

**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.

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**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.**

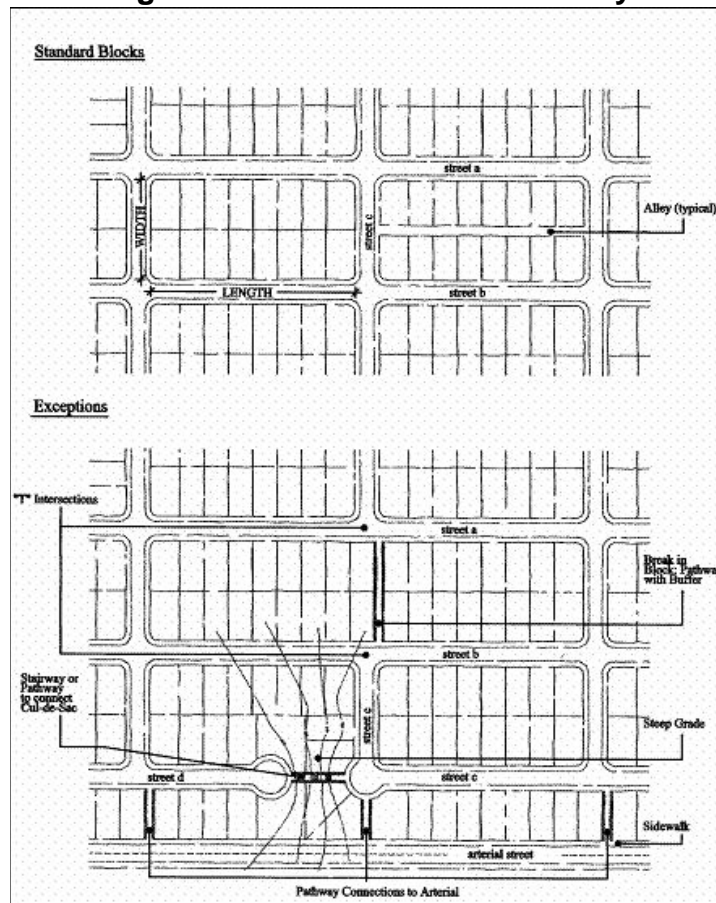
**ANALYSIS:** A new public street is proposed along the east side of the development site between Ironwood Lane to the south and the private property line to the north. The Neighborhood Circulation Map shows how the public street can be extended through the property to the north, ultimately curving and 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.

\*\*\*

## **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.

\*\*\*

#### **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.

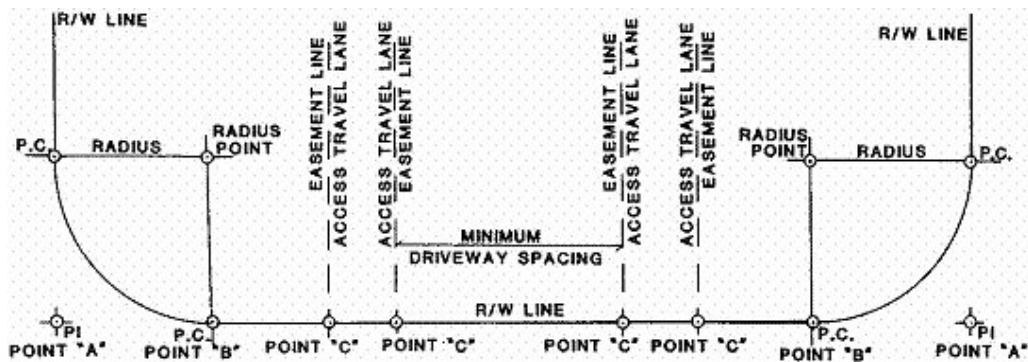
**ANALYSIS:** The City of Sherwood Engineering Department has reviewed the proposal and no specific traffic calming measures have been identified above the standard local street standard requirements.

**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