
- A new public street will be extended through the project site and it will ultimately be extended to the north with the future redevelop of the adjacent property.
- All required street improvements will be built to city standards
- The development will be developed to city standards.
- The property is zoned VLDR and is part of the SE Sherwood Master Plan.
- The minimum lot size in a VLDR PUD is 10,000 square feet and all of the lots meet this lot size.
- A pre-application conference with the City of Sherwood was held for the project.
- A public hearing will be required and the same people that were notified for the neighborhood meeting will be notified for the public hearing.
- The required amount of open spaced will be provided.

There was a small audience of six (6) people who attended the neighborhood meeting and they had only a few questions.

1. Concerns about vehicular traffic on SW Murdock Rd. Mr. Miller noted that improvements to SW Murdock Rd. have already or will be made with the development of the Denali Meadows PUD.
2. Will SW Upper Roy St. be extended to the east across SW Murdock Rd. as part of the PUD? No, not at this time as the developer doesn't own the land necessary to make the street extension. This question was asked prior to Brad Miller's property becoming part of the project.
3. What is the maximum height? The maximum height of the houses is 30 feet or 2 stories.
4. Is there a public hearing for the PUD? Yes.
5. Is design review required? No, other than what is required as part of the PUD process.
6. What will the price of the houses be? Mr. Miller was unsure of the exact price point since floor plans and elevations have yet to be determined and it's based upon current market conditions as well. The houses will likely be higher-priced, upper-end houses though, to the best of his knowledge.
7. Will a traffic analysis be performed? No, the city is not requiring a traffic analysis for a 23-lot subdivision.
8. What is the status of the DEQ cleanup of the chromium? It is in process and will be completed prior to site development.
9. What is the size of the houses? Mr. Miller was not sure but guessed at two-story 3,000 to 4,000 square foot houses. Again, this is a guess as exact floor plans have yet to be chosen.
10. Is there a public park planned? No. The required open space is 15% and the development will meet the open space requirements as per the Code.



# Engineering Land Use Application Comments

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To: Eric Rutledge, Associate Planner

From: Craig Christensen, P.E., Civil Engineer

Project: (LU 2020-013) Denali Summit Subdivision

Date: October 13, 2020

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Engineering staff has reviewed the information provided for the above cited project. Final construction plans will need to meet the standards established by the City of Sherwood and Clean Water Services (CWS), in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

## Background Data

Currently the proposed subdivision consists of the development of 3 parcels of property located east of the Denali Meadow subdivision (east side of SW Murdock Road and currently under construction) and on the north side of SW Ironwood Lane. One of the parcels is a tract of land that will be created with the recording of the plat for Denali Meadows. This Denali Meadows plat will need to be recorded prior to plat recording for the Denali Summit project.

CONDITION: Prior to Subdivision Plat Approval, either the subdivision plat for the Denali Meadows development shall be recorded with Washington County Surveyor's Office or the portion of property currently belonging to the development to the west that is included with this subject development shall be partitioned off from the property to the west (Denali Meadows) or a property line adjustment be performed between the properties conveying that portion of the western property to one of the eastern properties.

## Sanitary Sewer

Currently an 8-inch diameter public sanitary sewer main exists along the south side of SW Ironwood Lane along the subject property frontage. There will also be a new 8-inch diameter public sanitary sewer within the new public street to be constructed with the Denali Meadows subdivision. Sanitary sewer for the subject development will come from both locations. Since all surrounding properties are either on public sanitary sewer or have access to a public sanitary sewer, no extension of the public sanitary sewer system is required for this development except as necessary to provide service to all proposed lots and as required to be extended through new public streets. Due to the

Project: Denali Summit Subdivision (LU 2020-013)  
Date: October 13, 2020  
Page: 2 of 8

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slope of the terrain heading north, the proposed sanitary sewer within the new public streets will not need to be extended to the north property line as it will be too high in elevation to serve the undeveloped property to the north.

Currently one of the existing homes appears to be on a private septic system.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public sanitary sewer service to all proposed lots as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

CONDITION: Prior to Acceptance of the Public Improvements, any public sanitary sewer located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of the Public Improvements, the public sanitary sewer within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of the Public Improvements, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.

CONDITION: Prior to Acceptance of the Public Improvements, any existing unused sanitary lateral that is no longer being used by the site shall be abandoned at the main meeting the approval of the Sherwood Engineering Department.

### Water

Currently an 8-inch diameter public water main exists along the south side of SW Ironwood Lane along the subject property frontage. There will also be a new 8-inch diameter public water main within the new public street to be constructed with the Denali Meadows subdivision. Public water access for the subject development will come from both locations. The subdivision will need to construct an 8-inch diameter public water interconnect between the 2 streets to establish a looped water system. The subject development will need to extend the water line to the north end of the streets (new Denali Meadows street and new street to be constructed with this development) to allow access to the public water system for the property to the north. The subject development shall provide water service to all proposed lots within the subject development.

Project: Denali Summit Subdivision (LU 2020-013)  
Date: October 13, 2020  
Page: 3 of 8

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There appears to be at least one well located within the subject property. Wells to remain within private property shall meet all required setbacks. Any property to have both public water and well water shall have a reduced pressure backflow assembly on the public water service. Any well located within public right-of-way shall be abandoned.

Water meters shall not be located in hardscape.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide water service to all proposed lots and as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for an 8-inch diameter public water interconnect between the 2 streets (new Denali Meadows street and new street to be constructed with the subject development) through Tracts E and F of the subject development to establish a looped public water system meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to extend public water lines to the end of the streets (new Denali Meadows street and new street to be constructed with the subject development) meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

CONDITION: Prior to Acceptance of the Public Improvements, any public water line located on private property shall have a recorded public water line easement encompassing the related public water improvements meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of the Public Improvements, the public water system within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.

CONDITION: Prior to Final Plat, the developer shall submit certification that any existing well remaining meets all setback requirements or design for the abandonment of the existing well(s) on the engineering plans. Well abandonment shall be in accordance with all applicable regulations.

CONDITION: Prior to Acceptance of the Public Improvements, any well located within city right-of-way shall be abandoned in compliance with all applicable regulations.

Project: Denali Summit Subdivision (LU 2020-013)  
Date: October 13, 2020  
Page: 4 of 8

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CONDITION: Prior to Acceptance of the Public Improvements, any lot having both public water and well water shall have a reduced pressure backflow preventer on the public water service meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of the Public Improvements, any existing unused water service that is no longer being used by the site shall be abandoned at the main meeting the approval of the Sherwood Engineering Department.

### Storm Sewer

Currently a 12-inch diameter public storm sewer main exists within SW Ironwood Lane along the subject property frontage. There will also be a new 12-inch diameter public storm sewer within the new public street to be constructed with the Denali Meadows subdivision. Storm sewer for the subject development will come from both locations. Since all surrounding properties are either on public storm sewer or have access to a public storm sewer, no extension of the public storm sewer system is required for this development except as necessary to provide service to all proposed lots and as required to be extended through new public streets. Due to the slope of the terrain heading north, the proposed storm sewer within the new public street will not need to be extended to the north property line as it will be too high in elevation to serve the undeveloped property to the north.

The subject development is required to provide storm water quality treatment and hydro-modification unless otherwise approved by the City of Sherwood and Clean Water Services.

On site water quality facilities shall not have retaining walls unless otherwise approved by the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public storm sewer service to all proposed lots and as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

CONDITION: Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public storm sewer located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting Sherwood Engineering standards.

CONDITION: Prior to Acceptance of the Public Improvements, the public storm sewer within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.

Project: Denali Summit Subdivision (LU 2020-013)  
Date: October 13, 2020  
Page: 5 of 8

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CONDITION: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide on-site water quality treatment/hydro-modification facilities with maintenance access to all facility structures in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services.

CONDITION: Prior to Acceptance of the Public Improvements, the tract of land containing the public water quality facilities shall be dedicated to the City of Sherwood unless otherwise approved by the city.

### Transportation

The subject property has street frontage along SW Ironwood Lane (standard residential street) and will need to widen out any remaining street frontage improvements that are not up to the standard residential street standards and dedicate any right-of-way necessary to meet the standard residential standard. The subject property also has street frontage along a future street to be constructed within the Denali Meadows subdivision. The subject property will need to construct any remaining street frontage improvements that are not up to the standard residential street standards and dedicate any right-of-way necessary to meet the standard residential standard along this future street.

The subject property also has approximately 40 feet of frontage along SW Murdock Road at the intersection of SW Upper Roy Street. This frontage is due to a flag portion of the subject property. Since no access is being directly obtained from SW Murdock Road from this flag for the proposed subdivision and since the subject property only contains a portion of the property necessary to construct the street (remaining right of way located on the property to the north), a payment-in-lieu of constructing street improvements for the extension of SW Upper Roy Street to a standard residential section will be required of the developer. Right-of-way dedication within the subject property for the future SW Upper Roy Street will be required. Also it is anticipated that due to the grades in this area that a future wall will be required for the construction of the future street improvements. A wall easement within the subject property will be required to be dedicated along the street frontage of the extension of SW Upper Roy Street.

Since the subject property only has 40 feet of frontage along SW Murdock Road, undergrounding of overhead utilities would not be practical. Therefore a payment in lieu of undergrounding these utilities will be required.

The cost of the payment-in-lieu for the future SW Upper Roy Street extension street improvements shall consist of a payment to the city in the amount of 125% for future street improvements within the subject property for the following items:

1. Excavation.



Project: Denali Summit Subdivision (LU 2020-013)  
Date: October 13, 2020  
Page: 6 of 8

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2. Geotextile fabric.
3. Base rock.
4. Curb and gutter.
5. Sidewalk.
6. Street trees.
7. Retaining wall.
8. Undergrounding overhead utilities (40').
9. Street light (1/2 of 1 street light).

The new street to be constructed within the eastern portion of the subject property will stub to the property to the north for future extension of the street. This street will end in a fill of approximately 15 feet in height resulting in a wall at the end of the street. It may be necessary to stop this street short of the north property line to minimize future fill impacts within the property to the north while still being able to provide storm sewer service for the public street. A payment-in-lieu shall be made to the city in the amount of 125% for future street improvements to extend the street to the northern property line for the following items:

1. Fill.
2. Geotextile fabric.
3. Base rock.
4. Curb and gutter.
5. Sidewalk.
6. Street trees.

The above payment-in-lieu funds will be set aside in a dedicated account for the future development of the property to the north.

**CONDITION:** Prior to Approval of Engineering Public Improvement Plans, the developer shall design for street widening improvements along the subject property frontage of SW Ironwood Lane to meet a standard residential street section meeting the approval of the Sherwood Engineering Department.

**CONDITION:** Prior to Approval of Engineering Public Improvement Plans, the developer shall design for right-of-way dedication required to encompass the street widening improvements along the subject property frontage of SW Ironwood Lane meeting the approval of the Sherwood Engineering Department.

**CONDITION:** Prior to Approval of Engineering Public Improvement Plans, the developer shall design public streets interior to the development including street lighting to meet a city standard residential street section meeting the approval of the Sherwood Engineering Department.

**CONDITION:** Prior to Approval of Engineering Public Improvement Plans, due to the high wall at the end of the new street, the developer shall design for barrier protections

Project: Denali Summit Subdivision (LU 2020-013)  
Date: October 13, 2020  
Page: 7 of 8

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between the wall and the end of the new street meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for right-of-way dedication required to encompass the public interior street improvements meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of Public Improvements, the developer shall dedicate required street right-of-way and public easements via a recorded subdivision plat and shall have all platted monuments installed. This includes right-of-way, PUE and public wall easement for the future extension of SW Upper Roy Street.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall make a payment-in-lieu for the future extension of SW Upper Roy Street in the amount of 125% an engineer's estimate meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall make a payment-in-lieu for the future extension of the new interior street for the proposed subdivision for the amount of street left short of the northern property line in the amount of 125% an engineer's estimate meeting the approval of the Sherwood Engineering Department.

CONDITION: Payment-in-lieu funds for future street improvements shall be set aside in a dedicated city account to be paid toward the future development of the property to the north.

#### Grading and Erosion Control:

City policy requires that prior to grading, a permit is obtained from the Building Department for grading on the private portion of the site.

The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans.

The proposed development will disturb over 5 acres, therefore a DEQ NPDES 1200-C is required.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall obtain a DEQ NPDES 1200-C permit.

#### Other Engineering Issues:

Project: Denali Summit Subdivision (LU 2020-013)  
Date: October 13, 2020  
Page: 8 of 8

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CONDITION: The proposed development shall comply with the conditions of the CWS Service Provider Letter.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, a CWS Storm Water Connection Permit Authorization shall be obtained.

CONDITION: Prior to Issuance of Any Home Building Permits, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.

CONDITION: Prior to Issuance of an Engineering Compliance Agreement, final engineering plan approval by the Sherwood Engineering Department is required.

CONDITION: Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements and water quality/hydro-modification facilities meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of Public Improvements, the developer shall dedicate a minimum 8-foot wide PUE along all street frontages and tracks of land for private street/driveway usage unless otherwise approved by the City Engineer.

CONDITION: Per City of Sherwood standards, all new utilities shall be placed underground.

CONDITION: Prior to Acceptance of Public Improvements, applicant perform clean up of contamination in accordance with DEQ standards and shall submit a copy of the DEQ "No Further Action" confirmation letter to the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property street frontage and private track frontage for tracts of land containing private street/driveway per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074. A payment in lieu shall be made in place of installing Sherwood Broadband utilities along the street frontage of the extension of SW Upper Roy Street.

**End of Engineering Land Use Review Comments.**

**City of Sherwood Public Works Comments**

**Submitted by Rich Sattler, Utility Manager**

**Hand written notes on 9-18-20**

1. Due to size and location, water model to be ran to determine sizing-looping. See fee schedule.
2. Pressure will be higher than 80 PSI. Provide private PRV's
3. Include Sherwood Broadband Utility in plans
4. Wall height end of public street requires additional safety measures

July 28, 2020

Eric Rutledge  
Associate Planner  
City of Sherwood  
22560 SW Pine Street  
Sherwood, Oregon 97140

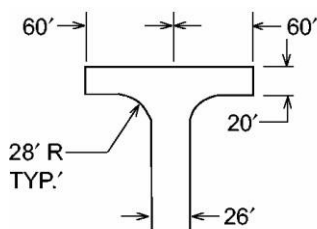
**Re: Denali Summit  
Tax Lot I.D: 2S133CB00100**

Dear Eric,

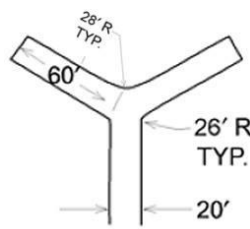
Thank you for the opportunity to review the proposed site plan surrounding the above named development project. These notes are provided in regards to the plans received July 24, 2020. There may be more or less requirements needed based upon the final project design, however, Tualatin Valley Fire & Rescue will endorse this proposal predicated on the following criteria and conditions of approval.

**FIRE APPARATUS ACCESS:**

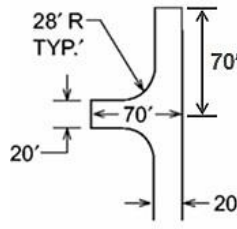
- FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)
- DEAD END ROADS AND TURNAROUNDS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. Diagrams of approved turnarounds are shown below: (OFC 503.2.5 & D103.1)



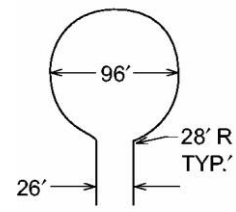
120' HAMMERHEAD



60-FOOT "Y"



ACCEPTABLE ALTERNATIVE  
TO 120' HAMMERHEAD



96' DIAMETER  
CUL-DE-SAC

- ADDITIONAL ACCESS ROADS – ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS:** Developments of one- or two-family dwellings, where the number of dwelling units exceeds 30, shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3. Exception: Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout

with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the International Fire Code, access from two directions shall not be required. (OFC D107)

4. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1)
5. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

**Plans indicate No Parking Signs to be installed along Tracts D&E as noted on Sheet 10 of 16. Plans do not show No Parking Signs along Tract F on Sheet 11 of 16. Please indicate locations on plans.**

6. **NO PARKING:** Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
  1. 20-26 feet road width – no parking on either side of roadway
  2. 26-32 feet road width – parking is allowed on one side
  3. Greater than 32 feet road width – parking is not restricted
7. **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1)
8. **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced as to provide all-weather driving capabilities. (OFC 503.2.3)
9. **TURNING RADIUS:** The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)
10. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 15%.
11. **ANGLE OF APPROACH/GRADE FOR TURNAROUNDS:** Turnarounds shall be as flat as possible and have a maximum of 5% grade with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
12. **ANGLE OF APPROACH/GRADE FOR INTERSECTIONS:** Intersections shall be level (maximum 5%) with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
13. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)
14. **TRAFFIC CALMING DEVICES:** Shall be prohibited on fire access routes unless approved by the Fire Marshal. (OFC 503.4.1). Traffic calming measures linked here: <http://www.tvfr.com/DocumentCenter/View/1578>

## **FIREFIGHTING WATER SUPPLIES:**

15. **FIREFIGHTING WATER SUPPLY FOR INDIVIDUAL ONE- AND TWO-FAMILY DWELLINGS:** The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2)

16. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)

**Provide documentation of fire flow test.**

17. **WATER SUPPLY DURING CONSTRUCTION IN MUNICIPAL AREAS:** In areas with fixed and reliable water supply, **approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site.** (OFC 3312.1)

## **FIRE HYDRANTS:**

18. **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where the most remote portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1)
19. **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Table C 105.1. (OFC Appendix C)
20. **FIRE HYDRANT(S) PLACEMENT:** (OFC C104)
- Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
  - Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the Fire Marshal.
  - Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets may be considered when approved by the Fire Marshal.
  - Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the Fire Marshal.
21. **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the Fire Marshal. (OFC C102.1)
22. **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of blue reflective markers. They shall be located adjacent and to the side of the center line of the access roadway that the fire hydrant is located on. In the case that there is no center line, then assume a center line and place the reflectors accordingly. (OFC 507)
23. **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6 & OFC 312)
24. **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

## BUILDING ACCESS AND FIRE SERVICE FEATURES

25. **PREMISES IDENTIFICATION:** New and existing buildings shall have approved address numbers; building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1)

If you have questions or need further clarification or would like to discuss any alternate methods and/or materials, please feel free to contact me at **503-259-1419**.

Sincerely,

*Tom Mooney*

Tom Mooney  
Deputy Fire Marshal II

Thomas.mooney@tvfr.com

Cc: File  
City of Sherwood

A full copy of the New Construction Fire Code Applications Guide for Residential Development is available at <https://www.tvfr.com/DocumentCenter/View/1438/NC-Fire-Code-Application-Guide-for-Residential-Development-?bidId=>



**M E M O R A N D U M**

**Date:** October 21, 2020

**To:** Eric Rutledge, Associate Planner, City of Sherwood

**From:** Jackie Sue Humphreys, Clean Water Services (CWS)

**Subject:** Denali Summit 41-Lot PUD, LU 2020-013-PUD, 2S133CB00100, 00200

Please include the following comments when writing your conditions of approval:

**PRIOR TO ANY WORK ON THE SITE AND PLAT RECORDING**

A Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained prior to plat approval and recordation. Application for CWS Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 19-5 as amended by R&O 19-22, or prior standards as meeting the implementation policy of R&O 18-28, and is to include:

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.
- b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit. If site area and any offsite improvements required for this development exceed five-acres of disturbance, project will require a 1200-C 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 19-5, Section 4.04. Access shall be provided for maintenance of facility per R&O 19-5, Section 4.07.6.

- e. If use of an 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 that 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 systems, needs to be provided to the City for review and acceptance.
- g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
- h. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

## CONCLUSION

This Land Use Review does not constitute CWS approval of storm or sanitary sewer compliance to the NPDES permit held by CWS. CWS, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.



DISPOSAL COMPANY  
P.O. Box 820 Sherwood, OR 97140

Phone: (503) 625-6177 Fax: (503) 625-6179

---

October 20, 2020

Eric Rutledge  
Associate Planner  
City of Sherwood  
22560 SW Pine St  
Sherwood, OR 97140

Re: 23008 & 23120 SW Murdock Rd, Sherwood OR 97140

We have reviewed the site plan for the above-mentioned development. We will be able to service the lots as they've been laid out. Each resident will be responsible for placing their totes curbside on the nearest public road on collection day. Tracts 'D', 'E', and 'F' must be marked for no parking on one side of the street. If one side of the street is not marked for no parking, each resident will be responsible for placing their totes on the nearest public road.

If you have any additional questions, feel free to contact me.

Sincerely,

Kristen Tabscott  
Pride Disposal Company  
[ktabscott@pridedisposal.com](mailto:ktabscott@pridedisposal.com)  
(503) 625-6177

TAX MAP T2S R1W 33CB  
SHERWOOD, OREGON

YUZON PUD

PRELIMINARY PLAT

FILE # 1500-009 Name: Sherwood\Map\1500-009\_Oreg\_000k.dwg User: DEPT\JAMES.PATE Date: 8/27/2009 4:10 PM By: James.Pate

EMERIO  
Engineering

6415 SW FALLBROOK PLACE, SUITE 100  
BEAVERTON, OREGON 97008  
TEL: (503) 646-8833  
FAX: (503) 646-5293  
www.emerio.com

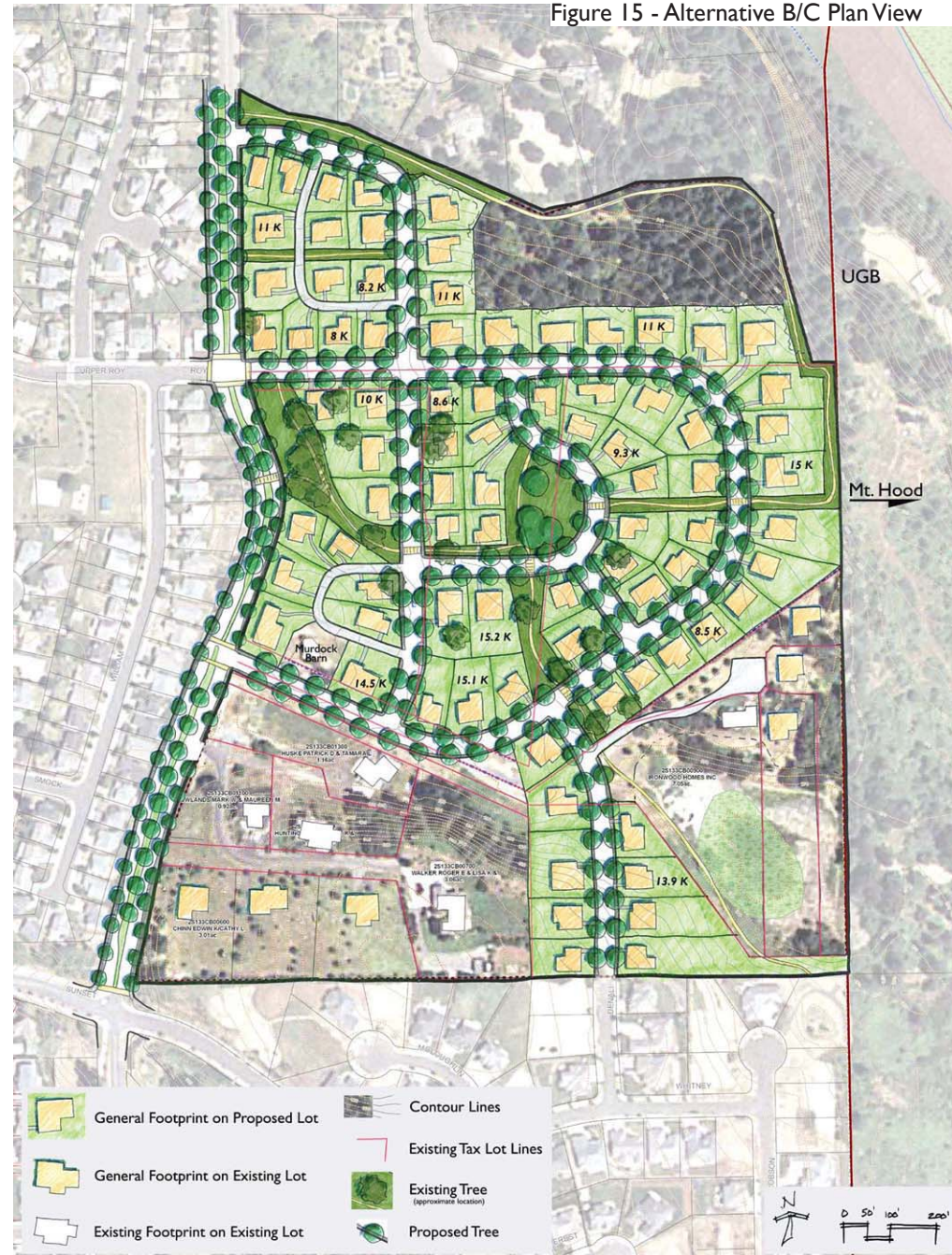
Exhibit B5

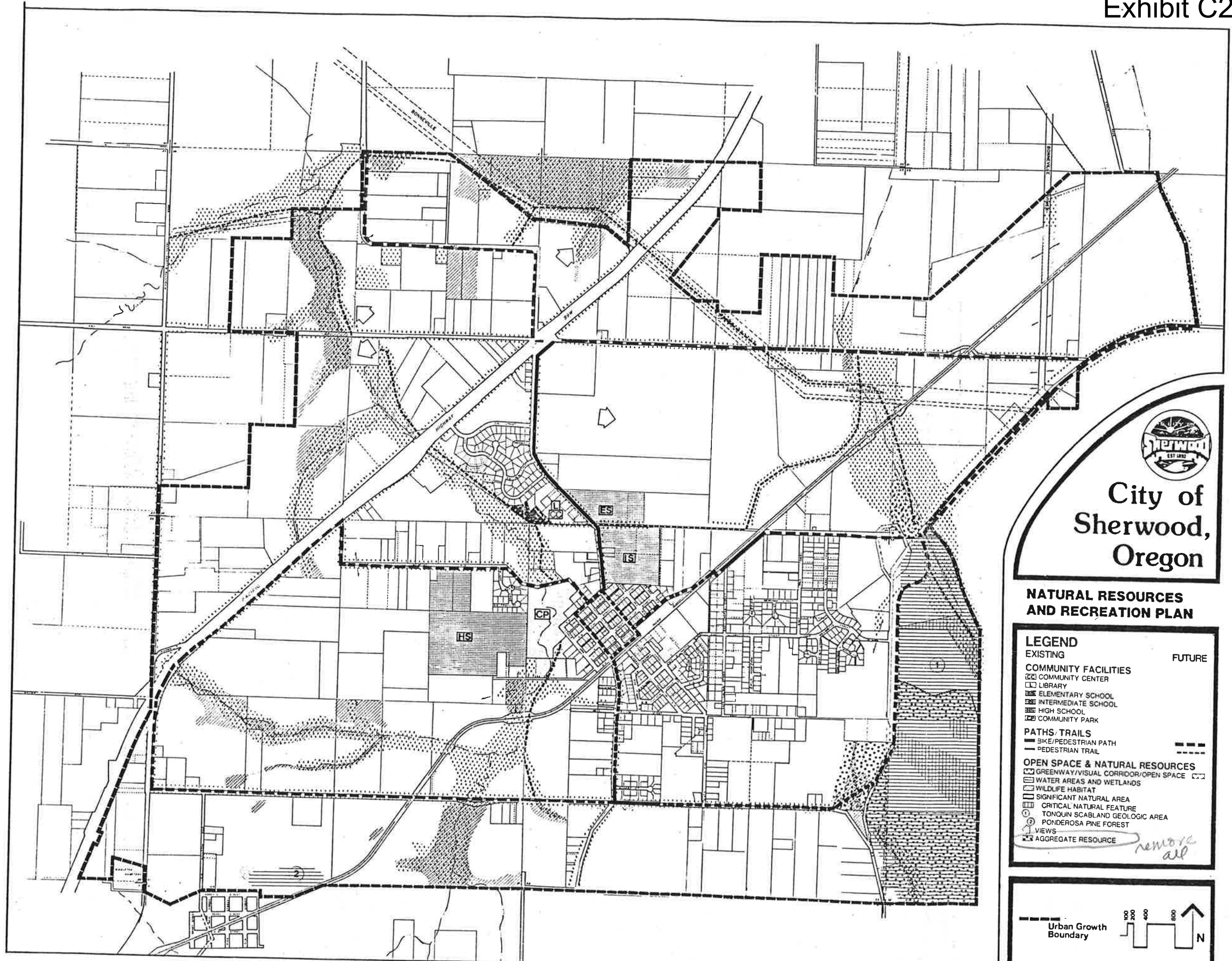
SHEET  
04



**PROPOSED SETBACKS**  
 FRONT: 15 FT.  
 GARAGE: 20 FT.  
 REAR: 20 FT. (EXCEPT LOTS 11 & 12 15 FT.)  
 SIDE: 5 FT.  
 STREET SIDE: 15 FT. (LOTS 3, 19, 20, 29, 30, 36 & 37)

Figure 15 - Alternative B/C Plan View





**City of Sherwood, Oregon**

**NATURAL RESOURCES AND RECREATION PLAN**

**LEGEND**

EXISTING	FUTURE
<b>COMMUNITY FACILITIES</b>	
[Symbol]	COMMUNITY CENTER
[Symbol]	LIBRARY
[Symbol]	ELEMENTARY SCHOOL
[Symbol]	INTERMEDIATE SCHOOL
[Symbol]	HIGH SCHOOL
[Symbol]	COMMUNITY PARK
<b>PATHS, TRAILS</b>	
[Symbol]	BIKE/PEDESTRIAN PATH
[Symbol]	PEDESTRIAN TRAIL
<b>OPEN SPACE &amp; NATURAL RESOURCES</b>	
[Symbol]	GREENWAY/VISUAL CORRIDOR/OPEN SPACE
[Symbol]	WATER AREAS AND WETLANDS
[Symbol]	WILDLIFE HABITAT
[Symbol]	SIGNIFICANT NATURAL AREA
[Symbol]	CRITICAL NATURAL FEATURE
[Symbol]	TONQUIN SCABLAND GEOLOGIC AREA
[Symbol]	PONDEROSA PINE FOREST
[Symbol]	VIEWS
[Symbol]	AGGREGATE RESOURCE

*remove all*

Urban Growth Boundary

**B**

2S133BC01700

Exhibit C3



2S133CB00300

2S133CB00200

2S133CB00100

Trees located on or near east property line of Tax Lot 100

Image Source: ConnectExplorer 10-18-2018

2S133CB02500

2S133CB02400

2S133CB02200

2S133CB02300

2S133CB03700

2S133CB02900

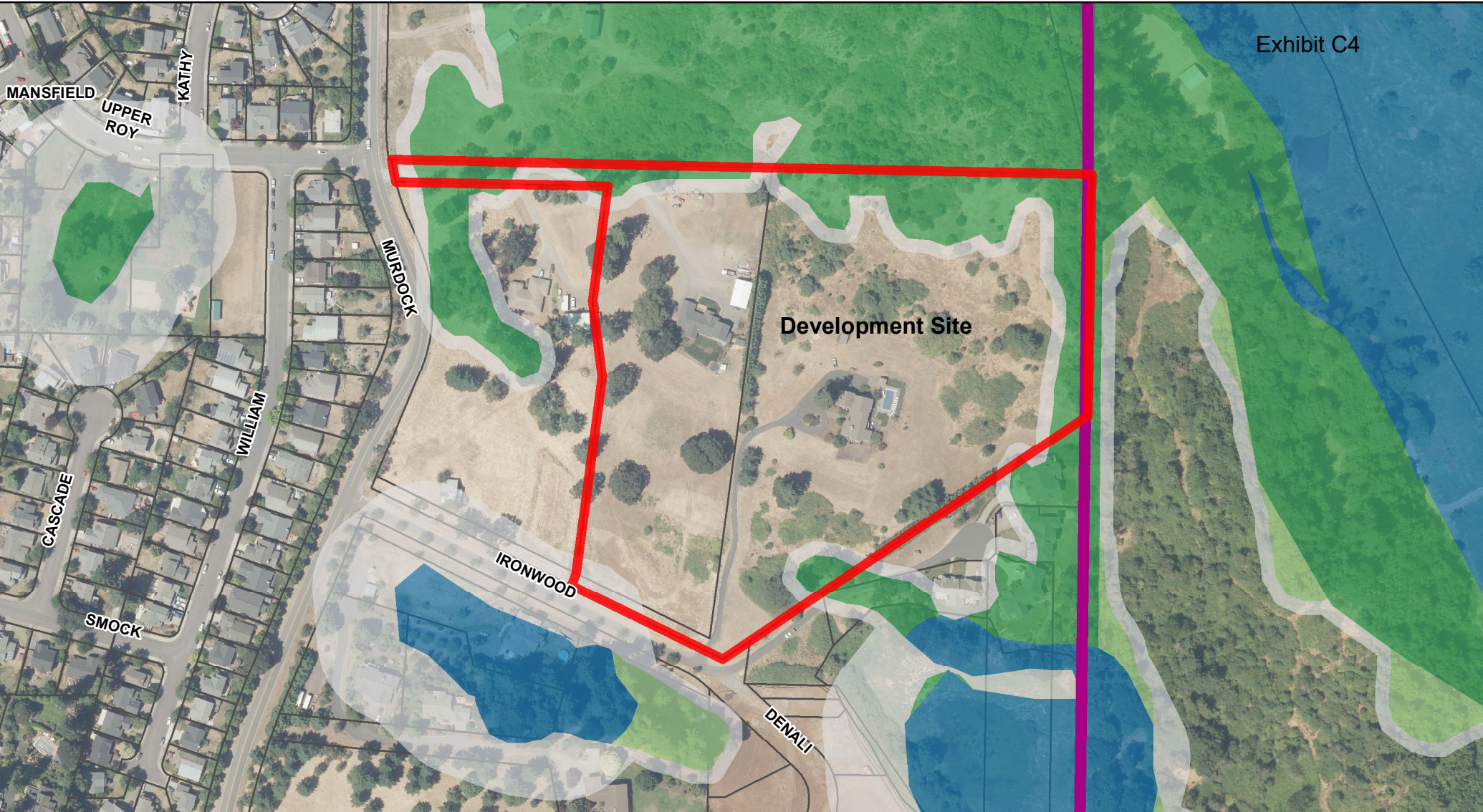
2S133CB02600

2S133CB02700

2S133CB01200

2S133CB00700

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**Title 13 - Inventory**

**Upland Wildlife Habitat Quality**

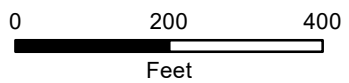
- Class A
- Class B

**Riparian Wildlife Habitat Quality**

- Class I

**Other**

- Areas Where nearby Activities have an impact on Resources
- Development Site
- Taxlots
- City Boundary



Map data provided by METRO and the City of Sherwood. The City of Sherwood's infrastructure records, drawings, and other documents have been gathered over many years, using many different formats and standards. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect; thus its accuracy is not guaranteed.





YUZON PUD  
 TAX MAP T2S R1W 33CB  
 TAX LOTS 00100 & 00200  
 SHERWOOD, OREGON

PRELIMINARY PLAT

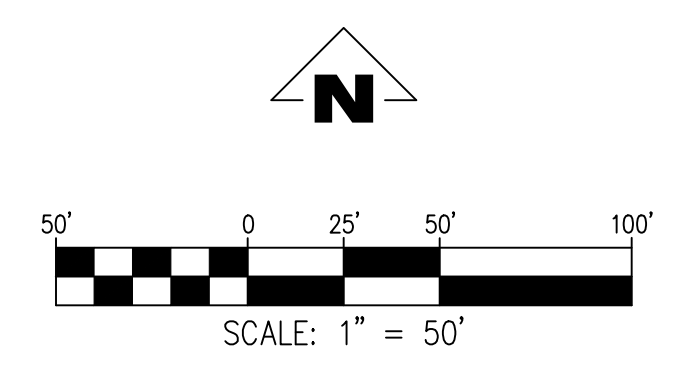
REVISIONS	
NO.	DATE
1	05/22/20
	DESCRIPTION
	1ST SUBMITTAL

**EMERIO**  
*Design*  
 6445 SW FALLBROOK PLACE, SUITE 100  
 BEAVERTON, OREGON 97008  
 TEL: (503) 746-8812  
 FAX: (503) 639-9592  
 www.emeriodesign.com

SHEET  
**04**  
 OF  
**17**

FILE: P:\0200-009 Yuzon Subdivision\dwg\civil\0200-009\_04prelim.plt, Plot Date: 11/19/2020 11:36 AM, by: Kyung Han

**PROPOSED SETBACKS**  
 FRONT: 15 FT.  
 GARAGE: 20 FT.  
 REAR: 20 FT. (EXCEPT LOTS 11 & 12 15 FT.)  
 SIDE: 5 FT.  
 STREET SIDE: 15 FT. (LOTS 3, 19, 20, 29, 30, 36 & 37)



**LEGEND**  
 - - - - - BOUNDARY LINE  
 - - - - - EASEMENT



# EMERIO *Design*

CIVIL ENGINEERS & PLANNERS

---

January 5, 2021

Eric Rutledge, Associate Planner  
City of Sherwood Mayor and City Councilors  
City of Sherwood  
22560 SW Pine Street  
Sherwood, OR 97140

**RE: Denali Summit PUD (i.e. City File # LU2020-013 PUD).**

Dear City of Sherwood Mayor and City Councilors,

Emerio Design, LLC has a long standing tradition of working with the City of Sherwood to design high quality master planned developments (PUD) in the City of Sherwood and we would like to continue that tradition with our design for the approximately 15-acre parcel that is the subject of City File # LU2020-013 PUD. As such, please accept this short letter expressing our position and thoughts as they relate to the issues/concerns raised at the December 15<sup>th</sup> City Council Public Hearing for the proposed Denali Summit PUD. The following issues/concerns will be addressed by this letter:

1. Connectivity and design of Tracts E and F
2. Reduced curve radii for public street (2 locations)
3. Open space design and accessibility
4. Rear setback for Lots 11 and 12
5. Public benefit

❖ **Connecting Tracts “E” and “F”**

**RESPONSE:** The proposed Denali Summit PUD was designed after performing extensive reviews of all applicable City of Sherwood land-use regulations, adopted Transportation System Plans, and meeting with City staff in a pre-application meeting so we could make an informed decision on how to develop the subject site.

After reviewing the City’s zoning and transportation plans and meeting with staff, it became clear that existing and recently approved streets, site topography, and retention of the existing homes would impact the design of the site. Some of the existing limitations include the retention of the existing homes on both properties, recently approved Denali Meadows PUD with the new

public street along the entire western boundary of the subject site, and topographical challenges of the site. Another limiting factor affecting street locations and lot layout was the configuration of the property. Both subject properties are long north to south and narrow east to west, which when combined with the other limiting factors listed above, severely restricts the ability of the property to be designed to achieve a rectangular grid pattern as opportunities for connectivity to the north, west and east are restricted. Because we had limited ability to extend streets to the north, west, and east for the above noted reasons, alternatives to the street layout, lotting pattern, and access points had to be considered.

The primary challenge to connecting Tracts E and F is topography and the retention of the existing Miller home. With the development of the Denali Meadows PUD, the new public street serving the PUD abuts the Miller property along the western property boundary. The elevation of the new public street in the Denali Meadows PUD is at approximately 285 feet. The proposed elevation for the new public street serving the Denali Summit PUD at the northeast end of the site is 295 feet. The elevation in between these two streets is approximately 307 feet. Thus, the elevation of the new public street serving the Denali Meadows PUD, the sites steep topography in the northern portion of the site, as well as the existing elevation of SW Ironwood Ln., create an existing street pattern and built environment that dictates how the proposed PUD is designed.

With the northwest side of the site being significantly lower in elevation than the northeast side of the site and the retention of the existing Miller family home, it has created a situation that requires two (2) private streets to serve the project. Tract F has been located on the south side of the slope (low side) to help minimize grading and to provide driveways for Lots 34 (Miller Family home lot), 39, 40, and 41 that will not be unreasonably steep. This situation is illustrated in the "Tract F Plan and Profile" sheet. Similar to Tract F, Tract E has been located on the north side or low side of the slope on the Yuzon property to help minimize grading and to provide driveways for Lots 1 – 4 that are not unreasonably steep. It has been the experience of the development team that when you have unreasonably steep driveways serving a home, then the garages and driveways on these lots tend to not be utilized for off-street parking purposes and cars overflow into the street. By minimizing the number of lots served by the private streets, the project is able to provide highly desirable driveways for all lots along the private streets.

It is the position of the Applicant that connecting the two (2) private streets would create an unsafe street, create unusable driveways for some of the lots, and place an unnecessary burden on the HOA to maintain the private street as it would likely become a cut through street. Additionally, Tract F improvements have already been permitted and are currently being installed (sewer, water and public street) as proposed as part of the Denali Meadows improvements. Also, to help facilitate a full street improvement with the development of the Denali Meadows, the Miller's recently dedicated the remaining right-of-way from their property to get a full public street improvement. The improvements that are occurring with the construction of the Denali Meadows PUD will prevent the need to patch together the remaining portion of the street, eliminate saw cuts to access the utilities, and allows the Miller property continued access until the Denali Summit PUD is constructed.

Responding to the City Council comments and in order to adequately address out of distance pedestrian travel and help reduce block lengths, the development team has added a new curb

tight 5-foot wide pedestrian sidewalk along tracts E and F. The proposed pedestrian sidewalk will connect the two public streets for pedestrian travel and will align with the northern pedestrian walkway serving the open space in Tract C. This provides excellent walking experience and is safe for pedestrians and the traffic serving the lots along the private streets. Finally, all proposed private streets will be maintained by a Homeowners Association (HOA), which reserve funds will be created and maintained, to ensure long-term future maintenance activities are adequately funded and performed and will not be a public burden. Construction of a public street simply is not feasible as it will create steep driveways, eliminate a large number of lots and effectively terminate the viability of the project.

❖ **Reduced curve radii for public street (2 locations)**

Residential streets are multifaceted places that serve numerous and, at times, competing needs. Local residents anticipate a place that is relatively quiet, that connects rather than divides their neighborhoods, where they can walk along and cross the street fairly easily and safely, and where vehicles move slowly. Other street users, such as emergency service providers, solid waste collectors, and delivery trucks, expect a place that they can safely and efficiently access and maneuver in order to perform their jobs. Obviously, balancing the needs of these different users is not an easy task.

In November of 2000 the State of Oregon published the “Neighborhood Street Design Guidelines” guidebook. The guidebook was prepared in a “workbook style” and street design, particularly street width, was a primary focus of the book. A copy of the guidebook has been submitted to the City as part of the Applicant’s response to the City Council’s concerns regarding the new proposed public street to provide additional information to the Council on local residential street design and safety.

On page 4 of the “Neighborhood Street Design Guidelines”, it notes that in 1999, planner Peter Swift studied approximately 20,000 police accident reports in Longmont, Colorado to determine which of 13 physical characteristics at each accident location (e.g., width, curvature, sidewalk type, etc.) accounts for the crash. The results were not entirely surprising: the highest correlation was between collisions and the width of the street. A typical 36-foot wide residential street has 1.21 collisions/mile/year as opposed to 0.32 for a 24-foot-wide street. The safest streets were narrow, slow, and 24-foot wide streets.

During the hearing on December 15, 2020, the City Council compared SW Dewey Drive on the west side of town to the design of the Applicant’s proposed new local residential public street. The comparison between how SW Dewey Drive functions/operates and the design and operating characteristics our proposed local residential street is simply an unfair comparison. To demonstrate this, the Applicant has provided an exhibit (i.e. Dewey Exhibit) showing an aerial view of the Woodhaven neighborhood and the relationship SW Dewey Drive has with the surrounding transportation system. When viewing the aerial photo one thing that quickly jumps out is that SW Meinecke Rd., SW Dewey Drive, and SW Woodhaven Dr. create a connected link to the surrounding neighborhoods and transportation system via the roundabout. Whether your driving from west to east from the Cedarbrook neighborhood, or from southeast to northwest from the Woodhaven neighborhood, the most convenient route is to drive SW Meinecke Rd. to

SW Dewey Drive to SW Woodhaven Dr. to gain access to the SW part of downtown when driving from the west. Conversely, when driving from the south/southeast portion of the Woodhaven neighborhood, the most expeditious route to get back to Hwy. 99 is to travel SW Woodhaven Dr. to SW Dewey Dr. to SW Meinecke Rd. via the roundabout to reach Hwy. 99. As such, SW Dewey Dr. operates like a funnel to disperse traffic to the greater surrounding transportation system, which results in higher traffic speeds and cut-through traffic on SW Dewey Drive. The increase traffic speeds can be attributed to a soft corner that can accommodate higher speeds, ingress/egress to a roundabout, and poor driving. Additionally, SW Dewey Dr. has almost direct Hwy. 99w access, is used for access to the old High School parking area, and as a cut thru to Sunset Blvd. to gain access to the skatepark and community park to the south.

Conversely, the new local residential public street proposed by the Applicant will be a 24-foot wide street with parking on one side, have two (2) 90 degree turns, and serving approximately 40 homes. The two 90-degree turns have been designed to be slow traffic and increase safety for pedestrians walking through the neighborhood. Additionally, the subject site is located on the extreme eastern edge of the City limits, so there is no ability to extend SW Ironwood Ln. to the east and the proposed street will not be extended north beyond the Mosier property due to existing residential development. As such, the proposed local residential street will not operate similarly to SW Dewey Dr. because it will not provide “cut-thru” opportunities to shorten out of distance travel, only severs a limited number of lots, and has two 90-degree curves to help keep speeds slow. As a matter of fact, the Applicant’s proposed street design is exactly the type of street design identified in the “Neighborhood Street Design Guidelines” published by the State of Oregon in November of 2000 as being the safest neighborhood street design.

For the above described reasons, it is the Applicant’s believe that the proposed street, as designed, is safe, serves only a limited number of lots, and provides no cut-thru opportunities like SW Dewey Dr. because it does not connect with the greater surrounding transportation system in a manner that would benefit a driver. The Applicant worked very closely with the City’s Engineering Department to derive the design of this street and obtained design modifications due to existing grade, rock, and need to shift the access for these lots to the west along SW Ironwood Dr. due to conflict with the SW Ironwood Ln./SW Denali Ln. intersection.

Should the City Council not agree with the Applicant that the proposed street design is safe and will reduce speeds for cars traveling though the subdivision then, as a last resort, the Applicant is agreeable to installing traffic calming in the form of “choker” points. These are not preferred by the developers as it will take away some of the driveway locations for some lots, eliminate some on-street parking spaces, and they are not welcomed by emergency service providers, solid waste collectors, and delivery trucks as it impedes their vehicles.

#### ❖ **Open space design and accessibility**

With the recent approval of the Denali Meadows and the fact that all of these PUD’s are essentially one large PUD, the Applicant would like to continue the open space theme in Denali Summit PUD by providing 5-foot pedestrian walkways through the open space areas similar to what was approved in Denali Meadows. However, to respond to the Council’s concerns

regarding the ingress/egress access ways to Tracts A and C, the Applicant has widened the pedestrian access connections 15-feet in width with 5-foot landscape strips on each side of a 5-foot hard surface walkway. These will be neighborhood walking paths that will be owned and maintained by the HOA but will have public access easement overlaid on them to allow the public to use them consistent with the recommended conditions of approval.

Both opens space tracts will be developed with a useable lawn areas, extensive walking paths with bench resting points, small tree groves, and tract C will ultimately be an extension of Tonquin wildlife corridor. Additionally, the PUD combines Tract C from the Denali Meadows PUD with Tract A from Denali Summit to make a useable connecting walking path and lawn area with benches. Tract C in Denali Summit will be a beautiful walking experience that will provide opportunities for wildlife viewing, as well as views of Mt. Hood on clear days.

#### ❖ **Rear setback for Lots 11 and 12**

During the hearing on January 5<sup>th</sup>, 2020, the Council expressed concerns with the Applicant's request to reduce the rear yard setback for Lots 11 and 12 from 20-feet to 15-feet since these lots backed up to property outside of the proposed PUD.

To address this concern, the developer is agreeable to withdrawing the requested rear yard setback reduction for the future homes on Lots 11 and 12. However, in its place, the developer requests that uncovered decks on the future homes of Lots 11 and 12 be able to encroach into the rear yard setback by 5-feet. Currently, Section 16.50.060, Decks, of the City's code allows uncovered decks which are no more than 30 inches above grade to project into the required rear yard but may not be closer than five feet from the property line. In this case, though, due to the sloping topography of Lots 11 and 12, the developer is requesting uncovered decks greater than 30 inches above grade be allowed to encroach 5 feet into the rear yard setback, which will leave 15-feet of unobstructed rear yard. In addition, the existing cedar trees located along the rear of these lots will be retained to help buffer the properties to the south.

#### ❖ **Public benefit**

A recurring topic on PUD's has been the "public benefit". Unfortunately, this is not a clear and objective standard like the other subdivision criteria, which has created confusion for the Applicant. When presenting the last two (2) PUD's (i.e. Denali and Denali Meadows) in the SE Sherwood Master Plan area to the Planning Commission and City Council, it was widely accepted by both bodies that performing the required DEQ cleanup of the contaminated soils and providing 15% of usable open space in the PUD's has meet the "public benefit" threshold.

However, with the current PUD request, it appears that the bar has moved on the "public benefit" threshold. When the SE Sherwood Master Plan was considered for adoption, it proposed the B/C alternative as the preferred master plan layout for the area. Even though the SE Sherwood Master Plan was not adopted by Council, it was adopted by reference into the VLDR zoning chapter to be used as a guide for developing the area. The B/C alternative did not contemplate any of the existing homes in the master plan boundary being retained with the development of the area. However, Figure 9 on page 21 of the SE Sherwood Master Plan did contemplate the retention of the existing homes. As a matter of fact, Figure 9 is the recommended plan for the

SE Sherwood Master Plan area should the existing homes be retained. A copy of Figure 9 has been submitted as part of this response. With the retention of the existing homes, Figure 9 shows reduced open space areas without any adjustment for new open space areas as a result of the homes being retained.

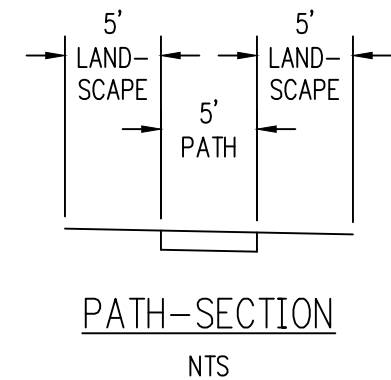
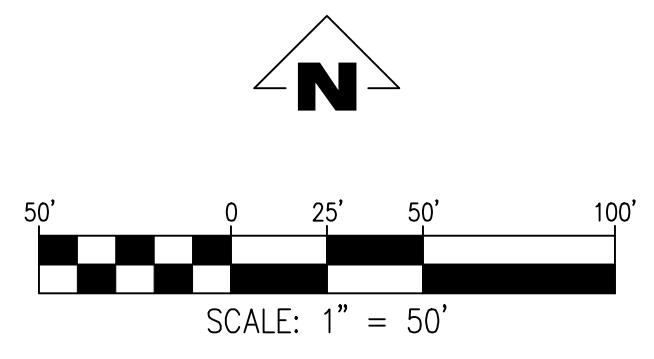
The Applicant's past proposal of Denali Meadows, which retained the existing dwelling, as well as the current PUD proposal which retains both existing dwellings, continues to provide the required 15 percent open space and walking paths contemplated in the master plan. The open space areas and connected walking paths that include a public access easement over them are a significant public benefit to the community.

In addition to the benefit the open space areas and connected walking paths provide the community, the public Benefit from this PUD vs Developing to VLDR standards are:

- With a PUD the density for an incorporated City moves closer to State mandates, which helps to reduce sprawl.
- Property tax Base increases by 40 homes vs 10 homes on one acre lots.
- Research shows walking paths and lawn play areas are some of the most used amenities of any park. The Denali PUD's will provide two (2) nice areas with lawn (i.e. Tracts A - Denali Meadows and C – Denali Summit, and Tract C in Denali Summit.
- Tract C is essentially an extension of Tonquin wildlife corridor. Increasing the buffer area for this beautiful natural area and providing opportunities for the community sit and enjoy the wildlife and views is a significant benefit.
- Tract C will provide a stubbed trail so it can be extended to the north with the development of the Moiser property.
- The new homes Park SDC's will generate \$335,000 vs \$87,000 (one acre lots) for City of Sherwood Parks.
- City and County Permit fees and SDCs will produce close to 2 million in revenue, schools will see \$160k plus in excise tax vs \$40k (one acre lots).
- The DEQ required cleanup is a significant public benefit and an extremely costly benefit. The need for this important clean up, as well as the other physical constraints of the land, has caused the land in the SE Sherwood Master Plan area to sit undeveloped for decades until JT Roth Construction took the giant leap to address this problem. Very significant public benefit.

It is the believe of the development team that based on past PUD approvals for the SE Sherwood Master Plan area, the proposed PUD has met the burden of providing a public benefit. Together, the PUD's are providing open space is excess of 15 percent, they are well thought out with two (2) lawn areas for public use, a looping trail network with potential for future connections to the north, HOA's do not like bearing the increased liability and maintenance associated with of play equipment as it increase insurance costs, HOA dues, and risk of lawsuits (there are two (2) major parks within walking distance). For these reasons and past PUD approvals for land withing the SE Sherwood Master Plan area, the development team believes the public benefit has been met with the proposed PUD.





YUZON PUD

TAX MAP T2S R1W 33CB  
TAX LOTS 00100 & 00200  
SHERWOOD, OREGON

SITE EXHIBIT

REVISIONS	
NO.	DATE
1	05/22/20
DESCRIPTION	
1ST SUBMITTAL	

**EMERIO**  
*Design*

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SHEET

14

OF

17

# DENALI SUMMIT OPEN SPACE CONCEPT PLAN

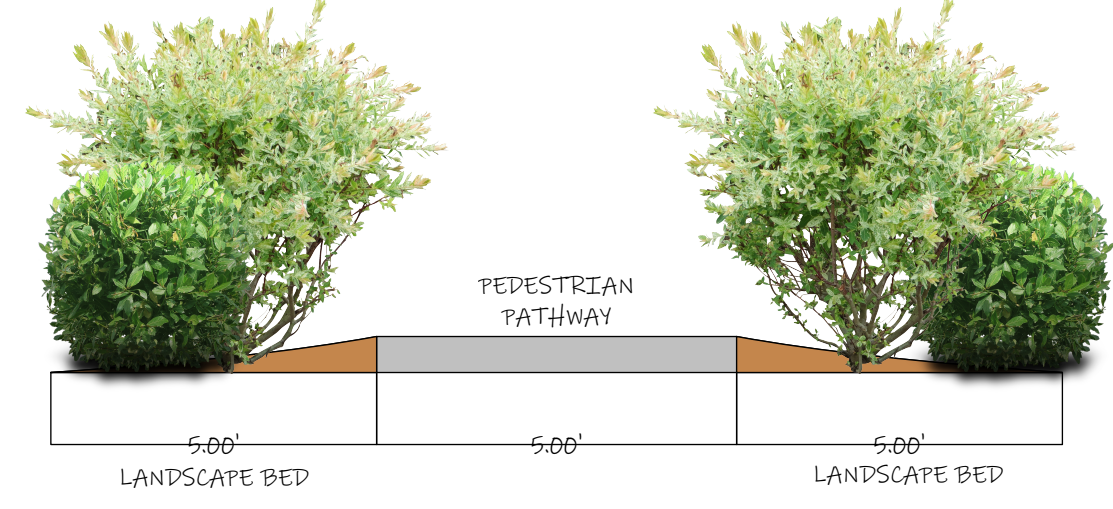
## PLANT LIST

SYMBOL	QTY.	SUGGESTED PLANT MATERIAL	SIZE	SPACING
<b>TREES</b>				
	29	ACER RUBRUM 'FRANKSRED' Red Sunset Maple	2" cal.	As Shown
	6	CERCIS CANADENSIS Eastern Redbud	6'-8" ht.	As Shown
	0	CARPINUS BETULUS PYRAMIDALIS European Hornbeam	2" cal.	As Shown
	12	PINUS FLEXILIS 'VANDERWOLF'S PYRAMID' Limber Pine	5' ht.	As Shown
	55	ZELKOVA SERRATA 'VILLAGE GREEN' Village Green Zelkova	2" cal.	As Shown
<b>EXISTING TREES</b>				
	2	DECIDUOUS TREE	VARIES	
	62	EVERGREEN TREE	VARIES	

SYMBOL	QTY.	SUGGESTED PLANT MATERIAL	SIZE	SPACING
<b>SHRUBS</b>				
	56	CARYOPTERIS X CLANDONENSIS Blue Mist Bluebeard	2 gal.	4' o.c.
	57	ILEX GLABRA 'SHAMROCK' Shamrock Ligustrum	2 gal.	4' o.c.
	21	MYRICA CALIFORNICA Pacific Wax Myrtle	5 gal.	6' o.c.
	32	VACCINIUM OVATUM Evergreen Huckleberry	2 gal.	3' o.c.
	86	VIBURNUM TINUS 'COMPACTUM' Spring Bouquet Laurustinus	2 gal.	4' o.c.
<b>GROUNDCOVER &amp; PERENNIALS</b>				
	260	ARCTOSTAPHYLOS UVA-URSI Rhinemunk	1 gal.	3' o.c.
	339	MAHONIA REPENS Creeping Oregon Grape	2 gal.	3' o.c.
	124	POLYSTICHUM MUNIFOLIUM Western Sword Fern	1 gal.	3' o.c.
	124	MAHONIA REPENS Creeping Oregon Grape	1 gal.	3' o.c.
	124	ARCTOSTAPHYLOS UVA-URSI Rhinemunk	1 gal.	3' o.c.
	86	PENNISETUM ALOPECUROIDES 'HAMEL' Hammock Dwarf Fountain Grass	1 gal.	3' o.c.
<b>SEEDED AREAS</b>				
		PT 764 R/R Eco-turf mix	Seed	5-7 lbs/1000 sq.ft.
		PT 705 Xeriscape Lawn Alternative	Seed	2 lbs/1000 sq.ft.
		(1) 6' BENCH WITH BACKREST ON CONCRETE PAD		

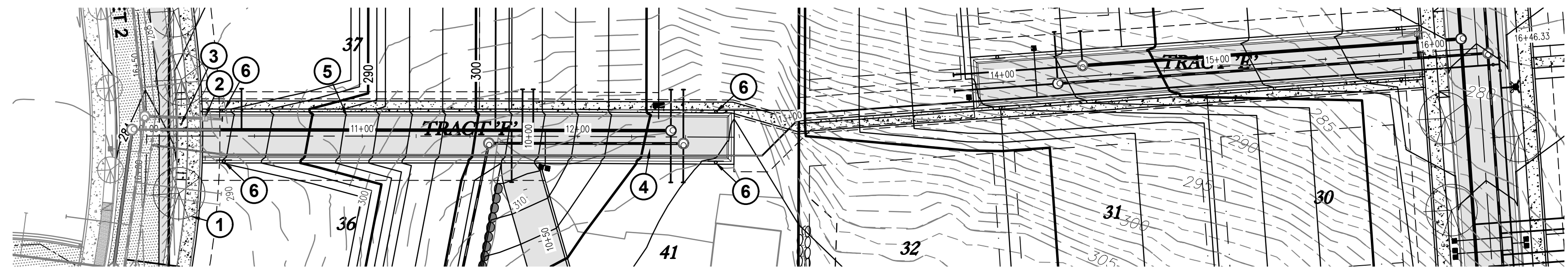


## PEDESTRIAN WALKWAY CROSS-SECTION

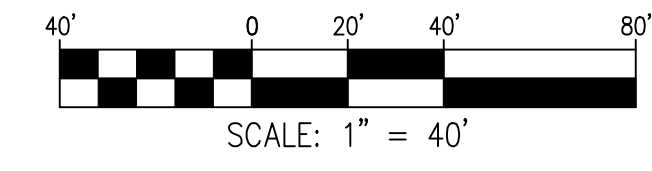


Project: Denali Summit Subdivision  
**Tree Density Calculations:**  
 Project Zoning: Residential (Single-family & two-family developments)  
 Required Site Coverage: 40%

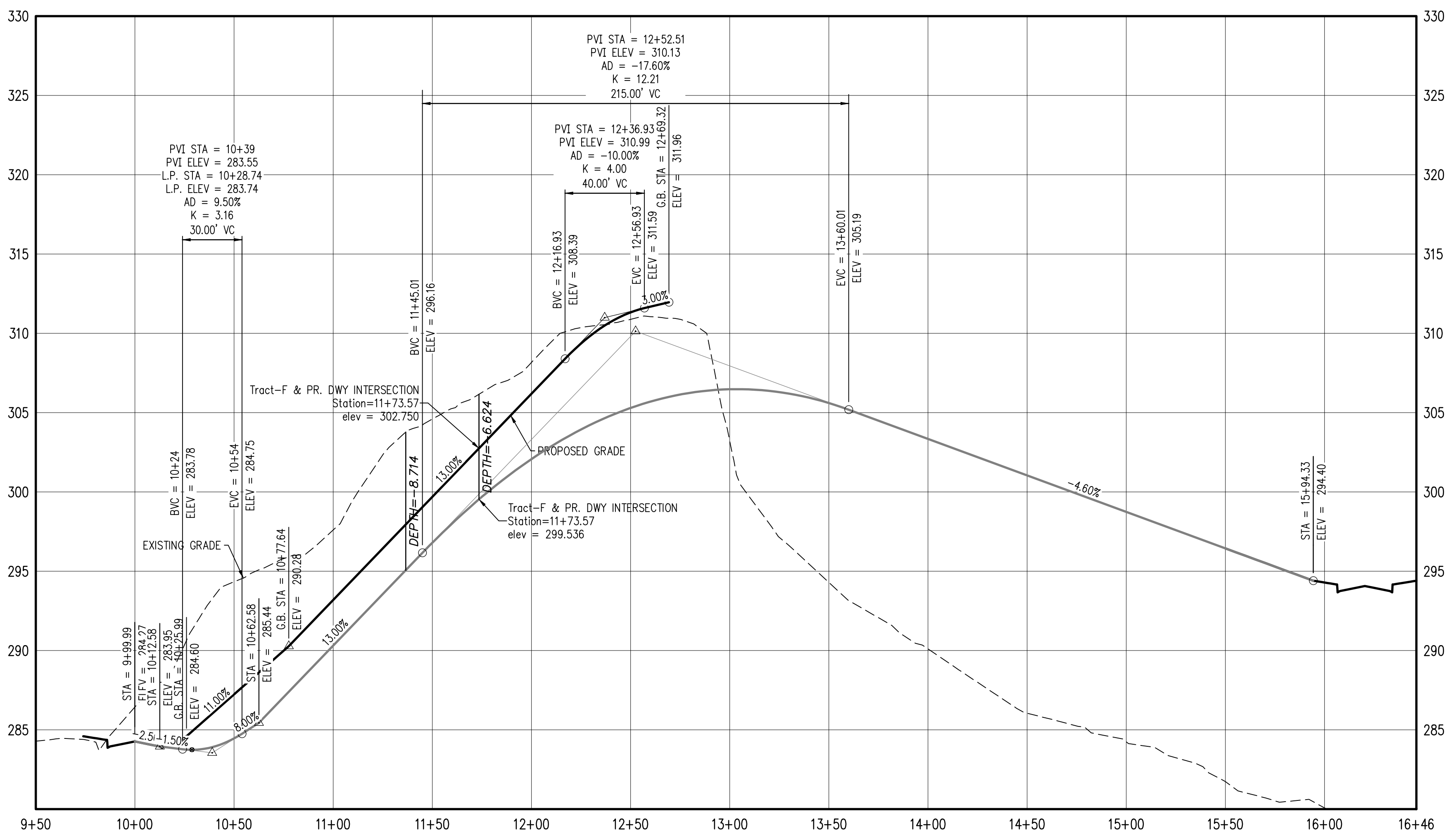
TREE NAME	QUANTITY	MATURE SPREAD (FT.)	CANOPY AREA (SF)	CANOPY COVERAGE (SF)
<b>EXISTING TREES (COUNT AS TWO):</b>				
Evergreen	62	30	707	87688
Deciduous	2	40	1257	5028
<b>PROPOSED NEW TREES:</b>				
ACER RUBRUM 'FRANKSRED'	29	40	1257	36453
CERCIS CANADENSIS	6	35	962	5772
CARPINUS BETULUS PYRAMIDALIS	0	35	962	0
ZELKOVA SERRATA 'VILLAGE GREEN'	55	36	1018	55990
PINUS FLEXILIS 'VANDERWOLF'S PYRAMID'	12	30	707	8484
			<b>TOTAL CANOPY COVERAGE</b>	<b>199,395</b>
			<b>TOTAL SITE AREA</b>	<b>454,849</b>
			<b>PERCENT CANOPY COVERAGE</b>	<b>44%</b>



**TRACT 'F' - PLAN**  
SCALE: 1" = 40'



THIS EXHIBIT SHOWS THE GRADING REQUIRED TO MAKE TRACT E & F MEET THE REQUIRED VERTICAL GEOMETRY FOR PUBLIC STREETS. CONCLUSIONS: THE ACCESS TO THE MILLER EXISTING HOME WILL BE TOO STEEP, ADDITION ROCK EXCAVATION WILL REQUIRED.



**TRACT 'F' - PROFILE**  
SCALE: 1" = 40' H, 1" = 5' V

**LEGEND**

- BOUNDARY LINE
- - - EASEMENT
- 108--- EXISTING 2' CONTOUR LINE
- 110--- EXISTING 10' CONTOUR LINE
- EXISTING CROWN (CENTER LINE OF ROAD)
- █ EXISTING DOWNSPOUT
- SD EXISTING STORM DRAIN LINE
- SS EXISTING SANITARY SEWER LINE
- W EXISTING WATER LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED SANITARY MANHOLE
- ▲ PROPOSED BLOWOFF
- PROPOSED WATER VALVE
- 108--- PROPOSED 2' CONTOUR LINE
- 110--- PROPOSED 10' CONTOUR LINE

- NOTES:
- ① PROPOSED SIDEWALK
  - ② PROPOSED LYNCH TYPE CATCH BASIN
  - ③ PROPOSED DRIVEWAY APPROACH
  - ④ PROPOSED AC PAVEMENT
  - ⑤ PROPOSED MOUNTABLE CURB
  - ⑥ PROPOSED 'NO PARKING' SIGN

THEORETICAL VERTICAL PROFILE OF TRACT E/F (IF DESIGNED TO PUBLIC ROADWAY STANDARDS)

REASONS THIS DOES NOT WORK:  
ELIMINATES ACCESS TO THE EXISTING HOME ON LOT 34  
CREATES THREE TO SIX FEET OF ADDITIONAL ROCK EXCAVATION FOR THIS PROFILE.

YUZON PUD

TAX MAP T2S R1W 33CB  
TAX LOTS 00100 & 00200  
SHERWOOD, OREGON

**TRACT F PLAN & PROFILE**

REVISIONS	
NO.	DATE
1	05/22/20
DESCRIPTION	
1ST SUBMITTAL	

**EMERIO**  
*Design*

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## IV. Recommended Plan

### Overall Character

The recommended plan (Alternative B/C) is a 55-acre neighborhood characterized by a mix of large- and medium-lot homes, a variety of open spaces, and a network of streets and paths. It is designed as a walkable neighborhood. The design strikes a balance between compatibility with adjacent uses and densities that are characteristic of Sherwood's low density neighborhoods. The layout generally follows the existing ownership boundaries in order to facilitate future land use approvals.

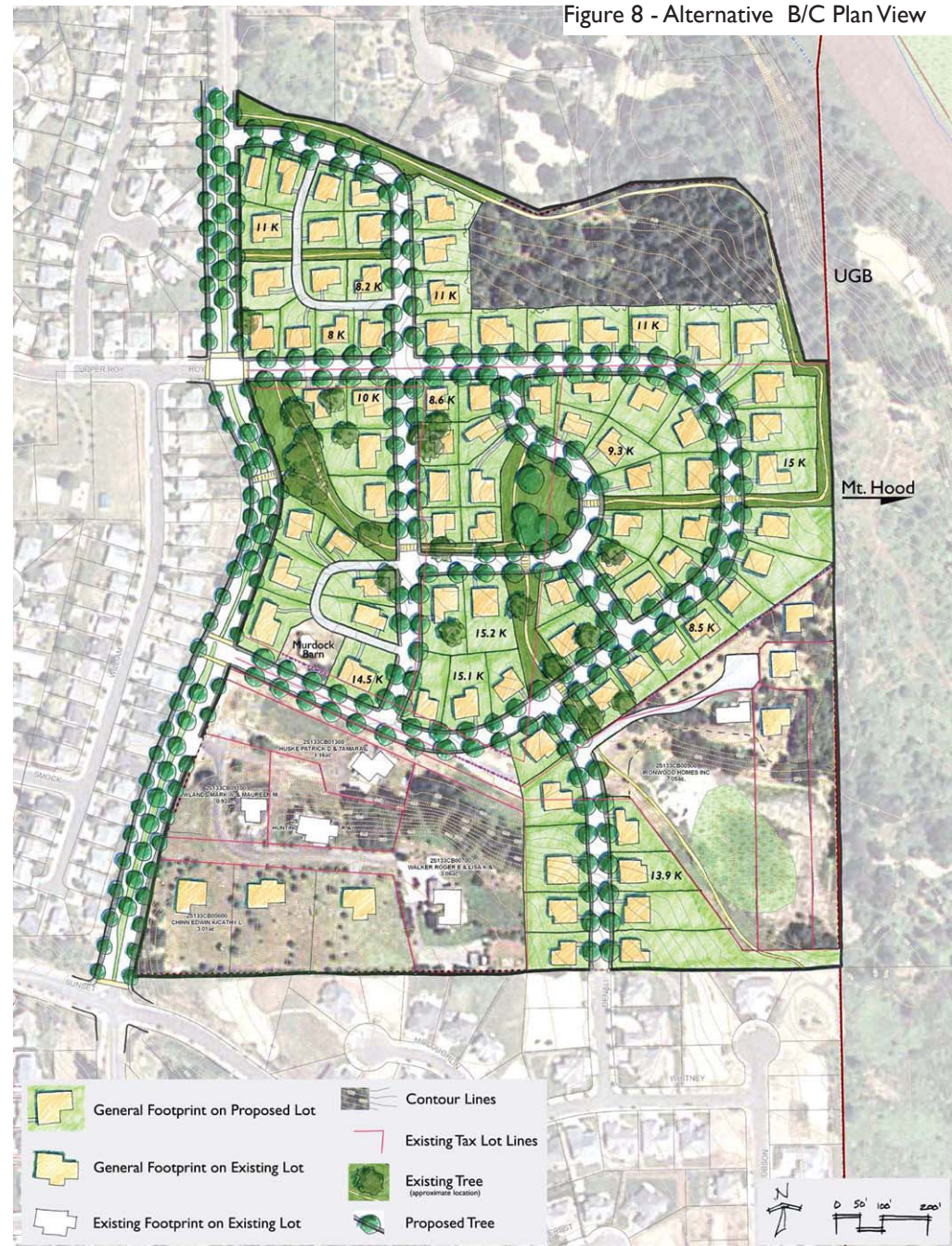
### Residential Density

The 82 new lots on this plan have an approximate gross density of 2.2 units per acre, not including existing lots. The approximate net density is 4.4 units per acre, when streets and open space are not included. Development of this plan would require a text change to the Sherwood Zoning and Development Code Very Low Density Residential (VLDR) zoning district to allow approval as a Planned Unit Development.

### Coordination with Existing Ownerships

The design of the neighborhood conforms very closely to the pattern of existing ownerships. Wherever possible, existing parcel lines have been used as the boundary for streets or lots. This will enable separate land use approvals that, together, will knit into a cohesive neighborhood plan. Some refinements to the plan will be required during implementation.

Figure 8 - Alternative B/C Plan View



**Housing Variety**

The plan includes 82 “new” lots, i.e. the colored lots illustrated on Figure 8. These comprise the undeveloped portions of the site. The plan assumes that four existing homes would be redeveloped. Two of these redeveloped homes (tax lots 2S 1 33 CB 200 and 300, see figure 2) are consistent with input received from property owners. With small refinements, all four of these homes could be easily incorporated into the recommended plan.

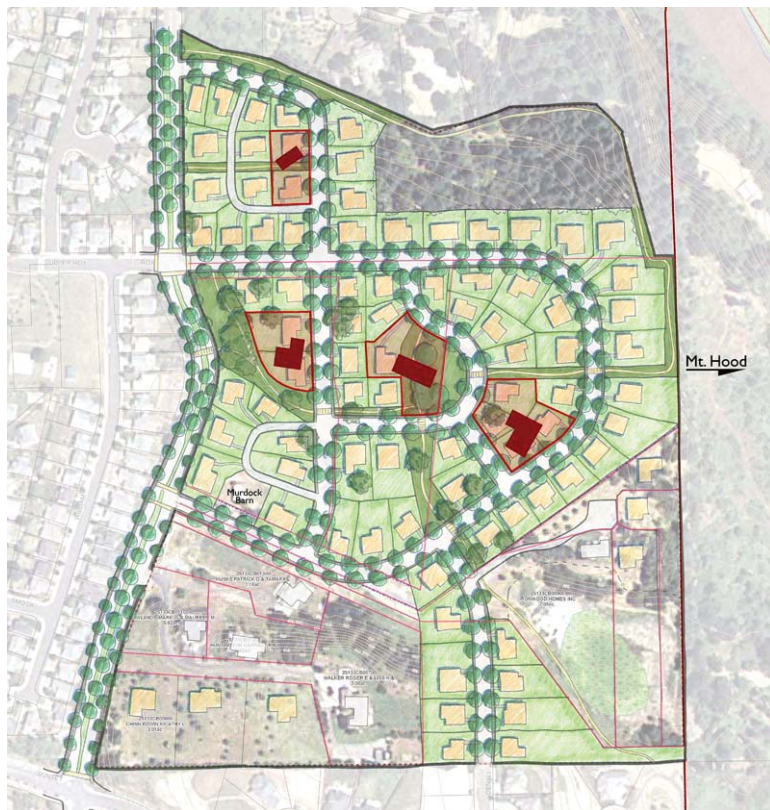


Figure 9 - Recommended Plan with existing homes and lot lines highlighted.

The plan also has 11 lots on existing or future one acre parcels. These include the southwest corner and the four lots comprising Ironwood Estates, a subdivision approved in May 2004. The property owners in the southwest corner of the site do not want further subdivision of their properties.

The overall transition of lot sizes is a “transect” of increasing density from 1-acre lots in the southwest corner, to approximately 15,000 square-foot new lots in the south and middle areas, to 8,000 – 10,000 square feet in the north. This method of design provides a buffer to the existing homes and intensifies towards the center of the plan area, away from the existing neighborhood.

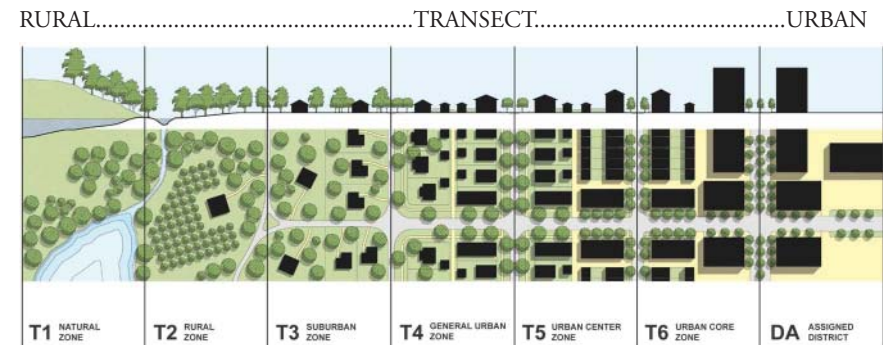
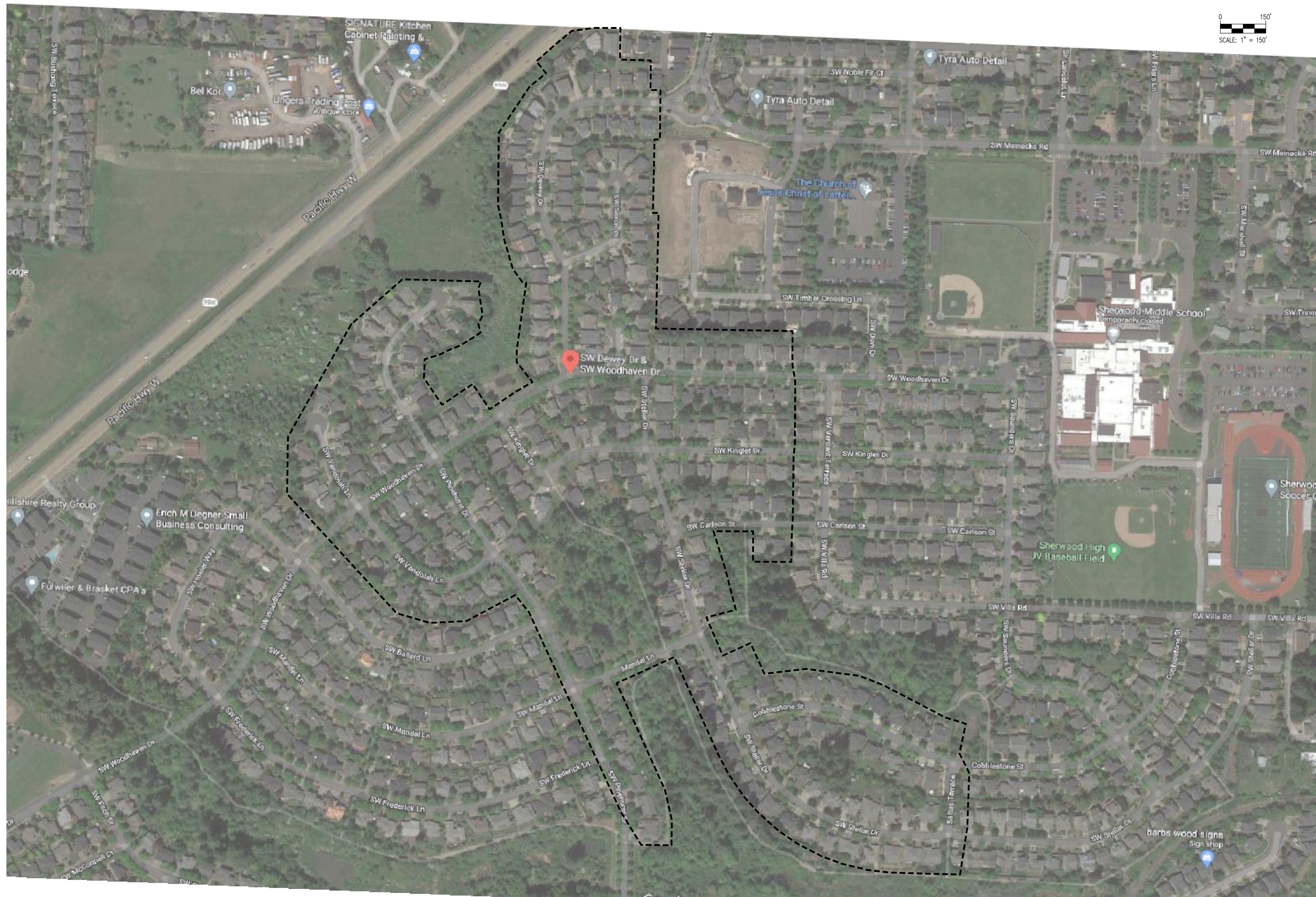
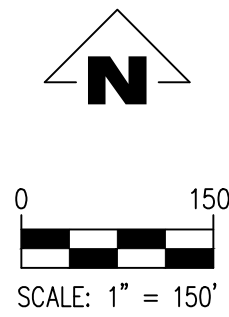


Figure 10 - Transect Diagram.

This diagram illustrates a complete application of transect design, from central city to rural edge. Courtesy of Duany Plater - Zyberk & Company.

SERVING 295 HOUSES



YUZON PUD  
 TAX MAP T2S R1W 33CB  
 TAX LOTS 00100 & 00200  
 SHERWOOD, OREGON

DEWEY EXHIBIT

REVISIONS	
NO.	DATE
1	05/22/20
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FILE: P:\0200-009\Yuzon\_Subdivision\dwg\plan\0200-009\_dewey Layout: 15\_AERIAL AND NEIGHBORHOOD CIRCULATION MAP, Plot Date: 1/5/2021 10:21 AM, by: Kyung Han



# NEIGHBORHOOD STREET DESIGN GUIDELINES

*An Oregon Guide  
for Reducing Street Widths*

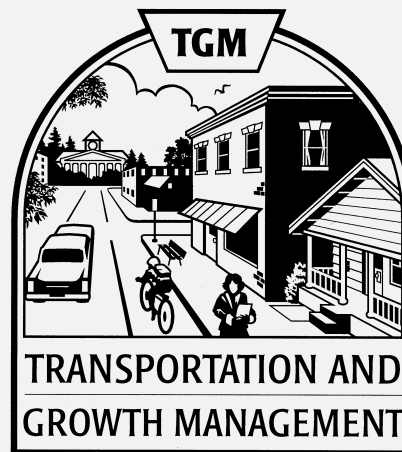
**A Consensus Agreement  
by the Stakeholder Design Team**

**November  
2000**

**Prepared by the  
Neighborhood Streets  
Project Stakeholders**

*This guidebook is dedicated to the memory of  
**Joy Schetter**  
who passed away before she could see the  
remarkable success of this project.*

*Joy's leadership, hard work, calm manner, and  
ability to work with all of the stakeholders  
were key factors in that success.*



*Funding for this project was provided from  
two State of Oregon programs:*

the Public Policy Dispute Resolution Program  
and  
the Transportation and Growth Management  
(TGM) Program.

TGM is a joint program between the  
Oregon Department of Transportation and the  
Department of Land Conservation and Development.

The TGM Program relies on funding from the  
Federal Transportation Efficiency Act  
for the Twenty-First Century (TEA -21)  
and the State of Oregon.

**2nd Printing - June 2001**

*Includes minor clarifications to the sections on residential fire sprinklers (pages 9 and 16.)*



**JOHN A. KITZHABER, M.D.**  
GOVERNOR



February 16, 2001

To the Citizens of Oregon:

I am pleased to present to Oregon's communities a new publication called *Neighborhood Street Design Guidelines*. This handbook is a valuable tool for local governments. In workbook style, it recommends a process for development of street standards, provides important information to help communities consider and decide on the standards, and includes model designs as a starting point.

Street design, in particular street width, has been an important issue in Oregon for the past decade. Oregon's award-winning Transportation Planning Rule, adopted in 1991, requires local governments to minimize street width considering the operational needs of the streets. Also, citizens and planners in many Oregon communities, as well as towns across the country, have advocated for narrower streets as part of a larger movement to build more livable neighborhoods.

The desire to reduce the standards for street widths raises concerns about large vehicle access, especially emergency service providers who need to reach their destinations fast. The issue has resulted in heated debate in some communities and among state agencies and statewide organizations.

This document is the result of hard work and commitment of individuals who joined in a collaborative process to reconcile the multiple uses of our neighborhood streets. Many thanks to the Neighborhood Streets Project Stakeholders, Design Team members, and reviewers for the time and expertise they contributed to this effort.

A handwritten signature in black ink, appearing to read "John A. Kitzhaber".

John A. Kitzhaber, M.D.  
Governor

## PROJECT STAKEHOLDERS

### ***These Guidelines have been endorsed by . . .***

- Office of the State Fire Marshal
- Oregon Fire Chiefs Assoc.
- Oregon Fire Marshal's Assoc.
- Oregon Chiefs of Police Assoc.
- Oregon Refuse and Recycling Assoc.
- Oregon Building Industry Assoc.
- Oregon Chapter of the American Planning Assoc.
- Oregon Chapter of the American Public Works Assoc.
- Assoc. of Oregon City Planning Directors
- Livable Oregon, Inc.
- 1000 Friends of Oregon
- Oregon Department of Land Conservation & Development
- Oregon Department of Transportation
- Metro also supports the guidelines and has adopted a specific set of guidelines for the Portland metropolitan region.

### **\* Design Team Members**

*The Design Team was responsible for the overall collaborative process with assistance from a facilitator and DLCD staff. The Design Team vested themselves with responsibility for negotiating the issues and guiding the development of this agreement.*

## **Fire/Emergency Response**

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- \* Jeff Grunewald (Tualatin Valley Fire & Rescue)
- \* Burton Weast (Oregon Fire District Directors' Association)  
Gary Marshall (City of Bend Fire Marshal)  
Ken Johnson (for Michael Sherman, Oregon Fire Chiefs Association)  
Debbie Youmans (Oregon Chiefs of Police Association)

## **Service Providers**

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- Kristan Mitchell (Oregon Refuse and Recycling Association)
- John Fairchild (School Board Association)

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- \* Ernie Platt (Oregon Building Industry Association)
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- Ryan O'Brien (LDC Design Group)

## **Transportation Engineers/Planners**

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Peter Fernandez (City of Salem)

## **Public Works**

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- \* Amber Cole Hall (Livable Oregon, Inc.)  
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## **City Representatives**

- \* John McLaughlin (City Planning Directors' Association; Community Development Director, City of Ashland)  
Cameron Gloss (City of Klamath Falls)  
Jan Fritz (City Councilor of Sublimity)  
Allen Lowe (City of Eugene Planning)  
John Legros (City of Central Point Planning Commissioner)  
Bob Dean (City of Roseburg Planning Commission Chair)  
Margaret Middleton (for Randy Wooley, City of Beaverton Engineering)

## **County Representative/Planner**

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Keri Green (Keri Green and Associates, Ashland, Oregon)

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*Many thanks to the  
Neighborhood Streets Project Stakeholders,  
Design Team Members, and the  
Community of Reviewers  
for the time and expertise  
they contributed to this effort.*

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## I. Introduction

The standards for the design of local streets, in particular the width of streets, has been one of the most contentious issues in local jurisdictions in Oregon for the past decade. The disagreements have also been fought at the state level among state agencies and advisory, advocacy, and professional groups that have sought to influence decisions made at the local level. Previous efforts of these groups to provide guidance have failed because of lack of consensus.

This document is the result of the hard work of a group of diverse stakeholders that finally developed that consensus. *Neighborhood Street Design Guidelines* was developed to help local governments consider and select neighborhood street standards appropriate for their communities. As the title attests, the handbook provides guidelines and is not prescriptive. The authors hope that the consideration of the guidelines and examples will stimulate creative ideas for street designs in local communities.

This guidebook explains the issues surrounding the width of neighborhood streets with respect to livability and access for emergency and other large vehicles. It recommends a community process for developing neighborhood street width standards, a checklist of factors that should be addressed in that process, street cross-sections, and a list of resources that provide additional information. The guidelines are intended for *local* jurisdiction streets that carry limited traffic, not collectors or arterials. They are not intended, nor are they to be used on state highways.

## II. The Issues

### *Why Narrow Streets?*

Streets are key determinants of neighborhood livability. They provide access to homes and neighborhood destinations for pedestrians and a variety of vehicle types, from bicycles and passenger cars to moving vans and fire apparatus. They provide a place for human interaction: a place where children play, neighbors meet, and residents go for walks and bicycle rides. The design of residential streets, together with the amount and speed of traffic they carry, contributes significantly to a sense of community, neighborhood feeling, and perceptions of safety and comfort. The fact that these may be intangible values makes them no less real, and this is often reflected in property values.

The width of streets also affects other aspects of livability. Narrow streets are less costly to develop and maintain and they present less impervious surface, reducing runoff and water quality problems.

The topic of automobile speeds on neighborhood streets probably tops the list of issues. Where streets are wide and traffic moves fast, cities often get requests from citizens to install traffic calming devices, such as speed humps. However, these can slow response times of emergency service vehicles creating the same, or worse, emergency response concerns than narrow streets.

Oregon's Land Conservation and Development Commission recognized the values associated with narrow street widths when it adopted the Transportation Planning Rule. The rule requires local governments to establish standards for local streets and accessways that minimize pavement width and right-of-way. The rule requires that the standards provide for the operational needs of streets, including pedestrian and bicycle circulation and emergency vehicle access.

### *Why Are Emergency Service Providers Concerned?*

Street width affects the ability of emergency service vehicles to quickly reach a fire or medical emergency. Emergency service providers and residents alike have an expectation that neighborhood streets provide adequate space for emergency vehicles to promptly reach their destination and for firefighters to efficiently set up and use their equipment.

Fire equipment is large and local fire departments do not have full discretion to simply "downsize" their vehicles. Efforts by some departments to do this have generally not been successful, since these smaller vehicles did not carry adequate supplies for many typical emergency events.

The size of fire apparatus is driven, in part, by federal Occupational Health and Safety Administration (OSHA) requirements and local service needs. The regulations require that fire trucks carry considerable equipment and that firefighters ride completely enclosed in the vehicle. In addition, to save money, fire departments buy multi-purpose vehicles that can respond to an emergency like a heart attack or a traffic accident, as well as a fire. These vehicles typically provide the

first response to an emergency. An ambulance will then provide transport to a hospital, if needed. To accommodate the need to move the vehicles and access equipment on them quickly, the Uniform Fire Code calls for a 20-foot wide clear passage.

The risk of liability also raises concerns about response time and the amount of equipment carried on trucks. A successful lawsuit in West Linn, Oregon found that a response time of eight minutes was inadequate. The National Fire Protection Association, which is the national standard-setting body for the fire service, is proposing new rules that would require a maximum four-minute response time for initial crews and eight-minute response for full crews and equipment for 90% of calls. Fire departments have also been sued for not having the proper equipment at the scene of an accident. This puts pressure on departments to load all possible equipment onto a vehicle and increases the need to use large vehicles.

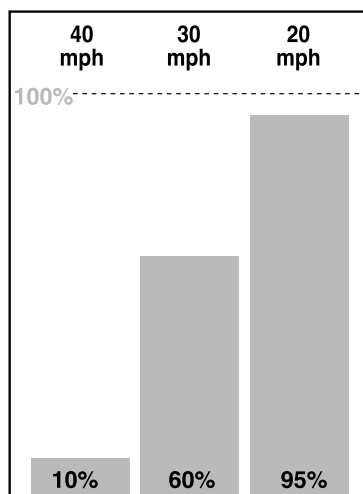
### III. Background

Residential streets are complex places that serve multiple and, at times, competing needs. Residents expect a place that is relatively quiet, that connects rather than divides their neighborhood, where they can walk along and cross the street relatively easily and safely, and where vehicles move slowly. Other street users, including emergency service providers, solid waste collectors, and delivery trucks, expect a place that they can safely and efficiently access and maneuver to perform their jobs. Clearly, balancing the needs of these different users is not an easy task.

Oregon's cities reflect a variety of residential street types. In many older and historic neighborhoods built between 1900 and 1940, residential streets typically vary in width in relation to the length and function of the street. In many cases, a typical residential street may be 24 feet to 28 feet in width with parking on both sides. However, it is not uncommon to find streets ranging from 20 feet to 32 feet in width within the same neighborhood. Newer subdivisions and neighborhood streets built since 1950 tend to reflect a more uniform design, with residential streets typically 32 feet to 36 feet in width with parking on both sides and little or no variation within a neighborhood.

**Designs For Livability.** Over the last decade, citizens, planners, and public officials throughout the United States have expressed increased interest in development of compact, pedestrian-friendly neighborhoods. The design of neighborhood streets is a key component in this effort. Nationally, the appropriate width and design of neighborhood streets has been the subject of numerous books and articles targeted not just to the planning and development community, but also the general population. In May 1995, *Newsweek* magazine featured an article on neotraditional planning that listed reducing the width of neighborhood streets as one of the “top 15 ways to fix the suburbs.” In addition, developments such as Kentlands in Maryland and Celebration in Florida have gained fame by incorporating many of the features of traditional, walkable neighborhoods and towns, including narrow neighborhood streets.

**Chances of a Pedestrian Surviving a Traffic Collision**



**Survival Rates**

Graphic adapted from “Best Management Practices,” Reid Ewing, 1996; data from “Traffic Management and Road Safety,” Durkin & Pheby, 1992.

**Safe and Livable.** There is growing appreciation for the relationship between street width, vehicle speed, the number of crashes, and resulting fatalities. Deaths and injuries to pedestrians increase significantly as the speed of motor vehicles goes up. In 1999, planner Peter Swift studied approximately 20,000 police accident reports in Longmont, Colorado to determine which of 13 physical characteristics at each accident location (e.g., width, curvature, sidewalk type, etc.) accounts for the crash. The results are not entirely surprising: the highest correlation was between collisions and the width of the street. A typical 36-foot wide residential street has 1.21 collisions/mile/year as opposed to 0.32 for a 24 foot wide street. The safest streets were narrow, slow, 24-foot wide streets.

**Award-Winning Neighborhoods.** In Oregon, citizens, non-profit organizations, transportation advocates, and state agencies interested in the livability of our communities have advocated reducing the width of neighborhood streets. Several new developments that include narrow neighborhood streets such as Fairview Village in Fairview, West Bend Village in Bend, and Orenco Station in Hillsboro have received *Governor’s Livability Awards* (See Appendix A for contact



*information*). Although cited as models of livable communities, the narrow street widths included in these developments are not allowed in many of Oregon's cities, often because of concerns about emergency service access.

***Emergency Response.*** The movement to reduce street standard widths raised concerns with emergency service providers. Thus, the most controversial issue facing Oregon's fire departments in the past decade has been street width. Fire departments must move large trucks, on average, 10 feet wide mirror-to-mirror.

Response times can be slowed depending upon the amount of on-street parking and traffic encountered. Narrow streets lined with parked cars may not provide adequate space for firefighters to access and use their equipment once they have reached the scene of an emergency. In addition, emergency vehicle access can be completely blocked on streets that provide less than 10 feet of clear travel width.

***Authority to Establish Standards.*** Prior to 1997, there had been some confusion over who had the authority to establish street standards. Oregon's land use laws grant local governments the authority to establish local subdivision standards, which include street widths (ORS 92.044). However, the *Uniform Fire Code*, which was adopted by the State Fire Marshal and is used by many local governments to establish standards for the prevention of and protection from fires, includes standards which affect the width and design of streets. The *Uniform Fire Code* is published by the Western Fire Chiefs and the International Congress of Building Officials as partners.

This question of authority was clarified in 1997 when ORS 92.044 was amended to state that standards for the width of streets established by local governments shall *"supersede and prevail over any specifications and standards for roads and streets set forth in a uniform fire code adopted by the State Fire Marshal, a municipal fire department or a county firefighting agency."* ORS 92.044 was also amended to establish a consultation requirement for the local governments to *"consider the needs of the fire department or fire-fighting agency when adopting the final specifications and standards."*

#### IV. Collaborative Process

This project was undertaken to:

*“Develop consensus and endorsement by stakeholders on a set of flexible guidelines for neighborhood street designs for new developments that result in reduced street widths.”*

The collaborative process relied on two groups of stakeholders. A larger group was comprised of a broad cross-section of interest groups and numbered about thirty people from around the state. A core team of nine members, a subset of the larger group, was convened to guide the collaborative problem-solving process, working in conjunction with the consultant and staff. This “Design Team” consisted of representatives from these groups: special districts, fire service, state fire marshal, non-profit advocacy, traffic engineering, builder/developer, city planner, public works, and a representative from the Department of Land Conservation and Development.

The Design Team’s responsibilities were to recommend participants for the larger collaborative working group, determine the priority interests, recommend a statewide endorsement and implementation process, and provide input on technical presentations required. At the Design Team’s first meeting, they decided to assign themselves the task of creating the draft street design guidelines. They would take their products to the larger group for input, recommendations, and eventual endorsement. Consensus would be sought within the Design Team before going to the large group. Likewise, consensus at the large group would be fundamental to achieving the project’s goals.

The large group was instrumental in providing actual scenarios of community experiences to the Design Team. They also helped enlarge the scope of affected parties and corresponding issues by including other service providers that use large vehicles, such as school busses and solid waste haulers. Members of the large group provided valuable reference materials to the Design Team. They provided substance that had been over-looked on more than one occasion. Large group members were pleased to know that a core team of well-respected stakeholders was representing their interests. The Design Team engaged the large group at significant junctures in its work.

## V. A Community Process for Adopting Standards

Unique issues will arise in each community, whether related to hills, higher density neighborhoods, or existing street patterns. Close collaboration with fire and emergency service providers, public works agencies, refuse haulers, and other neighborhood street users must be maintained throughout the process. This will ensure that the standards developed to meet the general goals of the community will also meet the specific needs of different stakeholder groups.

*Through broad-based involvement, educational efforts, and sensitive interaction with stakeholders, a community can adopt new street standards that will meet the transportation needs of the citizens, while providing and encouraging a very livable residential environment.*

The following steps reflect a realistic process development and local government adoption of standards for narrow neighborhood streets.

### Steps for Local Government Consideration and Adoption of Neighborhood Street Standards

1. Determine stakeholders
2. Inform/Educate: What is the value of narrow residential street standards?
3. Ensure dialogue among stakeholders
4. Identify specific issues, such as seasonal needs and natural features
5. Prepare draft standards
6. Review draft with stakeholders/officials /public
7. Revise, conduct public review, and adopt standards
8. Implement and ensure periodic evaluation

***Determine stakeholders.*** There are many benefits to a community adopting narrow street standards. Many stakeholders share an interest in residential transportation issues. These stakeholders must be included from the outset of any new street standard adoption process.

**Inform and Educate.** A community or jurisdiction considering the adoption of narrow residential street standards must conduct an open and information-intensive process. Narrow streets have many advantages for a community, including slower traffic speeds and increased neighborhood livability. But there are some access trade-offs. A strong educational component involving city council members, planning commissioners, community groups, developers and emergency service providers must be conducted at the beginning of the process. Agreement about the value of narrow streets, i.e., slow speeds, safer pedestrian environments, and more livable neighborhoods must be understood and agreed to prior to beginning to develop specific standards. There are many educational resources available including printed materials, videos, and professional speakers willing to share their experience.

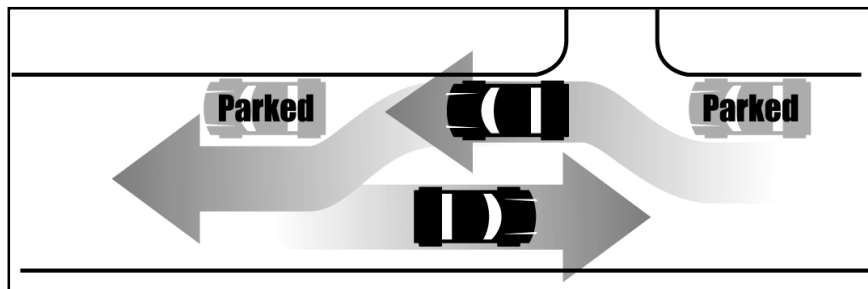
**Develop standards that reflect local concerns.** Once a jurisdiction has determined that more narrow street standards will be beneficial, the development of specific standards, unique to the community where they will be implemented, is the next step. Many cities and counties have adopted narrow street standards, and their efforts can provide a model for the initial drafts. Review and input from stakeholders, the public, and community officials will help identify local issues and provide the opportunity to tailor standards to local needs.

VI. Checklist for Neighborhood Streets

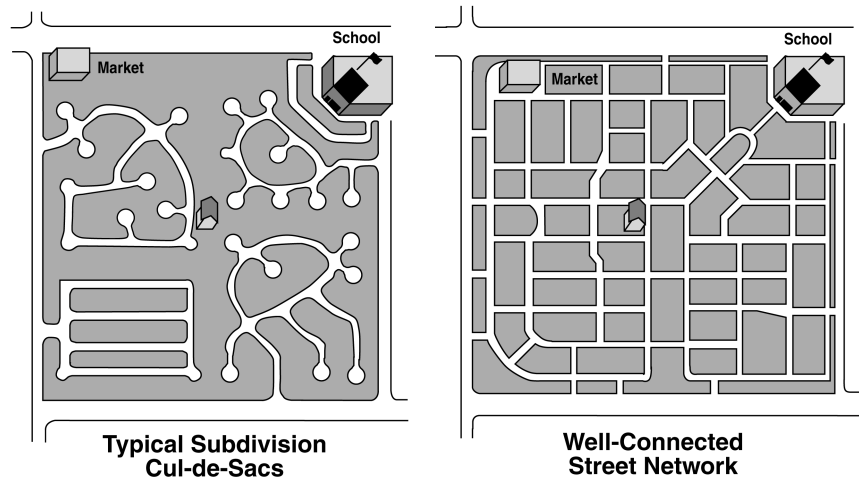
*Key Factors*

The checklist is based on five key factors listed below:

- ✓ **Queuing.** Designing streets so that moving cars must occasionally yield between parked cars before moving forward, as shown below, permits development of narrow streets, encourages vehicles to move slower, and allows for periodic areas where a 20-foot wide clear area is available for parking of fire apparatus.



- ✓ **Connected Street Networks.** Connected street networks provide multiple ways for emergency response vehicles to access a particular location and multiple evacuation routes. In addition, a connected street system encourages slow, cautious driving since drivers encounter cross traffic at frequent intervals.



- ✓ **Adequate Parking.** When parking opportunities are inadequate, people are more likely to park illegally in locations that may block access by emergency service vehicles. Communities need to review their parking standards when they consider adopting narrow street standards to make sure that adequate on-street and off-street parking opportunities will be available.
- ✓ **Parking Enforcement.** The guidelines are dependent on strict enforcement of parking restrictions. Communities must assure an on-going commitment to timely and effective parking enforcement by an appropriate agency. In the absence of such a commitment, these narrow street standards should not be adopted.
- ✓ **Sprinklers Not Required.** The checklist and model cross-sections provided in this guidebook do not depend upon having fire sprinklers installed in residences. More flexibility in street design may be possible when sprinklers are provided. However, narrow streets still need to accommodate fire apparatus that respond to non-fire, medical emergencies. Other types of vehicles (such as moving vans, public works machinery, and garbage/recycling trucks) also need to be able to serve the neighborhood.

## The Checklist



Community stakeholder groups should systematically proceed through the checklist below as part of their decision making process. Also, your community may wish to add to this checklist. The format of the checklist includes room for comments: encourage stakeholders to make notes regarding their concerns and record decisions about how the items in the checklist have been addressed.

The factors are interrelated and are best considered together. The items are grouped by category in a logical order, but are not weighted.

<b>Community Process/Decision-Making</b>		<i>Notes</i>
<input type="checkbox"/>	<p><b>Good City Department Working Relations</b></p> <p>Develop good, close working relationships between the fire/emergency response professionals, public works, building officials, land use and transportation planners, engineers, and other large vehicle operators. The goal is to achieve trusting working relationships that lead to effective accommodation of each other's needs related to agreements about neighborhood street standards.</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p><b>Consistency of Ordinances</b></p> <p>Review all applicable codes and ordinances and make them consistent with the narrow neighborhood street standards you are adopting. Consider performance-based codes and ordinances to address the larger development issues, of which street design is just one part. Amend ordinances only when you have the concurrence of emergency and large service vehicle providers.</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p><b>Uniformly Allowed</b></p> <p>Uniformly allow narrow neighborhood streets by code and ordinance rather than requiring a special process, such as a variance or planned unit development. Or consider a modification process similar to the City of Beaverton's that uses a multi-disciplinary committee review and approval process during the development review process. <i>See Appendix A for more info.</i></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p><b>Community Process</b></p> <p>Determine what your community process will be for developing and adopting neighborhood street standards including following legal requirements, gaining political support, and encouraging public education and involvement. Teamwork and involvement of all large vehicle service providers is a critical component for success. Consider the potential benefits of narrow streets, such as slower traffic, less stormwater runoff, and lower costs. Look for ways to minimize the risk that fire apparatus will not be able to quickly access an emergency and minimize possible inconvenience for other large vehicles. <i>For more information see Chapter V, "A Community Process for Adopting Standards."</i></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

## Users of the Street

Notes

### Use of Street

Recognize the needs of all of the “everyday” users of the street, including autos, pedestrians, and bicycles. Street standards typically provide for easy maneuverability by autos. It is very important that neighborhood streets also provide a comfortable and safe environment for pedestrians. Consideration should be given to pedestrians both moving along and crossing the street.

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### Fire/Emergency Response and Large Service Vehicle Access

Provide access to the street for Fire/Emergency Response and large service vehicles to meet their main objectives. Consider the maneuvering needs of all large vehicles such as fire/emergency response, refuse/recycling trucks, school buses, city buses, delivery vehicles, and moving trucks. Fire trucks are generally 10-feet wide from mirror to mirror and room adjacent to a truck is necessary to access equipment from the truck. Recognize that for some service providers, the federal government has requirements that affect vehicle size such as fire trucks, school buses, and ambulances.

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### Utility Access

Provide utility access locations regardless of whether utilities are in the street, the right-of-way adjacent to the street, utility easements, or some combination thereof. Consider utility maintenance requirements.

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## Street Design

### Traffic Volume and Type

Relate street design to the traffic that will actually use the street and the expected demand for on-street parking. Generally, on streets that carry less than 1,000 vehicles per day, a clear lane width of 12 to 14 feet is adequate for two-way traffic, if there are frequent pull-outs to allow vehicles to pass. Where there is on-street parking, driveways typically provide gaps in parking adequate to serve as pull-outs. If there is a high percentage of trucks or buses, wider streets or longer pull-outs may be needed. For street design, consider both the current traffic volume and the projected long-term traffic volume.

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### Provision for Parking

Make sure that adequate parking is provided so that on-street parking is not the typical primary source of parking. The objective is to have space between parked cars so that there are queuing opportunities. Also, parking near intersections on narrow streets should not be permitted because it can interfere with the turning movements of large vehicles (*see illustration at the end of the checklist*). This can be accomplished by a lack of demand for on-street parking or by design. The design option requires place-

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ment of no-parking locations (i.e., driveways, fire hydrants, mailboxes) at appropriate intervals to provide the needed gaps.

Notes



**Parking (con't)**

When determining the number of parking spaces required, consider adjoining land uses and the availability of off-street parking. Parking demand is likely to be less where an adjoining land use is one that will create little or no parking demand (e.g., wetlands, parks, floodplains) or if adjoining development will provide off-street parking adequate for residents and guests. On-street parking demand may be affected by recreational vehicle/equipment if parking of such equipment is allowed. Parking availability will be affected by whether a neighborhood has alleys, if parking is allowed in the alley, or if visitor parking bays are provided in the area.

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**Self-Enforcing Design....perceptions count!**

The design of the street should encourage the desired speed, traffic flow, parking, and use of the street. When this is the case, a design is said to be self-enforcing. This means that a driver would discern an implied prohibition against parking by the visual appearance of the street. A self-enforcing design intended to reduce speed might, for example, use trees in parkrows or strategically placed curb extensions.

- Unless traffic volumes are very low, 21 to 22-foot streets with parking on one side can be problematic for large vehicles.
- 21 to 24-foot streets with no on-street parking should not be considered because they invite parking violations.
- 26 and 27-foot streets where parking is permitted on one side can result in chronic violations because the street will look wide enough for parking on both sides.

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**Parking Enforcement**

With adequate parking and proper street design, enforcement should not be a problem. Where parking is prohibited, provide signs that clearly indicate this, even on streets with a self-enforcing design. Enforcement is essential and can be done in a variety of ways. Consider tow zones or using volunteers to write parking tickets. (The City of Hillsboro allows both police and fire personnel to write traffic tickets.)

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**Public and Private Streets**

Build public and private streets to the same standard. The need for access by emergency and other large vehicles is the same on private streets as for public. (In addition, private streets not built to the same construction standards may end up being a maintenance problem later if the local jurisdiction is forced to assume maintenance because homeowners do not fulfill their responsibilities.)

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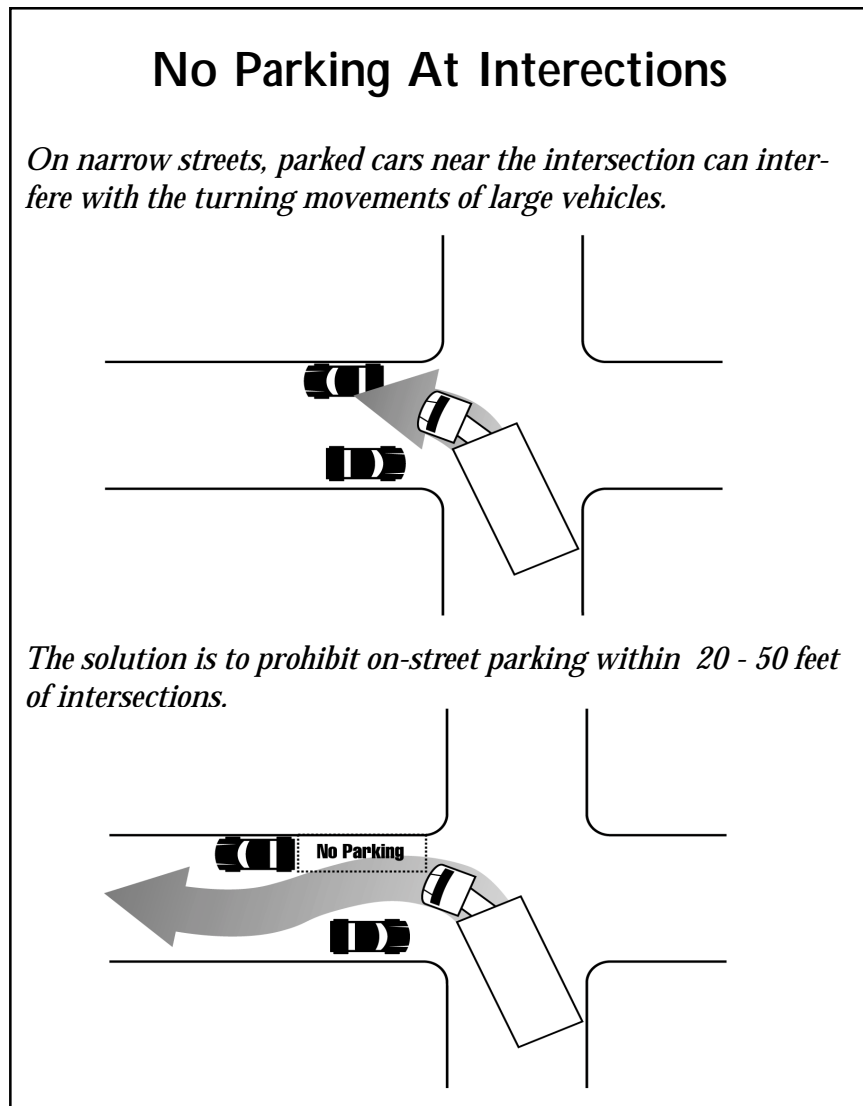
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	<b>Block Length</b>	<i>Notes</i>
	<p>Design block length to enhance street connectivity. Block lengths should generally not exceed 600 feet. As block lengths increase from 300 feet, attention to street width and other design features becomes more important. This is because fire apparatus preconnected hoses are 150 feet in length. With a connected street system and 300-foot block lengths, the fire apparatus can be parked at the end of the block where a fire is located and the hose can reach the fire.</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
	<p>Coordinate block length requirements with spacing requirements for connection to arterial streets. Preserve integrity, capacity, and function of the neighborhood's surrounding arterials and collectors by adhering to access management standards.</p>	
<b>Local Issues</b>		
	<p><b>Evacuation Routes for Wildfire Hazard and Tsunami Zones</b>            Designated wildfire hazard or tsunami zones may need wider streets to provide for designated evacuation routes, including 20 feet of clear and unobstructed width. Different communities may have different street standards depending on whether a neighborhood is located in one of these zones or is in a designated evacuation route.</p>	<hr/> <hr/> <hr/> <hr/>
	<p><b>Agricultural Equipment</b>            If your community is a regional agricultural center, consider adequate passage for agricultural equipment. Discourage passage on residential streets.</p>	<hr/> <hr/> <hr/> <hr/>
	<p><b>Preserving Natural Features</b>            If your community has sensitive natural features, such as steep slopes, waterways, or wetlands, locate streets in a manner that preserves them to the greatest extent feasible. Care should be taken to preserve the natural drainage features on the landscape. Street alignments should follow natural contours and features, whenever possible, so that visual and physical access to the natural feature is provided as appropriate.</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
	<p><b>Snow</b>            If snow removal and storage is an issue in your community, consider snow storage locations, and whether temporary parking restrictions for snow plowing or storage will be required. Some communities may consider providing auxiliary winter parking inside neighborhoods (though not on residential collectors). Work with your public works and engineering departments to see if any adjustments may be made in terms of operations or street design that would make narrow neighborhood streets work better for your community (wider parkrows to store snow, for instance).</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

		<i>Notes</i>
<input type="checkbox"/>	<p><b>Ice</b> If maneuvering on icy roads is an issue in your community, consider parking restrictions near street corners, auxiliary winter parking at the base of hills, wider street cross-sections on hills, or seasonal parking restrictions on hills.</p>	<hr/> <hr/> <hr/>
<input type="checkbox"/>	<p><b>Sloping or Hilly Terrain</b> If your community has steep slopes, make special design provisions. This can be done through utility placement, connected streets, sidewalk placement, provision of one-way streets, property access, and minimizing cut and fill slopes.</p>	<hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p><b><i>Other Community Concerns?</i></b></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>



## VII. Model Cross-Sections

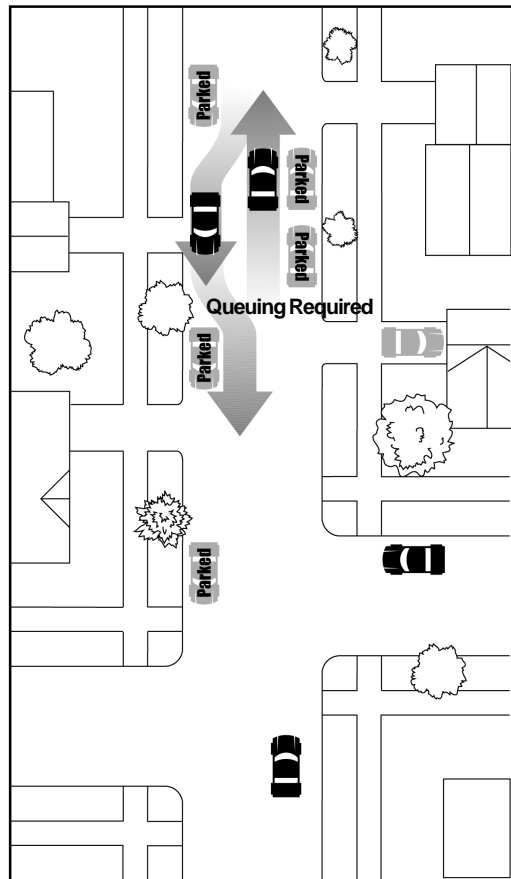
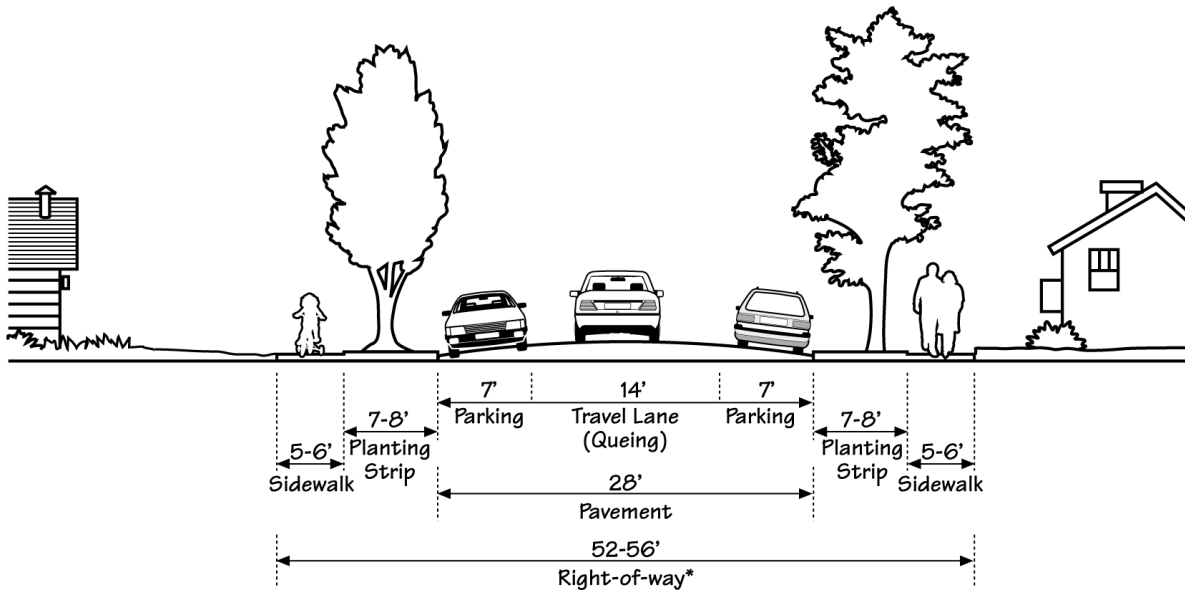
The following three scenarios are presented as “model standards.” However, ***they do not represent the full range of possible solutions.*** Communities are encouraged to use these as a starting point; innovative solutions can be designed for local situations. Here are a few key points to keep in mind:

- ✓ Streets **wider than 28 feet** are NOT, by definition, a “narrow street.”
- ✓ **Two-way streets under 20 feet** are NOT recommended. If, in a special circumstance, a community allows a street **less than 20 feet**, safety measures such as residential sprinklers\*, one-way street designations, and block lengths less than 300 feet may be needed.

\* Fire sprinklers in one and two family structures must be approved by the local building department in accordance with standards adopted by the Building Codes Division under ORS 455.610.

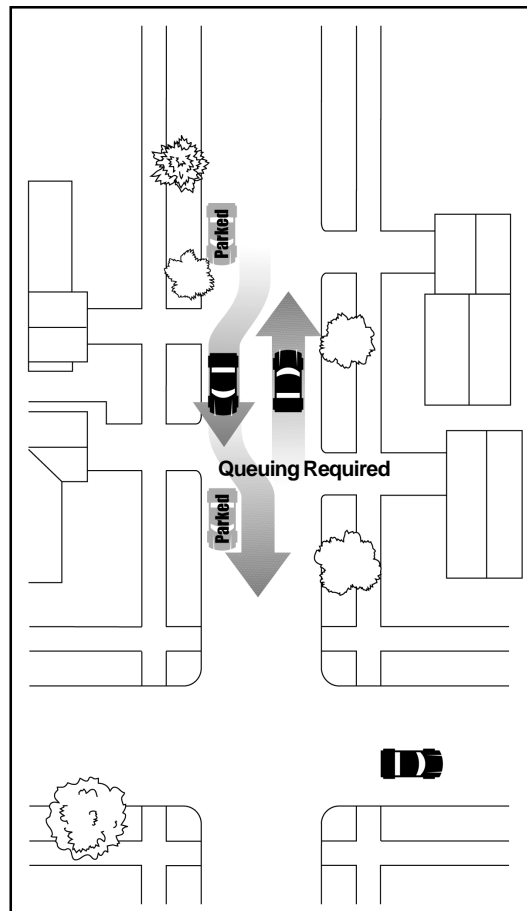
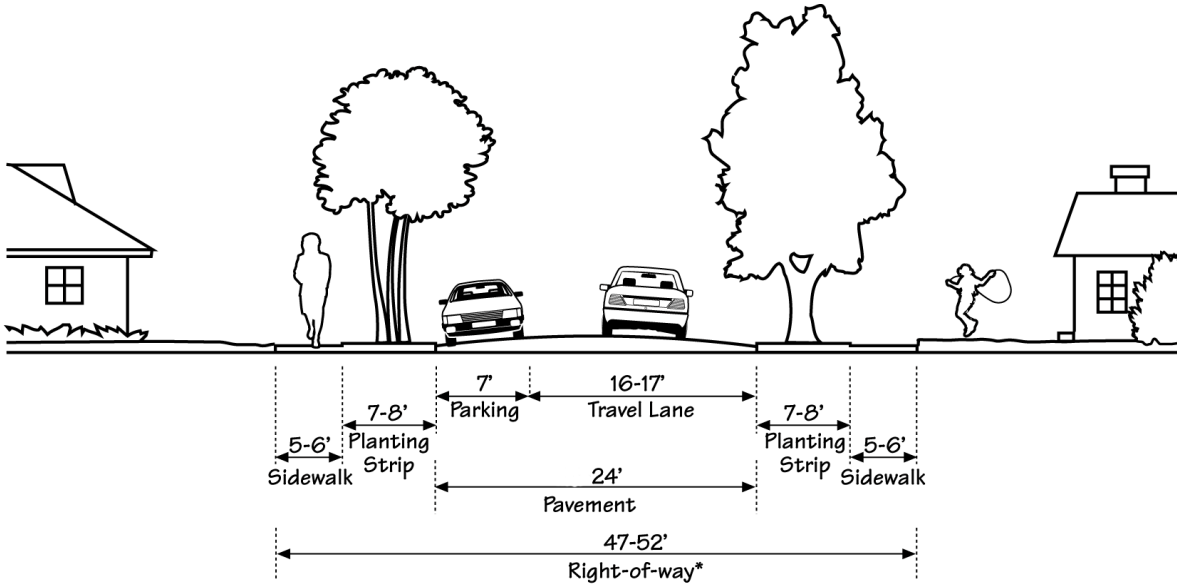
Scenario 1

# 28 Ft. Streets Parking on both sides



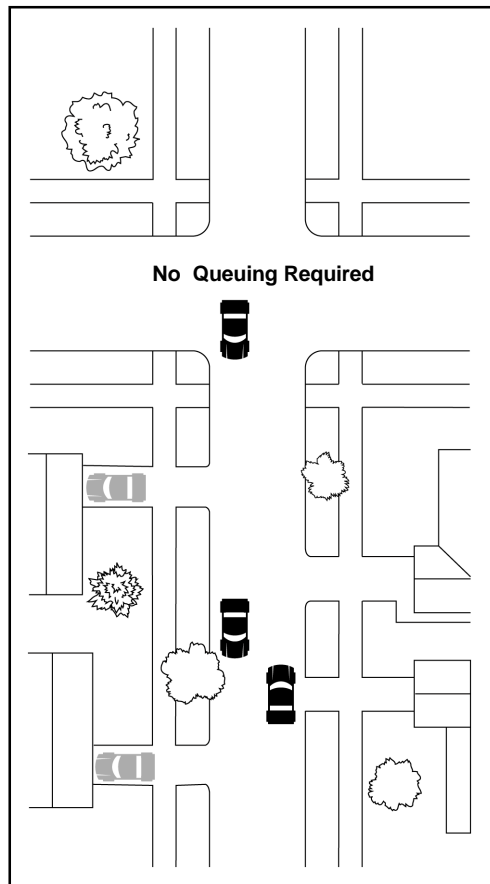
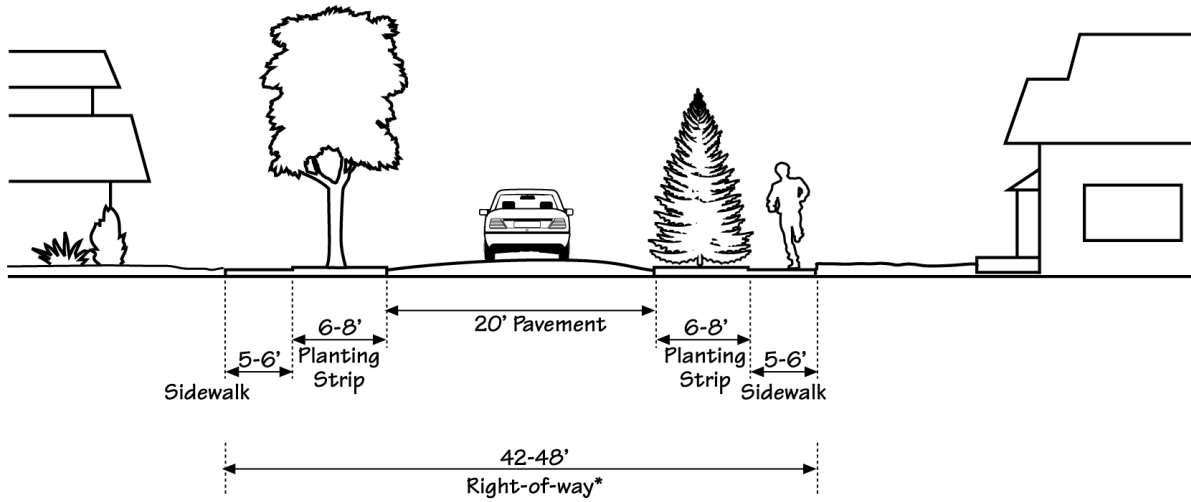
Scenario 2

# 24 Ft. Streets Parking on one side only



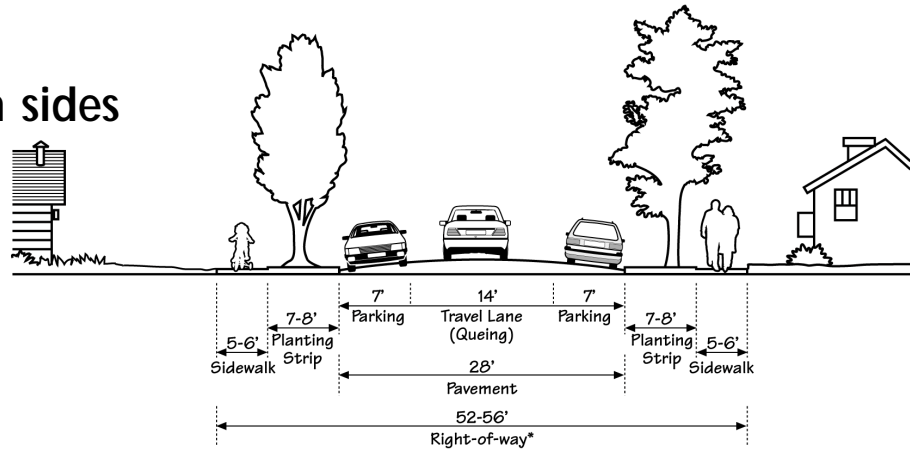
Scenario 3

# 20 Ft. Streets No parking allowed

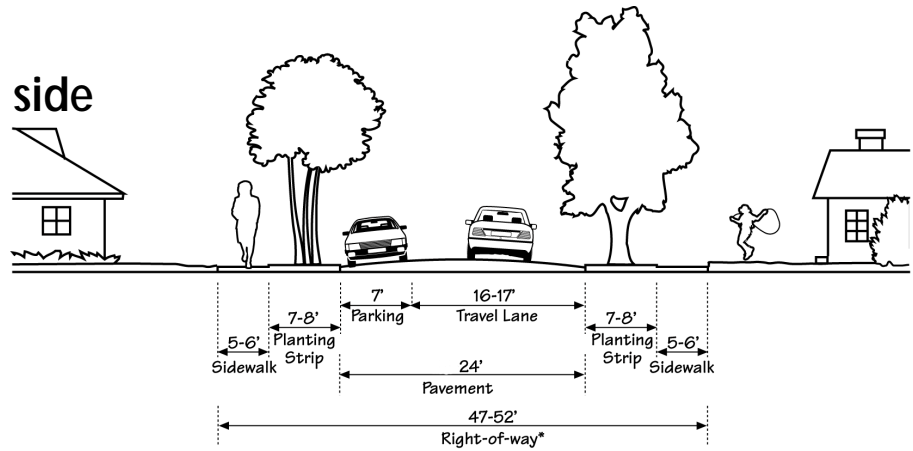


## Summary of Three Potential Scenarios

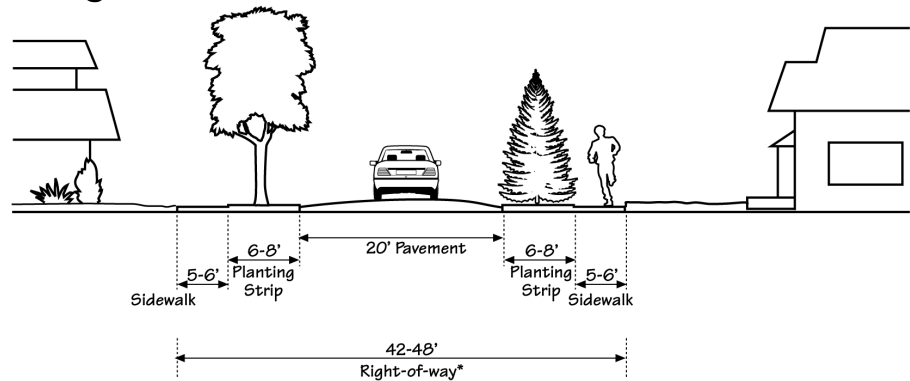
### 28 Ft Street Parking on both sides



### 24 Ft Street Parking on one side



### 20 Ft Street No on-street parking allowed





## Appendix A - References and Resources

### *Annotated References*

*AASHTO* - The *Policy on Geometric Design of Highways and Streets*, also known as the “*Green Book*,” is published by the American Association of State Highway and Transportation Officials (AASHTO) and is considered to be the principle authority on street geometrics. Narrow streets are sometimes cited as being contrary to traffic engineering practices because they may hinder the free-flowing movement of vehicular traffic. However, the *Green Book* supports the notion of using narrow residential streets. For example, the *Green Book* states: “On residential streets in areas where the primary function is to provide land service and foster a safe and pleasant environment, at least one unobstructed moving lane must be ensured even where parking occurs on both sides. The level of user inconvenience occasioned by the lack of two moving lanes is remarkably low in areas where single-family units prevail...In many residential areas a 26-ft.-wide roadway is typical. This curb-face-to-curb-face width provides for a 12-ft. center travel lane and two 7-ft. parking lanes. Opposing conflicting traffic will yield and pause on the parking lane area until there is sufficient width to pass.”

*Residential Streets* – *Residential Streets* is published jointly by the American Society of Civil Engineers, the National Association of Homebuilders, and the Urban Land Institute. This book was published to encourage a flexible approach to designing residential streets to respond to the street’s function in the transportation system as well as part of the community’s living environment. *Residential Streets* is a hierarchy of residential streets, including 22’-24’ access streets with parking on both sides, 26’ subcollector street with parking on both sides, and a 28’ subcollector with parking on both sides where “on-street parking lines both sides of the street continuously.”

*ITE* – The Institute of Transportation Engineers (ITE) has published several documents that refer to the recommended width of neighborhood streets. The 1993 publication *Guidelines for Residential Subdivision Street Design* states that a 28-foot curbed street with parking on both sides is an acceptable standard “based upon the assumption that the community has required adequate off-street parking at each dwelling unit.” In addition, the 1994 publication *Traffic Engineering for Neo-Traditional Neighborhood Design, (NTND)*, states that the recommended width of a basic NTND residential street “may be as narrow as 28 to 30 feet.”

*Street Design Guidelines for Healthy Neighborhoods* – Published by the Local Government Commission’s Center for Livable Communities, *Street Design Guidelines for Healthy Neighborhoods* was developed by a multi-disciplinary team based upon field visits to over 80 traditional and 16 neo-traditional neighborhoods. When combined with other features of traditional neighborhoods, the guidelines recommend neighborhood streets ranging from 16-26 feet in width. The team found 26-foot-wide roadways to be the most desirable, but also “measured numerous 24-foot and even 22-foot wide roadways, which had parking on both sides of the street and allowed delivery, sanitation and fire trucks to pass through unobstructed.”

*Oregon Resources*

*Fairview Village.* Holt & Haugh, Inc., phone: 503-222-5522, fax: 503-222-6649, [www.fairviewvillage.com](http://www.fairviewvillage.com)

*West Bend Village.* Tennant Developments, 516 SW 13<sup>th</sup> St., Suite A, Bend, Oregon 97702, phone: 541-388-0086

*Orenco Station.* Mike Mehaffy, Pac Trust, 15350 SW Sequoia Pkwy, Suite 300, Portland, Oregon 97224, 503-624-6300, [www.orencostation.com](http://www.orencostation.com)

*Street Standard Modification Process.* The City of Beaverton has a modification process similar to an administrative variance procedure. If you would like information on this process contact: Margaret Middleton, City of Beaverton, Engineering Department, P.O. Box 4755, Beaverton, Oregon 97076-4755, 503-526-2424, [mmiddleton@ci.beaverton.or.us](mailto:mmiddleton@ci.beaverton.or.us)

*Additional References*

*Street Design Guidelines for Healthy Neighborhoods.* Dan Burden with Michael Wallwork, P.E., Ken Sides, P.E., and Harrison Bright Rue for Local Government Commission Center for Livable Communities, 1999.

*A Policy on Geometric Design of Highways and Streets.* American Association of State Highway and Transportation Officials (ASSHTO), 1994.

*Guidelines for Residential Subdivision Street Design.* Institute of Transportation Engineers (ITE), 1993.

*Traffic Engineering for Neo-Traditional Neighborhood Design.* Institute of Transportation Engineers (ITE), 1994.

*Residential Streets.* American Society of Civil Engineers (ASCE), National Association of Home Builders (NAHB), Urban Land Institute (ULI), 1990.

*A Handbook for Planning and Designing Streets.* City of Ashland, 1999.

*Eugene Local Street Plan.* City of Eugene, 1996.

*Skinny Streets, Better Streets for Livable Communities.* Livable Oregon, Inc. and the Transportation and Growth Management Program, 1996.

*The Technique of Town Planning, Operating System of the New Urbanism.* Duany Plater-Zyberk & Company, 1997.

*Narrow Streets Database.* A Congress for the New Urbanism. Alan B. Cohen AIA, CNU, Updated 1998.

*Washington County Local Street Standards.* Revision Project No. 2455. McKeever/Morris, Inc., Kittleson & Associates, Inc. and Kurahashi & Associates, Inc., 1995.

*Washington County Uniform Road Improvement Design Standards.* Washington County Department of Land Use and Transportation, 1998.

*Livable Neighborhoods Community Design Code.* A Western Australian Government Sustainable Cities Initiative. Ministry for Planning.

*Woonerf.* Royal Dutch Touring Club, 1980.

*Creating Livable Streets: Street Design Guidelines for 2040.* Prepared by Fehr & Peers Associates, Inc. Calthorpe Associates, Kurahashi & Associates, Julia Lundy & Associates for Metro, 1997.

*Model Development Code & User's Guide for Small Cities.* Transportation and Growth Management Program by Otak, 1999.

*APA Recommendations for Pedestrians, Bicycle and Transit Friendly Development Ordinances.* TPR Working Group Oregon Chapter APA, 1993.

*Residential Street Typology and Injury Accident Frequency.* Swift & Associates, Longmont, CO, Peter Swift, Swift and Associates, Longmont, CO., 1998.

## Appendix B

# Oregon Community Street Widths

City/County	No Parking	Parking One Side	Parking Both Sides	Contact Information
Ashland		22'	25'-28'	Maria Harris, Associate Planner, 541-552-2045
Albany		28'		Rich Catlin, Senior Planner, Albany Community Development, 541-917-7564
Beaverton	20'	25.5' "infill option," with rolled curb on other	28'	Margaret Middleton, Engineering Department, 503-526-2424
Brookings			30'	John Bischoff, Planning Director, 541-469-2163,x237
Clackamas County			28'	Joe Marek, County Engineer, 503-650-3452
Coburg			28'	Harriet Wagner, City Planner, 541-682-7858
Corvallis			28'	Kelly Schlesener, Planning Manager - Community Development, 541-766-6908
Eugene		24'	28'	Allen Lowe, Eugene Planning, 541-682-5113
Forest Grove			26'	Jon Holan, Community Dev. Director, 503-992-3224
Gresham			26'	Brian Shetterly, Long Range Planner, 503-618-2529; Ronald Papsdorf, Lead Transportation Planner, 503-618-2806
Happy Valley			26'	Jim Crumley, Planning Director, 503-760-3325
Lincoln City			28'	Richard Townsend, Planning Director 541-996-2153
McMinnville			26'	Doug Montgomery, Planning Director, 503-434-7311
Milton-Freewater		28'		Gina Hartzheim, City Planner, 503-938-5531
Portland		20'	26'	Steve Dotterer, Portland Department of Transportation, 503-823-7731
Redmond			28'	Bob Quitmeier, Community Development Director, 541-923-7716
Seaside		20'	26'	Kevin Cupples, Planning Director, 503-738-7100
Sherwood			28'	John Morgan, City Manager, 503-625-5522
Washington County		24'	28'	Tom Tushner, Principal Engineer, 503-846-7920
Wilsonville		28'		Stephan Lashbrook, Planning Director, 503-682-1011.

Source: February 2000, Livable Oregon, Inc.



City of Sherwood  
22560 SW Pine St.  
Sherwood, OR 97140  
Tel 503-625-5522  
Fax 503-625-5524  
www.sherwoodoregon.gov

**Mayor**  
Keith Mays

**Council President**  
Tim Rosener

**Councilors**  
Renee Brouse  
Sean Garland  
Russell Griffin  
Doug Scott  
Kim Young

**City Manager**  
Joseph Gall, ICMA-CM

## Denali Summit Analysis of Potential Connection of Tracts E and F Private Streets

Date: January 7, 2021

At the request of the Sherwood City Council, Sherwood staff have been tasked to look into the viability of connecting the private street within Tract E to the private street within Tract F. A concept design (performed by Emerio Design) has been attached showing what the results of the streets within Tracts E and F to interconnect would look like.

### Current Land Use Proposal

Currently as submitted for land use approval, the preliminary plan shows the street within Tract F gaining access from a street to the west that is currently under construction within the Denali Meadows subdivision, while the street within Tract E will receive access from a proposed public street to the east that will be constructed with the Denali Summit subdivision. Each tract is proposed to provide access to 4 new lots. One of the lots to obtain driveway access from the street within Tract F is an existing home that is located near the top of a hill. Without the interconnection of the 2 streets, allowances were considered by city staff to allow street grades to meet driveway grade standards instead of public street standards in order to allow the slope of the street within Tract F to immediately slope upward from the back of sidewalk at a slope of 11 percent to provide for a driveway to the existing garage that will be within the 14 percent maximum driveway slope allowed by Sherwood Municipal Code.

### Guidelines for Design

In order for the applicant to provide a design as to the viability of interconnection of Tracts E and F, it was necessary for the engineering department to meet with the applicant's design engineer to provide guidance/parameters for the design. It was determined by city staff that when designing for the interconnection between Tracts E and F that the new street would need to meet public standards in respect to the vertical alignment of the street. This is due to the interconnecting street providing access to 8 lots and potentially being used by other vehicles as a cut through between the 2 public streets. Therefore a vertical curve/landing area is being required for the connection point between the street within Tract F and the sidewalk along the east side of the new street within the Denali Meadows subdivision meeting Sherwood engineering design standards. Also using these standards allows for the street to have a maximum grade of 15 percent. Using these guidelines, Emerio Design has provided a concept design showing what interconnecting the streets within Tracts E and F would look like.

### Summation of Results

The concept plan provided by Emerio Design shows that it is possible to interconnect the streets in Tracts E and F with additional rock excavation of the hill in order to achieve a design that meets with Sherwood Engineering Design Standards. However the concept plan also shows that construction of the street interconnection will result in a slope of 21 percent when constructing a new driveway for the existing house to be able to access the street within Tract F from the existing garage. This 21 percent slope would far exceed the 14 percent maximum driveway slope as stated in the Sherwood Municipal Code.

Therefore although a street interconnect could be constructed meeting city standards, it can't be done while providing for a driveway access to the existing house that also meets city standards. Imposing a driveway slope of 21 percent is outside of city standards and not recommended. Therefore when taking driveway access to the existing home into account, city staff recommends approving the streets within Tracts E and F as separate streets with each serving 4 lots as proposed in the preliminary land use plan.

If it is determined that an interconnection of the streets within Tracts E and F will be imposed upon the developer, then it is recommended by the engineering department that two 11-foot lanes be required to provide for adequate street width for through traffic.

**From:** [Marcus Lopez](#)  
**To:** [Eric Rutledge](#)  
**Subject:** Re: Test  
**Date:** Tuesday, November 10, 2020 6:24:53 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Today, November 10<sup>th</sup>, 2020 I spoke to Eric regarding my concern that this new development will obstruct our current panoramic view from our property at 14875 SW Division Street, Sherwood OR. We are unable to picture the outcome of proposed new construction.

Marcus Lopez  
14875 SW Division St  
Sherwood, OR 97140

On Tue, Nov 10, 2020 at 6:19 PM Eric Rutledge <[RutledgeE@sherwoodoregon.gov](mailto:RutledgeE@sherwoodoregon.gov)> wrote:

<https://www.sherwoodoregon.gov/planning/project/denali-summit-pud>

Eric Rutledge  
City of Sherwood  
Associate Planner  
[rutledgee@sherwoodoregon.gov](mailto:rutledgee@sherwoodoregon.gov)

Desk 503.625.4242

Cell 971.979.2315

Covid-19 Update: The City's Planning Department is fully operational, however, with limited face to face contact. We are processing permits via email/phone where possible and by appointment when "in person" interaction is required. Please stay safe and healthy.

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**From:** Eric Rutledge  
**Sent:** Tuesday, November 10, 2020 6:17 PM  
**To:** [reviveyourweb@gmail.com](mailto:reviveyourweb@gmail.com)

Dennis and Paula Yuzon  
23120 SW Murdock Rd.  
Sherwood, OR. 97140

December 31, 2020

Mayor Keith Mays and City Council Members  
City Hall  
22560 SW Pine St.  
Sherwood, OR. 97140

By Email: c/o Erika Palmer [palmere@sherwoodoregon.gov](mailto:palmere@sherwoodoregon.gov)

RE: LU 202-013 Denali Summit.

Dear Mayor Mays and Council Members,

Paula and I own approximately 10 acres associated with the above referenced Land Use Application in front of you for a decision. We purchased the property in 1985 and built our home and have occupied it since 1991. When we purchased the property, we were not made aware of the implications at the time that it was part of the 40-acre Ken Foster Farms waste site. We are retired and looking to sell the property for redevelopment and use the proceeds for our retirement.

In approximately 2006 the EPA determined the 40-acre Ken Foster Farms property of environmental concern related to wastes associate with Ken Foster Farms activities and began working with Oregon's DEQ to assess the site and determine process for remediation. Without recourse we were forced to spend approximately \$50,000 in environmental testing and legal fees due to changes in environmental laws. Subsequent to investigations, in approximately 2016 EPA and the Oregon DEQ reached a settlement agreement with Ken Foster Farms to set up a fund toward assisting in the cleanup of the 40-acre site. The fund is controlled by DEQ and is intended to award the involved property owners a per acre contribution for the cleanup provided DEQ approves the cleanup plan and the owner has executed that plan which is tied to the development of those properties. This fund expires in 2026 and gives the right for DEQ to use those funds in their discretion for any other purposes after that time. The allocation potentially awarded to each of the property owner's is likely not sufficient to cover the entire cost of cleanup, but without those funds the development of our property will not be economically feasible.

We engaged Don Drake of Melvin Mark Brokerage Company to market the property for us in 2018. Don reached out to 15+ developers to determine their potential interest in the property only to find little interest in dealing with a contaminated property. The exception being Mr. Roth who at the time had received approvals for development of Denali Lane which also is part of the 40-acre Ken Foster Farms site. Mr. Roth developed and executed an acceptable mitigation plan for the contamination on that site. Mr. Roth is also developing the acreage abutting Murdock Rd. for which he has received approval for, is now under development and in process of completing environmental mitigations for that site. He is under contract to purchase our property upon obtaining requisite development and cleanup approvals which is in front of you now.

As part of our agreement with Mr. Roth we agreed in advance of his closing on our property, in turn for his completing the road improvements to city standards, to deed him the flagpole portion of our property north of Ironwood Ln. We did this so he could make it part of his Murdock Rd. subdivision. This has caused me to pay off a line of credit encumbering our property before his sale closes. The benefit in doing this helped solve access issues and enabled him to revise his plan for the Murdock Rd. subdivision so that access was not directly on to Murdock, which he was otherwise allowed to do until adjacent properties were sold and developed. We believe, we and Mr. Roth have been instrumental at our joint personal cost in addressing this benefit to the City earlier than it might otherwise have happened.



Our property has many development constraints in addition to the environmental concerns. They include sloping topography, an irregular triangular shape, and shallow subsurface rock which make its development difficult.

We believe Mr. Roth has developed a workable plan for development of our and the Miller Property given these constraints that address, as best as he possibly can, the city's development requirements. Given these constraints there are extremely limited options to how this property can be developed and make economic sense.

We believe the city is fortunate to have one capable and qualified developer with a strong track record to take on the majority of development in this immediate area given these development constraints. We believe it will result in a more attractive and cohesive neighborhood than if it were developed by multiple parties.

Mr. Roth's commitment to this area has already been demonstrated in the 2 prior approved projects where the public benefits are consistent with the ones he is proposing for development of our and the Miller Property. His design has created a public trail system allowing the citizens of Sherwood to independently walk through "landscaped open space" at their leisure w/o the large gathering and congestion of public parks which we feel would be inappropriate for this less dense area of Sherwood.

Portions of these improvements are already installed in Ironwood and Denali Lane and will interconnect through the adjacent developments and take the user off the public sidewalks to large open space(s) that provide view corridors to the east and north. All managed and paid for outside the city public park system with the burden placed on the subdivision's HOA, at no cost to the city, but available for use by the public.

We are familiar with the city's attempt to create a SE Master Plan in 2006 for the 50 approximate acres involving the Ken Foster Farms contaminated properties of which we and the abutting property owners are a part, including the Martin property to the north of us. That plan had several development options none of which were adopted by the City at that time. In retrospect, without someone controlling all of the acreage under one ownership, at one time, it would have been, if not "is" now difficult to execute any of those options without negatively impacting one property owner over the other. Further the property owners, including ourselves, were not in favor of any of those options without being compensated for loss of otherwise developable property.

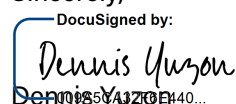
We believe, we and Mr. Roth have spent considerable time and cost working in good faith with the city's planning department to address development requirements and concerns. He has to the best of his and his consultants' ability come up with a cohesive and sensitive development plan for this area of Sherwood that works. In our opinion given the development constraints he is your best bet in seeing that this property is developed in a community sensitive manner, if it is to be developed at all.

If the city requires changes to this plan addressing other open space options or some other definition of park that makes our project unfeasible, we are open to the city paying us for the land we lose for development purposes beyond that which has been presented to you. We just need to be made whole for a plan that was approved by your planning commission that has been given significant thought to, given the constraints.

If the city does not approve or allow this project to proceed it will die and so will our sale and most likely be left as a contaminated DEQ clean up site for another 10 to 20 years, offering zero public benefit and the potential loss of allocated funds to clean it up. We truly, would be disappointed if this were to be the case.

We encourage you to approve the project to enable it to come to reality. Thank you for your consideration

Sincerely,

DocuSigned by:  
  
Dennis Yuzon

Dennis Yuzon