

**CITY OF SHERWOOD  
STAFF REPORT AND NOTICE OF DECISION  
NOVEMBER 3, 2022**



*Home of the Tualatin River National Wildlife Refuge*

**CHINN PARTITION  
3-LOT PARTITION  
LU 2022-019 MLP**

Pre-App Meeting: n/a  
App. Submitted: July 7, 2022  
App. Complete: September 14, 2022  
Hearing Date: n/a  
120-Day Deadline: January 12, 2023

**PROPOSAL:** The applicant is requesting approval of a 3-lot partition on an undeveloped property identified as Tax Lot 2S133CB00600. The property is zoned Very Low Density Residential (VLDR) and is comprised of 3.01-acres. Each new residential lot is proposed at a minimum of one (1)-acre. Access for Lots 1 and 2 is proposed from a new driveway off SW Murdock Rd. Access for Lot 3 is proposed from an existing driveway off SW Murdock Rd.

**I. BACKGROUND**

A. Applicant: Emerio Design LLC  
6445 SW Fallbrook Place #100  
Portland, OR 97223

Owner: JT Roth Construction Inc. / Tim Roth  
12600 SW 72<sup>nd</sup> Ave, Suite 200  
Portland, OR 97223

B. Site Address: No site address (Tax Lot 2S133CB00600)

C. Zoning: Very Low Density Residential (VLDR)

D. Review Type: Type II Minor Land Partition

E. Public Notice: Notice of the application was provided in accordance with § 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City, posted on the property, and mailed to property owners within 1,000 feet of the site on or before September 23, 2022.

- F. Review Criteria: Sherwood Zoning and Community Development Code (SZCDC) Chapter 16.12 Residential Land Use Districts; Chapter 16.14 Residential Building Design; Chapter 16.58 Vision Clearance and Fence Standards; Chapter 16.60 Yard Requirements; Chapter 16.72 Procedures for Processing Development Permits; Chapter 16.89 Residential Design Checklist and Residential Design Review; Chapter 16.94 Off-Street Parking and Loading; Chapter 16.96 On-Site Circulation; 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 16.122 Land Partitions; Chapter 16.128 Land Division Design Standards; Chapter 16.142 Parks, Trees, and Open Spaces; Chapter 16.144 Wetland, Habitat, Natural Areas; Chapter 16.156 Energy Conservation
- G. History and Background: The property is located on the east side of SW Murdock Rd. in the southwest corner of the SE Sherwood Concept Plan Area. The property is identified as Parcel 1 of Partition Plat 1991-076. Access and utility easements were established for the subject property through the 1991 plat. The property is part of the former Ken Foster farm site that is known to have contaminated soils. The developer is responsible for remediating any soil contamination to DEQ standards per the applicant's narrative. The application was submitted after the City's recent code updates for residential design standards (Ord 2021-010) and housing choices (Ord 2022-004). Both new ordinances apply to the proposal and applicable criteria are addressed in this report.
- H. Existing Conditions: The 3.01-acre site is undeveloped and has approximately 257 ft. of frontage on SW Murdock Rd. The property slopes down from east to west with an elevation change of approximately 70 ft. Scattered trees are located on the property with the remainder of the property being grasses and shrubs. Single-family residential development surrounds the property to the north, east, and south. Murdock Rd. separates the property from a single family neighborhood to the west.
- I. Surrounding Land Uses:
- West: SW Murdock Rd. / single-family residential
  - South: Single family residential
  - East: Single family residential
  - North: Single family residential

## II. AFFECTED AGENCY AND PUBLIC COMMENTS

A. Notice of the application was sent to affected agencies via email on September 21, 2022. The following responses were received:

1. City of Sherwood Engineering Department (Exhibit B1) – the City of Sherwood Engineering Department provided comments dated October 3, 2022 (Exhibit B1). The engineering comments address requirements for water, storm sewer, sanitary sewer, and transportation design standards and specific Conditions of Approval and comments are included throughout the report under each applicable code section.
2. Clean Water Services (Exhibit B2) – CWS provided a memorandum dated October 5, 2022. CWS has also issued a Service Provider Letter dated May 17, 2022 (Exhibit B2). Development on the site is required to obtain CWS Storm Water Connection Permit Authorization and comply with CWS Design and Construction Standards.
3. Tualatin Valley Fire & Rescue (TVF&R) (Exhibit A2) – TVF&R has issued a Service Provider for the proposed development. The letter indicates a final inspection is required prior to occupancy.
4. Pride Disposal (Exhibit B3) – Pride comments indicate the new residential lots can be served by the service provider. Residents will be required to place their totes on Murdock Rd. for pickup on removal day.
5. The following agencies acknowledged the application without stating any concerns: ODOT Rail and Washington County Land Use and Transportation.

B. Public Comments

1. David Paxton (Exhibit C1) – dated October 1, 2022. The comments express concern about the proposed development and existing developments underway in the vicinity that are causing traffic delays, rutted road surfaces, increased dirt and dust pollution, heavy vehicle traffic.
  - a. Staff Response: The proposed 3-lot partition will create one new driveway along SW Murdock Rd. for permanent access. The impact of three new residential lots on the City's transportation system is expected to be minimal. SW Murdock Rd. is a truck route and heavy vehicles are anticipated on the roadway to serve active construction sites and some through traffic. The developer currently has a grading and erosion control permit for the on-site grading and tree removal work underway. The applicant is required to comply with the erosion control measures including management of dust and dirt.

### III. APPLICABLE CODE PROVISIONS

#### Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

##### 16.72.10 – 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:

###### 1. Residential Design Checklist Review

The Community Development Director, or designee, without public notice and without a public hearing, makes ministerial decisions through the Residential Design Checklist Review procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., they are clear and objective standards).

The Community Development Director, or designee, reviews proposals for all residential housing types, except for multi-dwelling development that are subject to Section 16.90, requiring a clear and objective review using the Residential Design Checklist. The Residential design Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Chapter 16.14 before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.

###### 3. Type II

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

- a. Land Partitions (creation of 3 or fewer lots within 1 calendar year)

**ANALYSIS:** The proposal is for a 3-lot partition and the application is subject to the City's Type II land use review process. The applicant has opted for a Type I review of the residential design standards. The applicant is required to demonstrate compliance with the design standards as part of the building permit review process.

The partition application has been processed according to the Type II noticing and review procedures as required under SZCDC § 16.72.

**FINDING:** This standard is met.

#### 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 per acre (except middle housing types pursuant to 16.12.010.F).

**ANALYSIS:** The applicant is proposing a 3-lot partition on a 3.01-acre lot. The average density will be 1.0 units per acre with a minimum lot size of 40,000 SF for each lot.

*\*SZCDC § 16.10 defines density as the “number of dwelling units per net buildable acre”. Net buildable acre means an area measuring 43,560 SF after excluding present and future rights-of- way and environmentally constrained areas. Environmentally Constrained Land is defined as “Any portion of land located within the floodway, one hundred-year floodplain, wetlands and/or vegetated corridor as defined by Clean Water Services.”*

**FINDING:** This standard is met.

**16.12.20 - 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>

Whereas P = Permitted

**ANALYSIS:** The application proposes 3-lots for the construction of single-family detached dwellings.

**FINDING:** This standard 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), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.

Creation of new lots or parcels as part of a townhome development is subject to the applicable land division or Planned Unit Development approval process.

**C. Development Standards per Residential Zone**

<b>Development Standard by Residential Zone-</b>	<b>VLDR</b>
<b>Minimum Lot areas:(in square ft.)</b>	
• <b>Single Family Detached</b>	<b>40,000</b>
<b>Minimum Lot width at front property line: (in feet)</b>	<b>25</b>
<b>Minimum Lot width at building line <sup>2</sup>: (in feet)</b>	
• <b>Single Family Detached; Duplex; Triplex; Quadplex and Cottage Cluster</b>	<b>60</b>
<b>Minimum Lot Depth</b>	<b>80</b>
<b>Maximum Height (in feet) <sup>3</sup></b>	
• <b>Cottage Clusters</b>	<b>1.5 stories not to exceed 25 feet</b>
• <b>All other dwelling types</b>	<b>30 feet or 2 stories</b>
<b>Setbacks (in feet)</b>	
• <b>Front yard <sup>5</sup></b>	<b>30</b>
• <b>Face of garage</b>	<b>35</b>
• <b>Interior side yard <sup>6</sup></b>	
• <b>Single-Family Detached; Duplex; Triplex; Quadplex; Cottage Cluster</b>	<b>5</b>
• <b>Corner lot street side</b>	

Development Standard by Residential Zone-	VLDR
• Single-Family Detached; Duplex; Triplex; Quadplex; Townhome	20
• Rear yard	20

**Notes:**

1. For townhomes, interior units may have different lot sizes than exterior or corner units, as long as the average of all lots is not greater than 1,500 square feet.
2. Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.
3. Maximum height is the lesser of feet or stories.
4. Some accessory structures, such as chimneys, stacks, water towers, radio or television antennas, etc. may exceed these height limits with a conditional use permit, per Chapter 16.62 (Chimneys, Spires, Antennas and Similar Structures).
5. Reductions in front yard setbacks for architectural features as described in 16.50.050 are not permitted in the MDRL, MDRH, or HDR zoning districts.
6. Adjustments and Variances to interior side-yard setbacks for all housing types are not allowed.
7. No side yard setback is required between attached townhomes within the same townhome block. The side yard setbacks in this table refer to the setbacks for the townhomes at each end of the townhome block on the side that is not attached to another townhome within the same townhome block.

**ANALYSIS:** The property is zoned VLDR and is subject to the development standards shown in the table above. The proposed lot sizes and dimensions meet the minimum requirements as shown on the preliminary plat (Exhibit A13 – Sheet 3/8). Compliance with height and setback standards can be reviewed with the building permit review.

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

**CONDITION OF APPROVAL:** Prior to Issuance of Building Permits, the applicant shall provide a plot plan and building drawings demonstrating compliance with the setback and height standards for the VLDR zone located in SZCDC § 16.12.030(C).

**CONDITION OF APPROVAL:** Prior to Issuance of Building Permits, the applicant shall obtain a No Further Action letter other written approval from DEQ indicating that no additional soil remediation work is needed to develop the site with permanent residential uses.

**16.12.040 - Community Design**

**A. Residential garages shall meet the minimum design standards listed on the table below:**

	<b>Minimum Width</b>	<b>Minimum Depth</b>	<b>Minimum Garage Door Width</b>
<b>One (1) Car Garage</b>	<b>12 ft.</b>	<b>20 ft.</b>	<b>8 ft.</b>
<b>Two (2) Car Garage</b>	<b>18 ft.</b>	<b>20 ft.</b>	<b>16 ft.</b>
<b>Three (3) Car Garage</b>	<b>26 ft.</b>	<b>20 ft.</b>	<b>Single Door – 8 ft. Double Door – 16 ft.</b>

- B. The vehicle parking area(s) shall be functional based on the minimum design standards listed on the table above, 16.12.040.A. Furnaces, stairs, etc. shall not be located within the garage designated parking areas.**
- C. Residential Front-Yard Landscaping – the front-yard area of a lot shall be fully landscaped excluding paved off-street parking areas, paved pedestrian paths, and utility areas. Landscaping materials shall meet standards identified in Section 16.92.020 Landscaping Materials.**
- D. For additional 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.**

**ANALYSIS:** Details on the garages and front yard landscaping can be reviewed and approved as part of the building permit and occupancy phase as no details on the proposed garages or landscaping have been provided. Future owners are required to maintain garages and front yard landscaping in accordance with applicable code.

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

**CONDITION OF APPROVAL:** Prior to Issuance of Building Permits, the applicant shall demonstrate how the proposed garages for each residential unit meet the garage standards in SZCDC § 16.12.040.

**CONDITION OF APPROVAL:** Prior to Occupancy each residence, the front yard of each lot shall be fully landscaped excluding any paved off-street parking areas, paved pedestrian paths, and utility areas.



## **Chapter 16.14 - RESIDENTIAL BUILDING DESIGN**

### **16.14.010 – Residential Building Design Standards for all housing types except for Multi-family housing that is subject to the provisions of Chapter 16.90 Site Planning.**

#### **A. Purpose**

The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design.

The standards in this section are intended to be clear and objective to allow a streamlined review process per the Residential Design Checklist provisions of Chapter 16.89. Each standard has an associated guideline that provides flexibility for discretionary Design Review by the Planning Commission per Chapter 16.89, Residential Design Review if necessary or desired by the applicant. Adjustments or variances to the standards below can be requested through one of the review processes described in B below.

#### **B. Review Process.** The following review processes can be used to review those housing types that are subject to these standards per 16.14.010.C and 16.89.020.A through D. The applicable review process depends on the level of compliance with the clear and objective standards in this section.

- 1.** If all applicable standards from this section are met, Residential Design Checklist review is applied per Chapter 16.89.
- 2.** If any standards of Table 16.14-1 - A, B or C are not met outright, a Type I Adjustment or Type II Class B Variance is required, in addition to the Residential Design Checklist, per Chapter 16.89. The Detailed Design standards of Table 16.14-1.D cannot be adjusted.
- 3.** If the applicant chooses to meet the design guidelines instead of the design standards, a Type IV Design Review is required, per Chapter 16.89.

#### **C. Applicability**

- 1.** The standards in this section apply to all new residential development, unless otherwise indicated per the subsections below or per applicable overlay zones. Manufactured home parks and manufactured homes on individual residential lots are subject to the provisions of Chapter 16.46 Manufactured Homes. Additional standards are located in 16.14.020, 16.14.030, and 16.14.040. Multi-family development is subject to the provisions of Chapter 16.90 Site Planning.

**Table 16.14-1. Residential Design Standards**

<b>Design Standard (Objective Process)</b>	<b>Design Guideline (Discretionary Process: Residential Design Review)</b>
<b>A. Entry location and orientation</b>	
<p>These standards apply to all new residential development, except for Multi-family, at the time of building permit submittal. At least one main entrance for each residential structure, or each townhome unit, must meet the following standards.</p> <ol style="list-style-type: none"> <li>1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit.</li> <li>2. The entrance must either:               <ol style="list-style-type: none"> <li>a. Face the street; or</li> <li>b. Be at an angle of up to 45 degrees from the street; or</li> <li>c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or</li> <li>d. Open onto a porch. If the entrance opens onto a porch, the porch must:                   <ol style="list-style-type: none"> <li>1) Be at least 25 square feet in area with a minimum four-foot depth;</li> <li>2) Have at least one porch entry facing the street;</li> <li>3) Have a roof that is no more than 12 feet above the floor of the porch; and</li> <li>4) Have a roof that covers at least 30% of the porch area.</li> </ol> </li> </ol> </li> </ol>	<p>Building elevations facing streets and common courtyards should include pedestrian oriented entrances. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance.</p>
<b>Additional provisions:</b>	<b>None</b>
<b>B. Garages and Off-Street Parking Areas</b>	
<p>These standards apply to all residential housing development except for townhomes and Multi-family development. Where one or more garages face a street, all of the following standards apply:</p> <ol style="list-style-type: none"> <li>1. The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure.</li> </ol>	<p>Garages should not be a dominant feature of the front residential elevation. Garage doors should be articulated to reduce their visual impact.</p>

Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<p>2. The width of all garages on the street-facing elevation shall not exceed 60 percent of the total width of that elevation. The width of the garage shall be measured from the edges of the finished exterior garage wall.</p> <p>3. Garages that face a street shall contain at least one of the following design features:</p> <ul style="list-style-type: none"> <li>a. Garage trellis or pergola extending at least 12 inches from the building face</li> <li>b. Windows on 15 percent of the garage door</li> <li>c. Natural wood finish</li> <li>d. A recess of at least three (3) feet behind the primary dwelling</li> <li>e. Use of multiple materials finish or colors</li> </ul>	
Additional provisions:	<p>16.14.020 – Additional Townhome Design Standards</p> <p>16.14.030 – Additional Triplex and Quadplex Design Standards</p>
<b>C. Windows and Doors</b>	
<p>These standards apply to all residential housing development except for Multi-family development.</p> <p>A minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way, or common courtyard elevations must include windows or entrance doors. For side building elevations, adjacent to a public right-of-way or public accessway, a minimum of 10 percent of area is required. Percentage calculation can include window trims and shutters. First floor roof elevations are excluded from the calculations. Elevations separated from the street property line by a dwelling are exempt from meeting this standard. For townhomes, this standard applies on each individual unit.</p>	<p>Building elevations adjacent to streets and common courtyards should include ample levels of glazing to ensure articulation on the façade, daylighting of interior spaces and visibility into the public realm.</p>
Additional provisions:	None
<b>D. Detailed design<sup>1</sup></b>	

<b>Design Standard (Objective Process)</b>	<b>Design Guideline (Discretionary Process: Residential Design Review)</b>
<p><b>1. All single detached dwellings, duplexes, triplexes and quadplexes shall incorporate at least five (5) of the following elements on the primary building elevation adjacent to a public right-of-way. At least one element shall be incorporated from each of Subsections a, b and c below. The other two required elements may come from any subsection (a through e) below.</b></p> <p><b>All cottages in a cottage cluster shall incorporate at least three (3) of the following elements on the building elevation(s) facing a public right-of-way and/or common courtyard-facing elevation. At least one element shall be incorporated from each of Subsections a, b and c below.</b></p> <p><b>All townhome units shall incorporate at least two (2) of the following elements on the primary building elevation adjacent to a public right-of-way. At least one element shall be incorporated from two (2) of Subsections a, b and c below.</b></p> <p><b>For corner lots, this standard applies to both street-facing elevations.</b></p> <p><b>a. Porches, entries and other offsets:</b></p> <ul style="list-style-type: none"> <li><b>i. Covered porch at least 36 square feet with a depth not less than six (6) feet as measured perpendicular from the face of the main building façade to the edge of the porch.</b></li> <li><b>ii. Recessed entry area at least two (2) feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide.</b></li> <li><b>iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other.</b></li> <li><b>iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and</b></li> </ul>	<p><b>Primary building elevations adjacent to streets and common courtyards should include pedestrian oriented design elements and other design features that provide articulation, variety, interest and quality.</b></p>

**Design Standard  
(Objective Process)**

**Design Guideline  
(Discretionary Process: Residential Design  
Review)**

- accessible from an interior room.
- b. Roof elements:**
    - i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.**
    - ii. Roof line offsets of at least two (2) feet from the top surface of one roof to the top surface of the other.**
    - iii. Any roofing materials other than asphalt shingles.**
    - iv. Gable roof, hip roof, shed roof, or gambrel roof design.**
    - v. Dormer that is at least four (4) feet wide.**
    - vi. Decorative eave braces.**
  - c. Window elements:**
    - i. Window trim around all windows at least three (3) inches wide and five-eighths (5/8) inches deep.**
    - ii. Window recesses, in all windows, of at least three (3) inches as measured horizontally from the face of the building façade.**
    - iii. Bay window at least one (1) foot deep and three (3) feet wide.**
    - iv. Shutters on the exterior of ground floor windows.**
    - v. Window Grids.**
  - d. Garage elements:**
    - i. Attached garage width, as measured between the edges of the exterior finished garage wall, of 30 percent or less of the total width of that elevation.**
    - ii. A balcony that extends out over the garage and includes columns.**
    - iii. Two separate doors for two car garages instead of one large**

Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<ul style="list-style-type: none"> <li>door.</li> <li>iv. Decorative windows on the garage door.</li> <li>v. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail.</li> <li>e. Building materials: <ul style="list-style-type: none"> <li>i. Horizontal lap siding between three (3) to eight (8) inches wide (the visible portion once installed).</li> <li>ii. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade.</li> <li>iii. Vertical board and batting siding three (3) to eight (8) inches wide (the visible portion once installed).</li> <li>iv. Belly band trim</li> <li>v. Four (4) Paint Color Scheme</li> </ul> </li> </ul>	
Additional provisions:	None
<b>E. Building Materials</b>	
<b>Prohibited building materials include:</b> <ul style="list-style-type: none"> <li>1. Aluminum</li> <li>2. Vinyl</li> <li>3. T-111 siding</li> </ul>	Residential buildings should utilize durable and high-quality exterior building materials that create a visually appealing façade.
<b>F. Limitation on parking</b>	
Off-street parking is not allowed within the front yard of a dwelling except within a designated driveway or garage or per the provisions of 16.14.020 and 16.14.030.	Parking is located in a manner that does not overwhelm the street-facing façade.
<b>G. House plan variety</b>	
This standard applies to new residential subdivisions and townhome developments only.	New residential developments should provide a variety of house styles and

<b>Design Standard (Objective Process)</b>	<b>Design Guideline (Discretionary Process: Residential Design Review)</b>
<p>It does not apply to cottage clusters.</p> <ol style="list-style-type: none"> <li>1. No two directly adjacent or opposite dwellings in a single dwelling detached development of more than four units may have the same front or street-facing facade. This standard is met when front or street-facing facades differ from one another by at least three of the elements listed in subsections (3) through (8) below. Where facades repeat on the same block face, they must have at least three intervening lots between them that meet this standard.</li> <li>2. No two directly adjacent or opposite townhome blocks in a development of more than two (2) townhome blocks may have the same front or street-facing façade. <ol style="list-style-type: none"> <li>a. For this standard a townhome block is the entire structure of attached townhome units.</li> <li>b. This standard does not apply to individual units within the townhome block.</li> <li>c. This standard is met when front or street-facing facades differ from one townhome block to another by at least three of the elements listed in subsections (3) through (8) below.</li> </ol> </li> <li>3. <b>Materials.</b> The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another.</li> <li>4. <b>Articulation.</b> The plans have different offsets, recesses, or projections; or the front building elevations break in different places. For example, a plan that has a stoop entry (recess) varies from one that has an entry under a front porch (projection). For this standard to apply, a recess must have a</li> </ol>	<p>means of articulation along the front façade to avoid repetitive facades along a block face.</p>

Design Standard (Objective Process)	Design Guideline (Discretionary Process: Residential Design Review)
<p>minimum depth of four (4) feet and a projection or offset must be at least four (4) feet in depth.</p> <p>5. Variation in roof elevation. The plans have different roof forms (e.g., gable versus gambrel or hip), different roof height (by at least 10 percent), different orientation (e.g., front-facing versus side-facing gable), different roof projections (e.g., with and without dormer or shed, or different type of dormer or shed), or different roof pitch by more than 2 feet of vertical rise to 12 feet of horizontal run.</p> <p>6. Entry or porch. The plans have different configuration or detailing of the front porch or covered entrance.</p> <p>7. Fenestration. The plans have different placement, shape, or orientation of windows or different placement of doors.</p> <p>8. Height. The elevation of the primary roofline (along the axis of the longest roofline) changes by not less than four (4) feet from building to building, or from dwelling unit to dwelling unit, on abutting lots, as applicable. Changes in finished grade of eight (8) feet or more from one lot to the adjacent lot are counted toward change in height for purposes of evaluating facade variation.</p>	
Additional provisions:	<p>16.14.020 – Additional Townhome Design Standards</p> <p>16.14.030 – Additional Triplex and Quadplex Design Standards</p>

**Notes:**

1. The Detailed Design standards in Subsection D of Table 16.14-1 cannot be adjusted through an Adjustment or Variance per Chapter 18.64. If a Detailed Design standard from Subsection D cannot be met for a development, then the development should utilize another option from the list.

**ANALYSIS:** The applicant has elected to comply with the Residential Design



Standards through the objective Type I process.

**FINDING:** Prior to Issuance of Building Permits, the applicant shall demonstrate compliance with the Residential Design standards in SZCDC § 16.14.010 Table 16.14-1.

**16.58.10 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:** One new driveway is proposed to serve Lots 1 and 2. An existing driveway is proposed to serve Lot 3. Both private driveways connect directly to SW Murdock Rd. and create a private driveway / public street intersection. The plans submitted by the applicant do not show clear vision areas as required by this section.

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

**CONDITION OF APPROVAL:** Prior to Final Plat approval, revise the plat to include clear vision area for the new driveway intersection with SW Murdock Rd. pursuant to SZCDC § 16.58.010.

**CONDITION OF APPROVAL:** Prior to Occupancy, the clear vision area for the new

driveway intersection with SW Murdock Rd. shall be established pursuant to SZCDC § 16.58.010.

## **Chapter 16.122 - LAND PARTITIONS**

### **16.122.010 - Generally**

#### **A. Approval Required**

**A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a partition application has been approved by the City Manager or his/her designee.**

#### **B. City Action**

**The City shall review the partition applications submitted in accordance Manager or his/her designee with Section 16.70 and shall approve, approve with conditions or deny the application.**

**ANALYSIS:** The proposed partition is being reviewed as a Type II application in accordance with SZCDC § 16.70. Finding of compliance are provided below.

**FINDING:** This standard is met.

### **16.122.020 - Approval Criteria: Preliminary Plat**

**Partitions shall not be approved unless:**

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

**ANALYSIS:** The application complies with the standards of the VLDR zone and other applicable development code standards as demonstrated in this report.

**FINDING:** This standard is met.

#### **B. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.**

**ANALYSIS:** No new streets or open space are required as part of the partition. Based on the design of the partition and utilities, various public utility easements are required as discussed in the City of Sherwood engineering comments and Public Infrastructure section of this report.

**FINDING:** This criterion is met.

#### **C. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of**

this section:

1. Connection to the City water supply system shall be deemed to be adequate water service.
2. Connection to the City sewer system shall be deemed to be adequate sanitary sewer service if sewer lines are within three-hundred (300) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within three-hundred (300) feet.
3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

**ANALYSIS:** The proposed lots have access to adequate public facilities include for water, sanitary sewer, and storm sewer. The applicant has been conditioned to provide utilities in conformance with City development code and engineering standards. Full findings and conditions are provided in the Public Infrastructure section below and in the City of Sherwood engineering comments (Exhibit B1).

**FINDING:** This criterion is met.

**D. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.**

**ANALYSIS:** The adjoining land in all directions has been developed with single-family residential development, with the exception of SW Murdock Rd. to the east. The land to the north and east has access to SW Murdock Rd. via shared access easements. The land to the south has access via SW McKinley Drive and SW McLoughlin Ct.

**FINDING:** This criterion is met.

**E. Future Development Ability**

**In addition to the findings required by Section 16.122.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.**

**ANALYSIS:** The zoning on the subject property is VLDR which requires a minimum density of 0.7-acres and a minimum lot size of 40,000 SF. The proposed lots cannot be further divided in the future based on the requirements of the zone.

**FINDING:** This criterion is met.

#### **16.122.050 - Filing and Recording Requirements**

**A. Generally**

**Within twelve (12) months after City approval of a land partition, a partition plat shall be submitted to the County in accordance with its final partition plat and recording requirements.**

**B. Time Limit**

**The applicant shall submit the copy of the recorded partition to the City within 30 days of recording, and shall be completed prior to the issuance of any building permits on the re-configured lots.**

**C. Extension**

**After expiration of the twelve (12) months period following partition approval, the partition must be resubmitted for new approval. The City Manager or his/her designee may, upon written request by the applicant, grant an extension up to twelve (12) months upon a written finding that the facts have not changed to an extent sufficient to warrant re-filing of the partition and that no other development approval would be affected. For partitions granted between January 1, 2007 and December 31, 2009, the approval shall be extended until December 31, 2013.**

**ANALYSIS:** The partition is required to comply with the filing and recording requirements above.

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

**CONDITION OF APPROVAL:** Within 12-months from the date of the Notice of Decision, the applicant shall obtain final partition plat approval from the City of Sherwood.

**CONDITION OF APPROVAL:** Within 12-months from the date of the Notice of Decision, the applicant shall submit the partition plat to the County in accordance with its final partition plat and recording requirements.

\*\*\*

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

#### **16.128.10 - 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:** No new public streets or blocks will be created as part of the partition.

**FINDING:** This standard is met.

**2. Block Length**

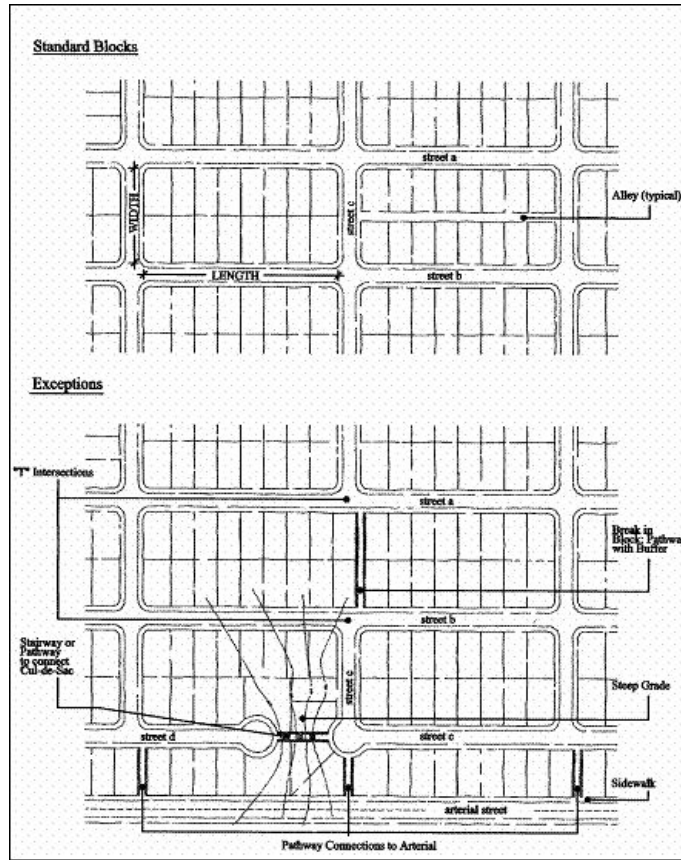
**Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation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

**ANALYSIS:** No new public streets or blocks will be created as part of the partition.

**FINDING:** This standard is met.

- 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:** No new public streets, blocks, or cul-de-sacs will be created as part of the partition.

**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:** Based on the design of the partition and utility layout, various public utility easements are required. Full comments and conditions regarding utility easements are provided in the City of Sherwood engineering comments and Public Infrastructure section of this report.

**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 site is undeveloped and slopes down from east to west with a natural sheet flow of water. Storm water is required to be managed in accordance with City and CWS standards.

**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:** No public streets or cul-de-sacs will be created as part of the partition.

**FINDING:** This standard is met.

**16.128.30 - Lots**

**A. Size and Shape**

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

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

**ANALYSIS:** The site slopes steeply down from east to west and will be developed at a density of 1.0 units per acre. The proposed 1-acre lot sizes are appropriate for the slopes and additional space needed to accommodate building pads for future residences.

**FINDING:** This standard is met.

**B. Access**

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

**ANALYSIS:** The proposed land division is for a partition and not a subdivision, however, all proposed lots abut a public street with a minimum of 25 ft. of frontage.

**FINDING:** This standard is met.

**C. Double Frontage**

Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.

**ANALYSIS:** Double frontage lots are not proposed.

**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:** All side lot lines run at right angles to the street upon which the lots face.

**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 proposed grading does not exceed the maximum cuts in the standard above.

**FINDING:** This standard is met.

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

### **16.94.10 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.

**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.

\*\*\*

**D. 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.**

\*\*\*

**16.94.20 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. × 20 ft.) parking space is required.

**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:** The proposal is for a 3-lot partition for future single-family residences. 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.

All lots will take access from SW Murdock Rd. which does not provide for on-street parking. Therefore each lot requires two off-street parking stalls with a minimum dimensional of 9 ft. x 20 ft. Based on the large 1-acre lot sizes, each lot is capable of providing two off-street stalls.

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

**CONDITION OF APPROVAL:** Prior to issuance of building permits, each lot shall have two (2) off-street parking stalls. Each stall shall be a minimum of 20 ft. deep x 9 ft. wide. Garages cannot be counted as parking stalls.

**CONDITION OF APPROVAL:** Prior to occupancy of each residence, each lot shall have two (2) off-street parking stalls. Each stall shall be a minimum of 20 ft. deep x 9 ft. wide. Garages cannot be counted as parking stalls.

\*\*\*

#### **16.96.20 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.**
- 2. Two-Family: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.**

**ANALYSIS:** One new driveway is proposed at a width of 20 ft. and grade of 12%.

**FINDING:** This standard is met.

\*\*\*

#### **16.96.40 - 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:** The applicant is required to obtain an engineering compliance agreement and construct the single new driveway access to City standards.

**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:** Joint access is proposed for all lots. Lots 1 and 2 will be served by a new shared driveway off SW Murdock Rd. Lot 3 will be served by an existing driveway that serves four (4) existing residential lots to the north. The proposed access plan will minimize private driveway use along Murdock Rd. and improve overall safety.

Partition Plat 1991-076 provides an access and utility easement for the subject lot including proposed Lot 3. A new access easement is required for the shared access drive serving Lots 1 and 2.

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

**CONDITION OF APPROVAL:** Prior to Final Plat approval, the applicant shall provide a draft shared access and maintenance agreement for the shared driveway serving Lots 1 and 2.

\*\*\*

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

**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.

**B. Landscape Materials**

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.142.060, shall be planted in the corridor by the developer. The improvements shall be included in the compliance agreement. In no case shall trees be removed from the required visual corridor.

**C. Establishment and Maintenance**

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

**D. Required Yard**

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

**ANALYSIS:** The subject site has frontage along SW Murdock Rd. which is identified as an arterial street in the City's TSP. A 15 ft. wide landscaped visual corridor is required along this site frontage. No right-of-way dedication is required and the 15 ft. wide visual corridor will be located within the first 15 ft. of the existing subject property along its entire length of SW Murdock Rd. The applicant has the option of constructing frontage improvements or making a payment in-lieu of improvements. If street improvements are deferred, the applicant is responsible for providing a 15 ft. wide visual corridor until such time that street improvements are made. Any impacts to the established visual corridor as a result of the roadway construction and final design can be re-established by the City or party responsible for the street improvements. The applicant shall dedicate a 15 ft. wide visual corridor easement to ensure replanting and permanent establishment of the corridor. The easement can overlap with the required 25 ft. slope and drainage easement required for future street improvements. Existing native trees and vegetation can be used for the visual corridor. New landscaping is required where existing native vegetation alone does not meet the visual corridor standard. Long-term maintenance of the visual corridor is the responsibility of the future owner(s) of the property containing the easement.

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

**CONDITION OF APPROVAL:** Prior to Issuance of Building Permits, provide updated landscaping plans showing the proposed planting plan for the 15 ft. wide visual corridor. Existing native trees and vegetation in good condition can serve as the visual corridor. Field confirmation of the existing trees and vegetation is required on the plans.

**CONDITION OF APPROVAL:** Prior to occupancy, a continuous visual buffer between SW Murdock Rd. and the proposed partition shall be established through preserving existing native trees and vegetation in good condition or planting new trees and landscaping in accordance with SZCDC § 16.142.040.

**CONDITION OF APPROVAL:** Prior to occupancy, the developer shall dedicate a 15-foot wide visual corridor easement on private property along the length of SW Murdock Dr. The easement is not required where the driveway access easement conflicts with the visual corridor.

**CONDITION OF APPROVAL:** Long term maintenance of the visual corridor is the responsibility of the future owner of the lots being created.

#### **16.142.60 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.

1. **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 subject lot has frontage on SW Murdock Rd. and street trees are required. The applicant has been conditioned to make frontage improvements to City standards including street trees, or make a payment for a fee-in-lieu. Street tree selection and location will be reviewed through the engineering review process.

**FINDING:** These standards are met.

#### **16.142.70 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 II partition and this chapter applies. As described in the analysis and findings below, the development preserves trees and woodlands in accordance with this chapter.

**FINDING:** This standard 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:** This applicant has provided a Tree Report including an inventory of the location and species of each tree over 6" DBH on the site. The report shows the trees in relation to the proposed development and site grading.

**FINDING:** This standard is met.

#### **D. Retention requirements**

- 1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.
- 2. Required Tree Canopy – All Residential Developments subject to Type II-V land use review.

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.

**3. Required Tree Canopy - Non-Residential and Multi-Family Dwelling Developments**

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 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 each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping 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 required canopy cover. A certified arborist or other qualified professional shall provide an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

	<b>Residential (single family detached &amp; duplex developments) subject to Residential Design Checklist or Type I review</b>	<b>Residential (single family detached &amp; duplex developments) subject to Type II-IV review</b>	<b>Old Town &amp; Infill developments</b>	<b>Commercial, Industrial, Institutional Public and Multi-Family dwelling</b>
<b>Canopy Requirement</b>	N/A	40%	N/A	30%
<b>Counted Toward the Canopy Requirement</b>				
<b>Street trees included in canopy requirement</b>	N/A	Yes	N/A	No
<b>Landscaping requirements included in canopy requirement</b>	N/A	N/A	N/A	Yes
<b>Existing trees onsite</b>	N/A	Yes x2	N/A	Yes x2

<b>Planting new trees onsite</b>	<b>N/A</b>	<b>Yes</b>	<b>N/A</b>	<b>Yes</b>
<p><b>Mature Canopy in Square Feet Equation <math>\pi r^2</math> or <math>(3.14159 * \text{radius}^2)</math> (This is the calculation to measure the square footage of a circle. The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half.</b></p>				
<p><b>Canopy Calculation Example: Pin Oak Mature canopy = 35' <math>(3.14159 * 17.5^2) = 962</math> square feet</b></p>				

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 residential land division is subject to the Type II review procedures and is required to provide 40% tree canopy over the net development site. Existing trees along the south, east, and west property lines will be preserved and count as double canopy. Additional trees are likely required to meet the minimum canopy requirement. A final planting plan and tree canopy calculations have not been provided by the applicant.

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

**CONDITION OF APPROVAL:** Prior to Final Plat approval, provide final tree canopy calculations demonstrating a 40% tree canopy over the net development site in accordance with SZCDC § 16.142.70.

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 Tree Report included as Exhibit A6 indicates the trees that will be preserved as part of the land division. As stated above, additional tree planting is likely required to achieve the 40% canopy.

**FINDING:** This standard is 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:** No property will be dedicated to the City for the purposes described above.

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

**D. 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:** The applicant is eligible to receive this incentive when calculating tree canopy requirements.

**FINDING:** This criterion is met.

**E. Additional Preservation Incentives**

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**ANALYSIS:** Additional preservation incentives are not proposed.

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

**F. 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:** This applicant has provided a Tree Plan demonstrating how trees will be protected during development.

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

**CONDITION OF APPROVAL:** The applicant shall comply with the Tree Report by SavaTree (Exhibit A6) dated May 12, 2022 and protect trees through site development based on the protection and construction methods described in the report.

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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:** The site is identified as a Significant Natural Area / Critical Natural Feature in the City's Natural Resources and Recreation Plan Map. The criteria under SZCDC § 16.144.020(B) apply to the proposal and the narrative is required to demonstrate compliance with the standards (1) – (5).

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

\*\*\*

- B. The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:**
  - 1. The site does not contain an endangered or threatened**



plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).

2. The facility will comply with applicable requirements of the zone.
3. The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed

areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.

4. The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.
5. Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 16.140.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.

**ANALYSIS:** The applicant has provided an Environmental Assessment (Exhibit A12) that indicates endangered and threatened species are unlikely to exist on the property due to incompatible habitat. The applicant has also provided a Clean Water Services SPL that indicates sensitive habitat regulated by CWS such as wetlands and floodplains, are located on the site. The applicant is required to comply with standards (3) and (4) to the extent practicable given the soil contamination and DEQ requirements for cleanup. Soil may need to be removed from the site to achieve full remediation.

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

**CONDITION OF APPROVAL:** The applicant shall excavate and store topsoil separate

from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost. The applicant is required to comply with the condition to the extent practicable given the soil contamination and DEQ requirements for cleanup.

**CONDITION OF APPROVAL:** The applicant shall retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use. The applicant is required to comply with the condition to the extent practicable given the soil contamination and DEQ requirements for cleanup.

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**Chapter 16.106 - TRANSPORTATION FACILITIES**

**16.106.10 - 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.**

Type of Street	ROW Width	Number of Lanes	Minimum Land Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscaping Strip (exclusive of curb)	Median Width
Arterial	60-102'	2-5	12'	Limited	6'	6-8'	5'	14' if required

**ANALYSIS:** The site is located on SW Murdock Rd. which is identified as a 3-lane arterial in the City's TSP. Lots 1 and 2 will take access from a new driveway while

Lot 3 will take access from an existing driveway. No right-of-way dedication is required as the existing half-street width is 40 ft. in front of the property. The developer can opt to construct frontage improvements to City standards or make a payment in-lieu.

**FINDING:** This standard is met.

**16.106.20 - 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.**

**ANALYSIS:** The City of Sherwood Engineering comments state “The subject property has public street frontage along SW Murdock Road (Arterial) to the west. Currently SW Murdock Road consists of a 2-lane street with ditches on both sides (no curbs) and sidewalk on the opposite side of the street from the development. Sherwood TSP for an arterial 3-lane street with no parking is as follows:

25-foot wide half street paving, 5-foot wide landscape strip, 8-foot wide sidewalk and a 1-foot wide buffer all within a 39-foot wide half street right-of-way.

Per Partition Plat 1991-076 the right-of-way along the subject property frontage is 40-feet in width which exceeds the 39-foot half street right-of-way needed for an arterial street section. Therefore, no dedication along the subject property frontage will be required. An 8-foot wide PUE will need to be dedicated along the subject property frontage of SW Murdock Road. A 25-foot wide exclusive slope/wall easement will need to be dedicated along the subject property frontage of SW Murdock Road for the future widening of SW Murdock Road. No buildings will be allowed within this 25-foot wide easement.

The subject development has proposed that Lot 1 and Lot 2 have access to SW Murdock Road via a new driveway just north of the subject property within an access and utility easement within the property to the north of the subject property. The location of this new driveway is approximately 260 feet from the existing driveway to the north which is less than 300 feet required by City of Sherwood design standards for an arterial street. A design modification has been approved by the City Engineer for this driveway location. This new driveway approach will need to cut back any grades as necessary to achieve sight distance to the south meeting AASHTO “A Policy of

Geometric Design of Highways and Streets”. Lot 3 (easternmost lot) will obtain access to SW Murdock Road via the existing driveway which currently serves 4 other existing homes. The new driveway access onto SW Murdock Road will need to be designed such that the elevation will work with future street widening improvements along SW Murdoch Road.

As noted above considerable street widening along the subject property of SW Murdock Road is necessary in order to bring this section of street up to City of Sherwood standards for a 3-lane arterial street. These widening improvements along with a significant bank cut and wall (up to approximately 12 feet in height) will amount in an impropotional amount of public street improvements for a 3-parcel partition. Therefore, the developer will have a choice of either installing the public street widening improvements or make a payment-in-lieu thereof. The payment-in-lieu cost will be 125% of an engineer’s estimate meeting the approval of the City of Sherwood and will be based upon the following:

Local street section standard for half street section (max. 14 feet of street width with 6-foot wide sidewalk). This is to be calculated over the full length of the subject property frontage plus 20 feet for the driveway incursion into the neighboring property to the north. This payment includes street/sidewalk excavation based upon depth of pavement structure, geotextile fabric, aggregate base, asphalt, curb and gutter, sidewalk, one Westbrooke street light and ten street trees.

Emergency access/driveway access to new parcels will need to meet the approval of Tualatin Valley Fire and Rescue.”

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

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the developer shall design for a new driveway approach onto SW Murdoch Road meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the developer shall either construct the frontage improvements along the subject property frontage of SW Murdock Road extending through the new driveway access or shall make a payment-in-lieu thereof. The payment-in-lieu cost will be 125% of an engineer’s estimate meeting the approval of the City of Sherwood and will be based upon the following:

Local street section standard for half street section (max. 14 feet of street width with 6-foot wide sidewalk). This is to be calculated over the full length of the subject property frontage plus 20 feet for the driveway incursion into the neighboring property to the north. This payment includes street/sidewalk excavation based upon depth of pavement structure, geotextile fabric, aggregate base, asphalt, curb and gutter, sidewalk, one Westbrooke street light and ten street trees.

**CONDITION OF APPROVAL:** Prior to Acceptance of Public Improvements, the engineer of record shall verify adequate sight distance for the new driveway approach onto SW Murdoch Road in accordance with the AASHTO “A Policy of Geometric Design of Highways and Streets” meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Acceptance of Public Improvements, the developer shall dedicate an 8-foot wide PUE along the full length of the subject property frontage meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Acceptance of Public Improvements, the developer shall dedicate an exclusive 25-foot wide slope and wall easement to the City of Sherwood meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Emergency access/driveway access to each home shall meet the approval of Tualatin Valley Fire and Rescue.

**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.**

**ANALYSIS:** SW Murdock Rd. is an existing street and the applicant has been required to improve or pay a fee-in-lieu of construction for improvements between the centerline of the street and the property line.

**FINDING:** This standard is met.

**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.**

**ANALYSIS:** No half-street widths will exceed for 40 ft.

**FINDING:** This standard is met.

**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:** The applicant is constructing or paying a fee-in-lieu of construction for all required transportation improvements. A fee-in-lieu can be accepted as 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.

**FINDING:** These standards are met.

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**16.106.40 - Design**

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

**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.**

**d. Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 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 or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.**

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

**(a) Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or**

principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').

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

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

1. **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:** Access is proposed from SW Murdock Rd., an existing arterial street under City jurisdiction. As shown in the applicant's Aerial and Neighborhood Circulation Map, the site is surrounded in all directions by existing single-family development. The City's TSP and future street connectivity map do not indicate additional local or collector street connections through or near the subject site or surrounding properties.



As direct access is proposed to an arterial street, the City has conditioned the applicant to ensure the proposed driveway is safe and meets sight distance standards. The proposed driveway and access location will be required to meet all applicable City engineering standards related to design and safety. The applicant has been conditioned to cut back any grades as necessary to achieve sight distance to the south meeting AASHTO "A Policy of Geometric Design of Highways and Streets".

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

**CONDITION OF APPROVAL:** As alternative public access to the adjacent arterial (SW Murdock Rd.) is not available at the time of development, the new access shall be deemed temporary access and shall be discontinued upon the availability of alternative access.

**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:** The applicant is proposing to use private streets to serve each lot. The new driveway will serve a maximum of two residential lots while an existing driveway will provide access to a single new lot.

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

**CONDITION OF APPROVAL:** Prior to occupancy private streets shall be signed differently from public streets and include the words "Private Street".

**16.106.60 - 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:** Sidewalks are required to be installed or a fee-in-lieu of construction provided. No alternative to a sidewalk on SW Murdock Rd. currently exists along the east side of the road.

**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:** SW Murdock Rd. is classified as an arterial and the existing right-of-way will provide adequate area for the required sidewalk width within the proposed street section.

**FINDING:** These standards 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:** The distance between streets along SW Murdock Rd. exceeds 330 ft. Due to the steep grades on the site, providing an additional pedestrian / bicycle path through the subject property would not be practicable for construction or desirable for use. In addition, the existing development surrounding the property has been previously divided and cannot provide a complete connection between public streets.

**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:** Figure 13 of the TSP does not indicate bike lanes are proposed in front of the subject property.

**FINDING:** This standard is met.

#### **16.106.90 - 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 public street improvements and/or fee-in-lieu of improvements are required to a local standard with credit being issued for fees above a local standard in accordance with City policy.

**FINDING:** These standards are met.

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

### **16.108.10 – 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.**

**16.108.40 - 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 development will require a new driveway intersection with a public road and potential frontage improvements to SW Murdock Rd. An Engineering Compliance Agreement from the City of Sherwood is required.

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

**CONDITION:** Prior to Approval of the Engineering Public Improvement Plans, an

Engineering Compliance Agreement shall be obtained from the City of Sherwood Engineering Department.

## **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.**

### **16.110.20 - 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:** The City of Sherwood Engineering comments state “An 8-inch diameter

public sanitary sewer main exists within SW Murdock Road along a portion of the subject property frontage (southern 140 feet). The property directly north/east of the subject property is a single family home on a private septic system and does not appear to have access to public sanitary sewer. Due to the shallow depth of the sanitary sewer in front of the subject property and that the road slopes downward as it heads north, extension of the public sanitary sewer along the subject property frontage would not be able to provide public sanitary sewer service to the aforementioned property since a lateral would not be able to clear under the water line. Therefore extension of the public sanitary sewer is not required.

Clean Water Services' (CWS) standards require that each parcel have its own individual sanitary lateral. In order to meet this standard, a public sanitary sewer line will need to be installed within the subject property. Any public sanitary sewer located on private property will require an encompassing public sanitary sewer easement. Also, a maintenance access easement over the private driveway will be necessary for future maintenance.”

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

**CONDITION OF APPROVAL:** Prior to Final Approval of Engineering Plans, the subject development shall design for the extension of the public sanitary sewer system to provide an individual public sanitary sewer service to each parcel of the subject development meeting the approval of the Sherwood Engineering Department.

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

**CONDITION OF APPROVAL:** Prior to Final Acceptance of Constructed Public Improvements, a public maintenance access easement encompassing the private driveway shall be granted meeting the approval of the City of Sherwood Engineering Department.

**CONDITION OF APPROVAL:** All private sanitary laterals shall be installed in compliance with the current Oregon Plumbing Specialty Code.

## **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.**

**16.112.20 - 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.



**FINDING:** The City of Sherwood Engineering comments state “A 10-inch diameter public water main exists within SW Murdock Road along the full length of the subject property frontage. Therefore extension of the public water system is not required except as necessary to provide fire water to the site.

There is no public fire hydrant within the immediate vicinity of the new parcels of the subject development. Therefore, the subject development will need to provide a public fire hydrant with the location being approved by TVF&R and the City of Sherwood.

The subject development will need to provide an individual water service to each parcel of the partition.”

**CONDITION OF APPROVAL:** Prior to Final Approval of Engineering Plans, the subject development shall design to provide a water service to each proposed parcel within the subject development.

**CONDITION OF APPROVAL:** Prior to Final Approval of Engineering Plans, the subject development shall design for to provide a public fire hydrant meeting the approval of the Sherwood Engineering Department and TVF&R.

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

**CONDITION OF APPROVAL:** All private water services shall be installed in compliance with the current Oregon Plumbing Specialty Code.

## **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).**

### **16.114.20 - 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.

**16.114.30 - 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:** The City of Sherwood Engineering comments state “There is no storm sewer within SW Murdock Road along the subject property frontage. There is an inlet on the east side of SW Murdock Road near the southern end of the subject property.

Clean Water Services’ (CWS) standards require that each parcel have its own individual storm lateral. In order to meet this standard, a public storm sewer line will need to be installed within the subject property. Any public storm sewer located on private property will require an encompassing public storm sewer easement. Also, a maintenance access easement over the private driveway will be necessary for future maintenance.

A regional public facility for storm water quality treatment and hydro-modification

is required in compliance with Clean Water Services (CWS) standards for management of new on-site impervious area. A storm water report in compliance with CWS standards is required and will analyze the roadside ditch downstream of the outlet point of the proposed storm facility. The storm water quality treatment and hydro-modification facility shall either be within a public storm facility easement dedicated to the city or within a separate tract of land dedicated to the city.

The existing property north/east of the subject property slopes northerly and goes to a different drainage basin than the existing storm sewer at the south end of the subject property. Therefore extension of storm sewer is not required since the property is located at the peak of SW Murdock Road.

Street widening improvements along the subject property frontage of SW Murdock Road will either be installed or a payment-in-lieu made. The subject property will need to make a payment-in-lieu for water quality treatment and for hydro-modification for these street improvements. The impervious area to be used for the payment-in-lieu shall be the amount of impervious area constructed within the right-of-way for the development plus up to 14-feet of street widening and 6-feet of sidewalk times the length of the subject property frontage along SW Murdock Road.

City policy requires that prior to grading, a permit is obtained from the Building Department for all 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.

An erosion control plan and permit is required from the City of Sherwood Engineering Department for all public and private improvements. The erosion control permit is reviewed, approved and released as part of the public improvement plans.

Since the subject development exceeds 1.0 acres a DEQ NPDES 1200-CN permit is required.

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

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for the extension of a public storm sewer

as needed to provide an individual public storm sewer service to each parcel of the subject development meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide a regional water quality treatment and hydro-modification facilities in compliance with Clean Water Services' standards meeting the approval of the Sherwood Engineering Department. The facility shall be designed such that future widening of SW Murdock Road will not result in a reconstruction of the facility.

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall make a payment in lieu of providing water quality treatment and hydro-modification facilities in compliance with Clean Water Services' standards. The impervious area to be used for the payment-in-lieu shall be the amount of impervious area constructed within the right-of-way for the development plus up to 14-feet of street widening and 6-feet of sidewalk times the subject property frontage length along SW Murdock Road.

**CONDITION OF APPROVAL:** Prior to Final Acceptance of Constructed Public Improvements, any public storm sewer to be located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvement meeting the approval of the City of Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Final Acceptance of Constructed Public Improvements, a public maintenance access easement encompassing the private driveway shall be granted meeting the approval of the City of Sherwood Engineering Department.

**CONDITION OF APPROVAL:** Prior to Final Acceptance of Constructed Public Improvements, the developer shall dedicate a separate tract of land containing the regional storm water quality treatment and hydro-modification facilities to the City of Sherwood meeting the approval of the Sherwood Engineering Department. A storm facility easement to the City of Sherwood may be dedicated in place of a tract if approved by the Sherwood Engineering Department.

**CONDITION OF APPROVAL:** The proposed development shall design for private storm water runoff within the subject property to be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.

**CONDITION OF APPROVAL:** Prior to Issuance of Grading Permit, the developer shall design for project erosion control meeting the approval of the Sherwood Engineering Department and obtain a DEQ NPDES 1200-CN permit.

**CONDITION OF APPROVAL:** Prior to Issuance of Building Permit, the developer shall obtain a Grading Permit from the Building Department.

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, a Storm Water Connection Permit Authorization shall be obtained from Clean Water Services.

## **Chapter 16.116 - FIRE PROTECTION**

### **16.116.10 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 the 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.

**16.116.30 - 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 partition and the applicant is required to install fire protection facilities that meet the standards of Tualatin Valley Fire & Rescue (TVF&R). TVF&R has issued a Service Provider Letter for the proposal included as Exhibit A2. A final inspection is required prior to occupancy.

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

**CONDITION OF APPROVAL:** The applicant shall comply with the TVF&R Service Provider Letter and all applicable fire code regulations.

**CONDITION OF APPROVAL:** Prior to occupancy, the applicant shall obtain written approval from TVF&R for occupancy of the structures.

**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.

**16.118.20 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.**

**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.

**16.118.040 - Exceptions**

Surface-mounted transformers, surface-mounted connection boxes and meter cabinets, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at fifty thousand (50,000) volts or more may be located above ground. The City reserves the right to approve location of all surface-mounted transformers.

**ANALYSIS:** Currently there are overhead utilities along the subject property frontage. If street widening improvements along the subject property frontage are being constructed, then the overhead utilities will need to be relocated underground unless otherwise determined by the City Engineer. If a payment-in-lieu of installing public widening improvements is being made, then the overhead utility lines along the subject property frontage of SW Murdock Road may stay, as undergrounding with current grades would not make sense as there will be a significant cut with the future street widening. All new utilities to serve homes shall be underground.

Sherwood Broadband exists along the subject property frontage of SW Murdock Road, however they are aerial. Therefore underground Sherwood Broadband conduits and vaults will either need to be installed or a payment-in-lieu thereof paid.

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

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, if street frontage improvements are being installed along the subject property frontage of SW Murdock Road, then the developer shall design for the overhead utility lines along the subject property street frontage of SW Murdock Road to be relocated underground unless otherwise determined by the City Engineer.

**CONDITION OF APPROVAL:** Prior to Approval of the Engineering Public Improvement Plans, the developer shall either design to install Sherwood Broadband conduits and vaults along the subject property frontage of SW Murdock Road meeting the approval of the Sherwood Engineering Department or make a payment-in-lieu thereof.

**CONDITION OF APPROVAL:** All new utilities to serve homes shall be underground.

#### **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:** One new private driveway will be constructed to serve Lots 1 and 2. The applicant has been conditioned to provide an access and maintenance agreement



prior to final plat approval.

**FINDING:** These criteria are met.

#### **IV. NOTICE OF DECISION AND CONDITIONS OF APPROVAL**

Based on a review of the applicable code standards and approval criteria, the applicant's submittal, agency comments, and public testimony, the application LU 2022-019 MLP Chinn Partition 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. Within 12-months from the date of the Notice of Decision, the applicant shall obtain final partition plat approval from the City of Sherwood.
3. Within 12-months from the date of the Notice of Decision, the applicant shall submit the partition plat to the County in accordance with its final partition plat and recording requirements.
4. Long term maintenance of the visual corridor is the responsibility of the future owner of the lots being created.
5. The applicant shall comply with the Tree Report by SavaTree (Exhibit A6) dated May 12, 2022 and protect trees through site development based on the protection and construction methods described in the report.
6. The applicant shall excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost. The applicant is required to comply with the condition to the extent practicable given the soil contamination and DEQ requirements for cleanup.
7. The applicant shall retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use. The applicant is required to comply with the condition to the extent practicable given the soil contamination and DEQ requirements for cleanup.
8. Emergency access/driveway access to each home shall meet the approval of Tualatin Valley Fire and Rescue.
9. As alternative public access to the adjacent arterial (SW Murdock Rd.) is not available at the time of development, the new access shall be deemed temporary access and shall be discontinued upon the availability of alternative access.

10. All private sanitary laterals shall be installed in compliance with the current Oregon Plumbing Specialty Code.
11. All private water services shall be installed in compliance with the current Oregon Plumbing Specialty Code.
12. The proposed development shall design for private storm water runoff within the subject property to be collected and conveyed in accordance with the current Oregon Plumbing Specialty Code.
13. The applicant shall comply with the TVF&R Service Provider Letter and all applicable fire code regulations.
14. All new utilities to serve homes shall be underground.

**B. Prior to Final Plat Approval**

1. Prior to Final Plat approval, revise the plat to include clear vision area for the new driveway intersection with SW Murdock Rd. pursuant to SZCDC § 16.58.010.
2. Prior to Final Plat approval, provide final tree canopy calculations demonstrating a 40% tree canopy over the net development site in accordance with SZCDC § 16.142.70.

**C. Prior to Engineering Approval of the Public Improvement Plans**

1. Prior to Approval of the Engineering Public Improvement Plans, the developer shall design for a new driveway approach onto SW Murdock Road meeting the approval of the Sherwood Engineering Department.
2. Prior to Approval of the Engineering Public Improvement Plans, the developer shall either construct the frontage improvements along the subject property frontage of SW Murdock Road extending through the new driveway access or shall make a payment-in-lieu thereof. The payment-in-lieu cost will be 125% of an engineer's estimate meeting the approval of the City of Sherwood and will be based upon the following:  
Local street section standard for half street section (max. 14 feet of street width with 6-foot wide sidewalk). This is to be calculated over the full length of the subject property frontage plus 20 feet for the driveway incursion into the neighboring property to the north. This payment includes street/sidewalk excavation based upon depth of pavement structure, geotextile fabric, aggregate base, asphalt, curb and gutter, sidewalk, one Westbrooke street light and ten street trees.
3. Prior to Approval of the Engineering Public Improvement Plans, an Engineering Compliance Agreement shall be obtained from the City of Sherwood Engineering Department.
4. Prior to Final Approval of Engineering Plans, the subject development shall design for the extension of the public sanitary sewer system to provide an individual public sanitary sewer service to each parcel of the subject development meeting the approval of the Sherwood Engineering Department.
5. Prior to Final Approval of Engineering Plans, the subject development shall design to provide a water service to each proposed parcel within the subject development.
6. Prior to Final Approval of Engineering Plans, the subject development shall

design for to provide a public fire hydrant meeting the approval of the Sherwood Engineering Department and TVF&R.

7. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design for the extension of a public storm sewer as needed to provide an individual public storm sewer service to each parcel of the subject development meeting the approval of the Sherwood Engineering Department.
8. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall design to provide a regional water quality treatment and hydro-modification facilities in compliance with Clean Water Services' standards meeting the approval of the Sherwood Engineering Department. The facility shall be designed such that future widening of SW Murdock Road will not result in a reconstruction of the facility.
9. Prior to Approval of the Engineering Public Improvement Plans, the proposed development shall make a payment in lieu of providing water quality treatment and hydro-modification facilities in compliance with Clean Water Services' standards. The impervious area to be used for the payment-in-lieu shall be the amount of impervious area constructed within the right-of-way for the development plus up to 14-feet of street widening and 6-feet of sidewalk times the subject property frontage length along SW Murdock Road.
10. Prior to Approval of the Engineering Public Improvement Plans, a Storm Water Connection Permit Authorization shall be obtained from Clean Water Services.
11. Prior to Approval of the Engineering Public Improvement Plans, if street frontage improvements are being installed along the subject property frontage of SW Murdock Road, then the developer shall design for the overhead utility lines along the subject property street frontage of SW Murdock Road to be relocated underground unless otherwise determined by the City Engineer.
12. Prior to Approval of the Engineering Public Improvement Plans, the developer shall either design to install Sherwood Broadband conduits and vaults along the subject property frontage of SW Murdock Road meeting the approval of the Sherwood Engineering Department or make a payment-in-lieu thereof.

**D. Prior to Issuance of a Grading Permit**

1. Prior to Issuance of Grading Permit, the developer shall design for project erosion control meeting the approval of the Sherwood Engineering Department and obtain a DEQ NPDES 1200-CN permit.

**E. Prior to Issuance of Building Permits**

1. Prior to Issuance of Building Permits, the applicant shall provide a plot plan and building drawings demonstrating compliance with the setback and height standards for the VLDR zone located in SZCDC § 16.12.030(C).
2. Prior to Issuance of Building Permits, the applicant shall obtain a No Further Action letter other written approval from DEQ indicating that no additional soil remediation work is needed to develop the site with permanent residential uses.

3. Prior to Issuance of Building Permits, the applicant shall demonstrate how the proposed garages for each residential unit meet the garage standards in SZCDC § 16.12.040.
4. Prior to issuance of building permits, each lot shall have two (2) off-street parking stalls. Each stall shall be a minimum of 20 ft. deep x 9 ft. wide. Garages cannot be counted as parking stalls.
5. Prior to Issuance of Building Permit, the developer shall obtain a Grading Permit from the Building Department.
6. Prior to Issuance of Building Permits, provide updated landscaping plans showing the proposed planting plan for the 15 ft. wide visual corridor. Existing native trees and vegetation in good condition can serve as the visual corridor. Field confirmation of the existing trees and vegetation is required on the plans.

**F. Prior to Acceptance of Public Improvements**

1. Prior to Acceptance of Public Improvements, the engineer of record shall verify adequate sight distance for the new driveway approach onto SW Murdoch Road in accordance with the AASHTO “A Policy of Geometric Design of Highways and Streets” meeting the approval of the Sherwood Engineering Department.
2. Prior to Acceptance of Public Improvements, the developer shall dedicate an 8-foot wide PUE along the full length of the subject property frontage meeting the approval of the Sherwood Engineering Department.
3. Prior to Acceptance of Public Improvements, the developer shall dedicate an exclusive 25-foot wide slope and wall easement to the City of Sherwood meeting the approval of the Sherwood Engineering Department.
4. Prior to Final Acceptance of Constructed Public Improvements, any public sanitary sewer to be located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvement meeting the approval of the City of Sherwood Engineering Department.
5. Prior to Final Acceptance of Constructed Public Improvements, a public maintenance access easement encompassing the private driveway shall be granted meeting the approval of the City of Sherwood Engineering Department.
6. Prior to Final Acceptance of Constructed Public Improvements, any public water line to be located on private property shall have a recorded public water line easement encompassing the related public water line improvement meeting the approval of the City of Sherwood Engineering Department.
7. Prior to Final Acceptance of Constructed Public Improvements, any public storm sewer to be located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvement meeting the approval of the City of Sherwood Engineering Department.
8. Prior to Final Acceptance of Constructed Public Improvements, a public maintenance access easement encompassing the private driveway shall be granted meeting the approval of the City of Sherwood Engineering Department.
9. Prior to Final Acceptance of Constructed Public Improvements, the developer shall dedicate a separate tract of land containing the regional storm water quality treatment and hydro-modification facilities to the City of Sherwood meeting the approval of the Sherwood Engineering Department. A storm facility easement to the City of Sherwood may be dedicated in place of a tract if approved by the Sherwood Engineering Department.

**G. Prior to Receiving Occupancy**

1. Prior to Occupancy each residence, the front yard of each lot shall be fully landscaped excluding paved off-street parking areas, paved pedestrian paths, and utility areas.
2. Prior to Occupancy, the clear vision area for the new driveway intersection with SW Murdock Rd. shall be established pursuant to SZCDC § 16.58.010.
3. Prior to occupancy of each residence, each lot shall have two (2) off-street parking stalls. Each stall shall be a minimum of 20 ft. deep x 9 ft. wide. Garages cannot be counted as parking stalls.
4. Prior to occupancy, a continuous visual buffer between SW Murdock Rd. and the proposed partition shall be established through preserving existing native trees and vegetation in good condition or planting new trees and landscaping in accordance with SZCDC § 16.142.040.
5. Prior to occupancy, the developer shall dedicate a 15-foot wide visual corridor easement on private property along the length of SW Murdock Dr. The easement is not required where the driveway access easement conflicts with the visual corridor.
6. Prior to occupancy private streets shall be signed differently from public streets and include the words "Private Street".
7. Prior to occupancy, the applicant shall obtain written approval from TVF&R for occupancy of the structures.

**V. EXHIBITS**

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

1. Narrative
2. Service Provider Letters
3. Geotech Report
4. Stormwater Memo
5. Partiation Plat 1991-076
6. Tree Plan
7. Tree Inventory
8. Vicinity Map
9. Property Deed
10. Natural Resources and Rec Plan Map
11. Pre-Application Notes
12. ESA Environmental Report
13. Planning Drawings
14. Soil Contamination Map
15. Tax Map
16. Driveway Design Modification Request

**B. Agency Comments**

1. City of Sherwood Engineering

2. Clean Water Services
3. Pride Disposal

**C. Public Testimony**

1. David Paxton