



Home of the Tualatin River National Wildlife Refuge

TYPE V - NOTICE OF DECISION

TAX LOT: 2S133BC001700
CASE NO: LU 2022-020 SUB / PUD
DATE OF NOTICE: March 8, 2023

Applicant

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

Owner

JT Roth Construction
12600 SW 72nd Ave
Beaverton, OR 97223

NOTICE

Notice is hereby given to anyone who testified verbally or in writing at the Planning Commission or City Council hearing that on March 7, 2023, Sherwood City Council adopted Ordinance 2023-001 approving a Planned Unit Development and Subdivision to be known as Moser Pass PUD. The findings made to reach the decision are attached to the Ordinance and are available for review at City Hall and on the City's web site at www.sherwoodoregon.gov. The decision of the City Council is the final local decision.

INFORMATION:

To obtain copies of file materials, go to

<https://www.sherwoodoregon.gov/planning/project/lu-2022-020-subpud-moser-pass> or contact Colleen Resch, Planning Technician, at 503-925-2308 or by e-mail at reschc@sherwoodoregon.gov.

APPEAL

Pursuant to SZCDC Section 16.76.040, this is the City's final decision on this matter. An appeal of the City Council decision may be made to the Land Use Board of Appeals. Pursuant to ORS 197.830, any person who appeared before the local government orally or in writing on this matter may file a notice of intent to appeal to the Land Use Board of Appeals (LUBA) no later than 21 days after the date of this report.

I, Colleen Resch, for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision on Case File No. LU 2022-020 Moser Pass PUD was placed in a U.S. Postal receptacle, or transmitted via electronic mail, on March 8, 2023.



ORDINANCE 2023-001

APPROVING A PLANNED UNIT DEVELOPMENT (PUD) AND SUBDIVISION TO BE KNOWN AS THE MOSER PASS PUD

WHEREAS, the applicant, Emerio Design LLC, has proposed a PUD on 12.36-acre property zoned Very Low Density Residential (VLDR) in the Southeast Sherwood Master Plan area; and

WHEREAS, the project would provide for up to (32) new single-family detached homes; and

WHEREAS, the PUD approval would allow the applicant to exceed the density permitted in the base VLDR zone; and

WHEREAS, the proposed project was subject to full and proper notice and review by the Planning Commission including a public hearing on January 10, 2023 to take testimony and consider the subject application; and

WHEREAS, the City Council held two public hearings on February 7, 2023 and February 21, 2023 to take public testimony and deliberate; and

WHEREAS, the Sherwood City Council has received and reviewed the land use record prepared before the Planning Commission, and, after considering the applicable standards, the City Council determined that the PUD did not meet the required criteria for approval as recommended by Planning Commission; and

WHEREAS, the City Council required changes to the plan including the addition of an approximately 0.75-acre park to meet the approval criteria and development standards under SZCDC 16.40.020(C)(3); (5); and (6); and

WHEREAS, the City Council findings to support the final decision are included as Exhibit 1 to this ordinance and the full land use record is included as Exhibit 2 to the ordinance;

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

Section 1. Review and Public Hearings. The application was subject to full and proper review required by SZCDC § 16.72 and public hearings were held before the Planning Commission on January 10, 2023 and the City Council on February 7, 2023 and February 21, 2023.

Section 2. Findings. After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearings, the City Council finds that the proposed PUD, as conditioned, meets the applicable criteria in the Sherwood Zoning and

Community Development Code. The findings of fact and land use record relied upon by the City are attached as Exhibit 1 and Exhibit 2 to this ordinance

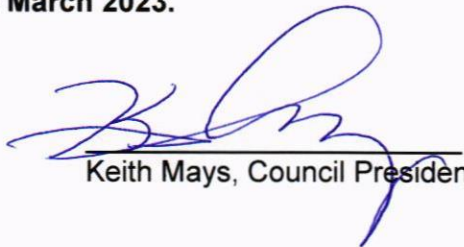
Section 3. Approval.

- A. The above-described PUD is **APPROVED** as conditioned in the City Council findings included as Exhibit 1 to this ordinance.

- B. The Plan and Zone Map shall be updated to reflect the approved PUD overlay applied to the parcels identified as Tax Map 2S133CB, Tax Lots 1700

Section 4. Effective Date. This ordinance shall become effective upon approval of the Final Development Plan by Planning Commission.


Duly passed by the City Council this 7th of March 2023.



Keith Mays, Council President

3/7/2023
Date

Attest:



Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Standke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Giles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brouse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rosener	<u>Absent</u>	<input type="checkbox"/>

**CITY OF SHERWOOD
FEBRUARY 21, 2023
CITY COUNCIL FINDINGS**



**MOSER PASS
SUBDIVISION AND PLANNED UNIT DEVELOPMENT
LU 2022-020 SUB / PUD**

Pre-App Meeting: October 28, 2021
App. Submitted: July 25, 2022
App. Complete: November 16, 2022
Hearing Date (PC): January 10, 2022
Hearing Date (CC): February 7 and 21, 2022
120-Day Deadline: March 16, 2023

PROPOSAL: The applicant is proposing a new 32-lot residential subdivision and Planned Unit Development (PUD) on a 12.36-acre property. The property is zoned Very Low Density Residential (VLDR) and is located in the Southeast Sherwood Master Plan area. The applicant is proposing a minimum lot size of 10,000 SF and overall density of approximately 3.06-units per acre. The development has been designed to conform to the public street and open space system approved as part of the adjacent Denali Summit and Denali Meadows subdivisions. A new open space tract including an off-street pedestrian trail and forest restoration is proposed along the north and east ends of the site. Vehicle access is proposed from SW Curry Ridge Dr. A second public hearing will be scheduled before the Sherwood City Council after a recommendation is made by the Planning Commission.

I. BACKGROUND

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

Owner: JT Roth Construction
TL 100 12600 SW 72nd Ave #200
Beaverton, OR 97223

B. **Location:** 22900 SW Murdock Rd. (Tax Lot 2S133BC001700) (Northeast corner of SW Murdock Rd. and SW Upper Roy St.)

- C. **Zoning:** Very Low Density Residential (VLDR)
- D. **Review Type:** Type V Planned Unit Development (PUD) and Type III Subdivision. PUDs are processed as a Type V application per SZCDC § 16.72.010(A)(5)(c). The Type V Hearing Authority is the City Council and the Appeal Authority is the Land Use Board of Appeals (LUBA). The subdivision request will be reviewed and approved concurrently with the PUD.
- E. **Review Criteria:** Chapter 16.12 Residential Land Use Districts; Chapter 16.14 Residential Building Design; Chapter 16.40 Planned Unit Development; 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 16.92 Landscaping; 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 16.120 Subdivisions; Chapter 16.128 Land Division Design Standards; Chapter 16.142 Parks, Trees, and Open Spaces; Chapter 16.144 Wetland, Habitat, Natural Areas
- F. **Public Notice:** Notice of the application was provided in accordance with SZCDC § 16.72.020 for a Type V application as follows: notice was distributed in five locations throughout the City, posted on the site, and mailed to property owners within 1,000 ft. of the site on or before December 21, 2022. Notice was also published in a local newspaper (Tigard Times) on December 22, 2022 and January 5, 2023.
- G. **History and Background:** The subject site is identified as the “Moser” property and is located at the north end of the SE Sherwood Master Plan study area. The property has been occupied by a single-family residence and several outbuildings for many years. A mature forest was located behind the home towards the middle and eastern edges of the property until it was removed by the previous owner between 2006 and 2007. The site is located north of the former Ken Foster Farm site and is not known to have soil contaminants.

The site has been issued a tree removal permit (AD 2022-067) and a grading permit to prepare the site for development. It is anticipated the site

will be used for parking for the Sherwood Street of Dreams event taking place on the adjacent Denali Summit development in July 2022. The grading permit will allow the site to be used for parking and requires protection of the on-site wetland. The tree removal permit allows removal of 20 of the existing 70 on-site trees.

H. **Existing Conditions:** The subject site is comprised of 12.36-acres and contains a single-family residence and several outbuildings. Vegetation cover at the rear of the property includes a mixture of trees, shrubs, and grass. A 0.17-acre wetland is located near the north property line and is proposed for removal and mitigation within the Tualatin River basin.

I. **Surrounding Land Uses:**

- North – Single-family residences zoned VLDR PUD
- West – Murdock Rd. and single-family residences zoned LDR
- East- private open space associated with Rock Creek
- South – Single-family residences zoned VLDR PUD

II. AFFECTED AGENCY AND PUBLIC COMMENTS

- A. Notice of the application was sent to affected agencies via email on December 12, 2022. The following responses were received:
1. City of Sherwood Engineering Department provided comments dated December 19, 2022 (Exhibit B1). The comments address traffic and transportation, public utilities, and other engineering requirements. The comments and Conditions of Approval are incorporated throughout the report under each applicable code section.
 2. Clean Water Services (CWS) provided a memorandum dated December 13, 2022 (Exhibit B2). The memorandum provides Conditions of Approvals related to CWS regulations for stormwater, sewer, and erosion control. The applicant has also obtained a CWS Service Provider Letter (SPL) that addresses requirements for on-site sensitive areas including mitigation of the wetland.
 3. Tualatin Valley Fire and Rescue provided a Service Provider Letter dated November 9, 2022 (Exhibit B3). The SPL indicates fire standards are satisfied by the proposal. A final inspection is not required.
 4. The following agencies acknowledged the application without expressing any issues or concerns: Oregon Department of Transportation Rail

B. Public Comments

1. No written public comments were received on the application. Verbal testimony was received during the hearing process and is included as part of the land use record.

III. APPLICABLE CODE PROVISIONS

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

DIVISION III ADMINISTRATIVE PROCEDURES

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

16.72.010 – Generally

A. Classifications

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

3. Type III

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

- c. Subdivisions between 11 – 50 lots

5. Type V

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

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

ANALYSIS: The applicant is proposing a residential PUD and is subject to a Type V review process. The 32-lot Type III subdivision application is being reviewed concurrently with the Type V PUD.

FINDING: This criterion is met.

DIVISION II LAND USE & DEVELOPMENT

Chapter 16.12 RESIDENTIAL LAND USE DISTRICTS

16.12.010 - Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

3. Southeast Sherwood Master Planned Unit Development

- a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood

Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre (except middle housing types pursuant to 16.12.010.F).

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

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

Density calculations	
Gross site area	541,245 SF
Public streets	-85,917 SF
<u>Water quality tract</u>	<u>-20,317 SF</u>
Net development area	435,011 SF (or 9.98 acres)

32 lots / 9.98 acres = 3.20 units per acre

After removal of Lots 29 – 32 for the addition of Tract F, or the removal of other lots for an alternative 1-acre park-site, the net loss of buildable area is expected to be approximately 17,000 SF. As a conservative estimate, a net loss of three buildable lots is anticipated.

29 lots / 9.98 acres = 2.90 units per acre.

FINDING: As conditioned, the density is expected to be approximately 2.90-units per acre. This criterion is met.

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

ANALYSIS: All of the proposed lots are greater than 10,000 SF including open space and pedestrian easements. There is an existing single-family residential development to the north of the subject site. Proposed Open Space Tract C will provide a vegetated buffer between the existing and proposed development. Lots 7 – 10 will directly abut the existing development, however, existing building setbacks and vegetation provide a buffer between the existing homes and the proposed development.

FINDING: This criterion is met.

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

ANALYSIS: The applicant is proposing 2.06-acres of open space within Tracts C and D. The pedestrian trail system completed as part of the adjacent “Denali” subdivisions will connect to and be continued through the proposed open space tract.

Alternative B/C of the SE Sherwood Master Plan (Exhibit A1) identified the fir and madrone forest on the subject site as a key open space area that warranted protection. Based on historical aerial photographs of the site, the trees were cleared by the previous property owner between 2006 and 2007. The applicant is proposing to restore a portion of the previous woodland with native trees including Oregon White Oak, Ponderosa Pine, and Big Leaf Maple. The goal of the restoration is to establish a new permanent wooded area that serves as habitat for wildlife and recreational opportunities for the public.

FINDING: This criterion is met as conditioned below.

CONDITION OF APPROVAL G1: Prior to Occupancy, open space improvements shall be installed in accordance with the Final Open Space Plan and Landscape Plan.

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

ANALYSIS: The applicant is proposing a new off-street trail system that will connect to the trail system completed as part of the adjacent “Denali” developments. Exhibit C2 provides an overview of the entire open space trail system completed as part of the Denali developments. The trail system will run through open space Tract C and connect to SW Murdock Rd.

In addition to the off-street trail, a complete sidewalk system will be constructed as part of the subdivision. The streets and sidewalks will connect to the adjacent developments and complete the pedestrian circulation system for the SE Sherwood Master Plan area.

FINDING: This criterion is met.

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

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

Environmental Opportunity / Constraint	Proposal
Hilltops and an undulating topography are present throughout development site which provide vantage points to Mt. Hood and the surrounding region. The topography is also seen as a constraint when providing new public infrastructure including storm, sewer, and streets.	The applicant is proposing to utilize the hilltops and topography at the east end of the site for open spaces and residential lots with vantage points. The trail and benches in the open space will provide scenic opportunities with views to Mt. Hood and the Rock Creek corridor below.
The primary mixed-woodland area including fire, madrone, and filbert trees which are located north of the development site	The mixed-woodland area north of the development site has been removed, The applicant is proposing to replant native trees and re-establish a forest in Tract C.

FINDING: This criterion is met.

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

ANALYSIS: There are no view corridors on the subject site, however, it is anticipated that open space Tract C will provide vantage points of Mt. Hood and the surrounding region.

FINDING: This criterion is met.

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

ANALYSIS: The applicant has submitted an Architectural Pattern Book (Exhibit A6) that provides details on the proposed housing design. The housing types are compatible in

design and material to surrounding residential developments (Denali Meadows, Denali Lane, and Denali Summit). Home designs are also subject to the City’s new Residential Design Standards in SZCDC § 16.14 and will be reviewed prior to the issuance of building permits.

FINDING: This criterion is met.

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

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

FINDING: This criterion does not apply.

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

ANALYSIS: The Planning Commission will review and approve the Final Development Plan and the applicant is required to conform to the Architectural Pattern Book and Residential Design Standards. Compliance with the pattern book and design standards will be reviewed by staff prior to the issuance of building permits..

FINDING: This criterion is met.

16.12.020 - Allowed Residential Land Uses

A. Residential Land Uses

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

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

Whereas P = Permitted

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

FINDING: This criterion is met.

16.12.030 - Residential Land Use Development Standards

A. Generally

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

B. Development Standards

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

C. Development Standards per Residential Zone

Development Standards by Residential District	VLDR - PUD
Min Lot area (in square feet) Single-Family Detached	10,000
Min Lot width at front property line	25 ft.
Min Lot width at building line; Single-Family	60 ft.
Lot Depth	80 ft.
Max Height (in feet)	30 ft. or 2 stories
Front yard	20 ft.
Face of garage	20 ft.
Interior side yard; Single-Family Detached	5 ft.
Corner lot street side	20 ft.
Rear yard:	20 ft.

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.*

ANALYSIS: The development standards for the VLDR PUD zone are shown in the table above. A 5 ft. reduction is requested to the front and garage setbacks, however, no exceptions are permitted to setbacks in the VLDR PUD zone. The applicant's narrative also indicates there are no standards related to minimum lot depth and

minimum lot width at the building line, however, the City updated the VLDR standards prior to the application being submitted and the minimum lot depth is 80 ft. and the minimum lot width at property line is 60 ft. The plans also do not show the minimum lot width at front property line.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL B1: Prior to Final Plat and Final Development Plan approval, provide a revised plat that demonstrates how the minimum lot depth and minimum lot width at front property line standards are met.

CONDITION OF APPROVAL E1: Prior to Issuance of Building Permits for each lot, the applicant shall provide plot plans and building plans showing the residential structures meet the development standards of the VLDR-PUD zone. No exceptions to the underlying standards are permitted unless a modification to the PUD is approved pursuant to SZCDC § 16.40.

16.12.040 - Community Design

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

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

16.12.050 - Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply.

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

16.12.040 - Community Design

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

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

- 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 proposed garage design and front yard landscaping are generally not provided during land use review. Both standards will be reviewed and approved as part of the building permit and occupancy phase, as conditioned below. 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 E2: 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 G2: 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.
2. Expansions and conversions of residential structures in Chapter 16.14. The standards in this section apply to expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhome that add more than 50 percent of area to any building elevation(s) adjacent to a public right-of-way or public accessway, as follows:
 - a. The expansion or conversion shall include design elements from Table 16.14-1 below that bring the overall building elevation(s) adjacent to a public right-of-way or public accessway closer to conformance with applicable standards; and
 - b. The expansion or conversion shall not bring the overall building elevation(s) adjacent to a public right-of-way or public accessway further out of conformance with

applicable standards. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently out of conformance shall not be made more non-conforming. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently in conformance shall not be made non-conforming.

Table 16.14-1. Residential Design Standards

Design Standard (Objective Process)		Design Guideline (Discretionary Process: Residential Design Review)
A. Entry location and orientation		
<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>		<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>
1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit.		
2. The entrance must either:		
	a. Face the street; or	
	b. Be at an angle of up to 45 degrees from the street; or	
	c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or	
	d. Open onto a porch. If the entrance opens onto a porch, the porch must:	
	1) Be at least 25 square feet in area with a minimum four-foot depth;	
	2) Have at least one porch entry facing the street;	
	3) Have a roof that is no more than 12 feet above the floor of the porch; and	
	4) Have a roof that covers at least 30% of the porch area.	
Additional provisions:		None
B. Garages and Off-Street Parking Areas		
<p>These standards apply to all residential housing development except for townhomes and Multi-family development.</p>		<p>Garages should not be a dominant feature of the front residential elevation.</p>

<p>Where one or more garages face a street, all of the following standards apply:</p>	<p>Garage doors should be articulated to reduce their visual impact.</p>
<p>1. The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure.</p>	
<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>	
<p>a. Garage trellis or pergola extending at least 12 inches from the building face</p>	
<p>b. Windows on 15 percent of the garage door</p>	
<p>c. Natural wood finish</p>	
<p>d. A recess of at least three (3) feet behind the primary dwelling</p>	
<p>e. Use of multiple materials finish or colors</p>	
<p>Additional provisions:</p>	<p>16.14.020—Additional Townhome Design Standards 16.14.030 - Additional Triplex and Quadplex Design Standards</p>
<p>C. Windows and Doors</p>	
<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>
<p>Additional provisions:</p>	<p>None</p>
<p>D. Detailed design¹</p>	

<p>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.</p> <p>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.</p> <p>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.</p> <p>For corner lots, this standard applies to both street-facing elevations.</p>	<p>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.</p>
<p>a. Porches, entries and other offsets:</p>	
	<p>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.</p>
	<p>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.</p>
	<p>iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other.</p>
	<p>iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and accessible from an interior room.</p>
<p>b. Roof elements:</p>	
	<p>i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.</p>

		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.	[Cont'd.]
		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 door.	
		iv. Decorative windows on the garage door.	
		v. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail.	
	e. Building materials:		
		i. Horizontal lap siding between three (3) to eight (8) inches wide (the visible portion once installed).	
		ii. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade.	

	iii. Vertical board and batting siding three (3) to eight (8) inches wide (the visible portion once installed).	
	iv. Belly band trim	
	v. Four (4) Paint Color Scheme	
Additional provisions:		None
E. Building Materials		
Prohibited building materials include: 1. Aluminum 2. Vinyl 3. T-111 siding		Residential buildings should utilize durable and high quality exterior building materials that create a visually appealing façade.
F. Limitation on parking		
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.
G. House plan variety		
This standard applies to new residential subdivisions and townhome developments only. It does not apply to cottage clusters.		New residential developments should provide a variety of house styles and means of articulation along the front façade to avoid repetitive facades along a block face.
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.		
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.		
	a. For this standard a townhome block is the entire structure of attached townhome units.	
	b. This standard does not apply to individual units within the townhome block.	
	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.	

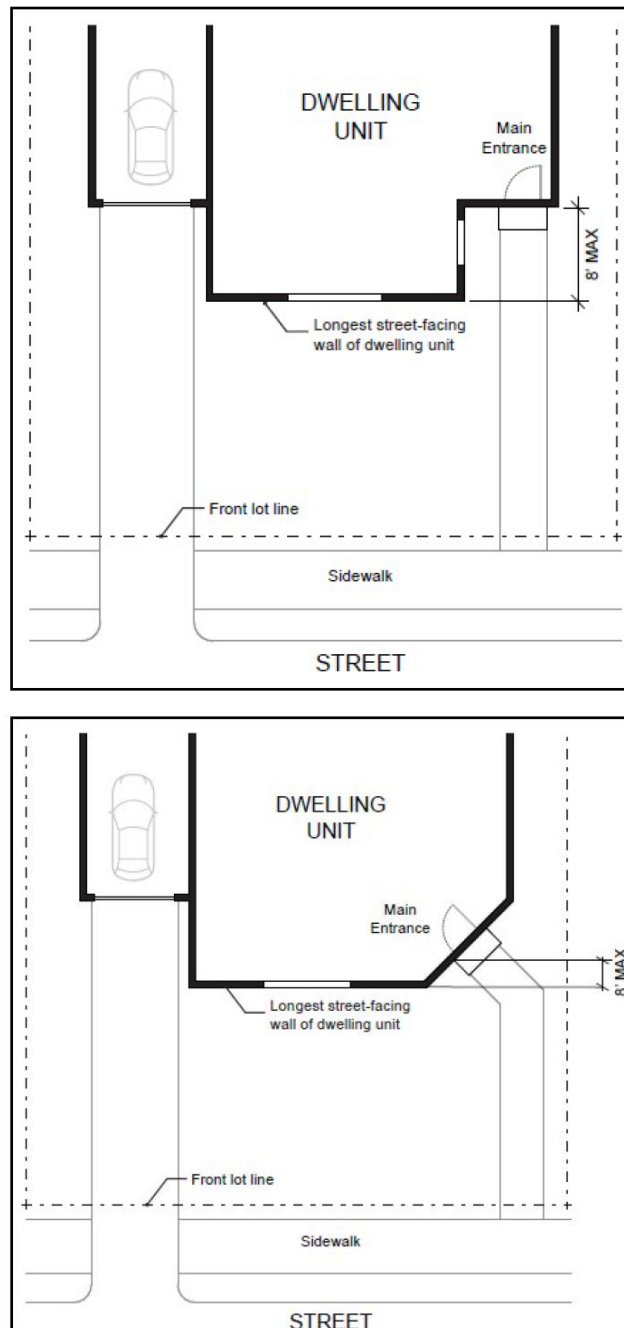
<p>3. Materials. The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another.</p>	
<p>4. Articulation. 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 minimum depth of four (4) feet and a projection or offset must be at least four (4) feet in depth.</p>	[Cont'd.]
<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>	
<p>Additional provisions:</p>	<p>16.14.020—Additional Townhome Design Standards 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.

D. Illustrations

Figure 3. Entry Location and Orientation—Main Entrance



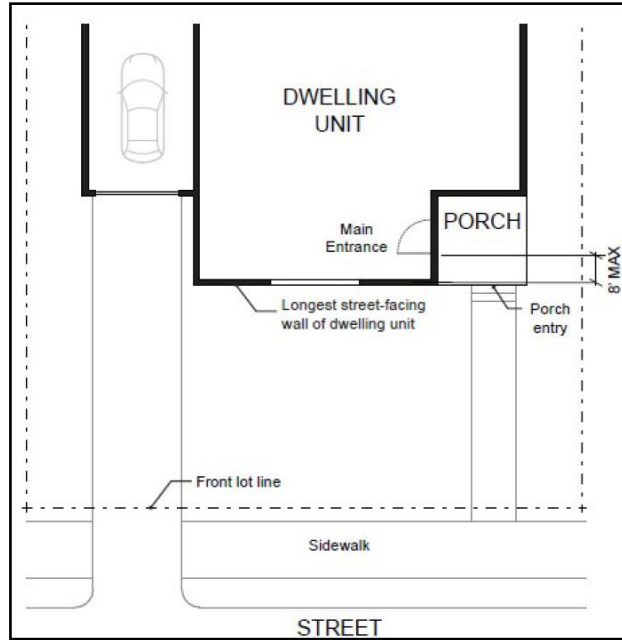


Figure 6. Window Coverage Calculations



Figure 7. Example of Detailed Design—Single Detached (5 elements required)

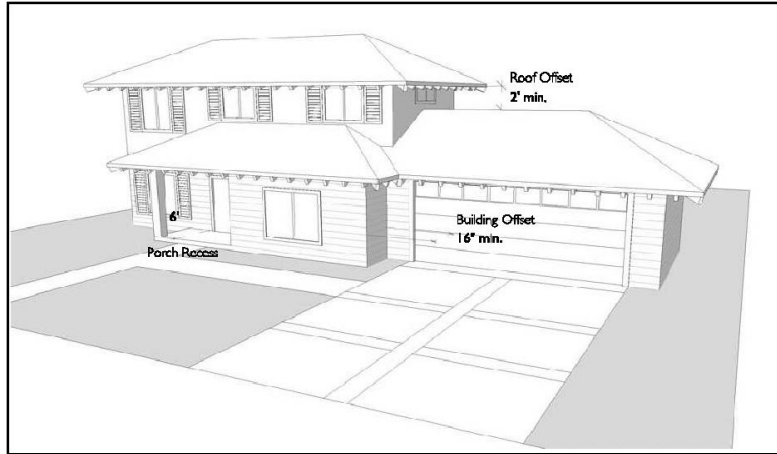


Figure 9. House Plan Variety—Single Detached



ANALYSIS: The applicant has elected to comply with the Residential Design Standards through the clear and objective Type I process. The applicant will be required to submit a Residential Design Standard Checklist form with the application for a building permit. A housing variety plan has not been provided.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL E3: 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.

CONDITION OF APPROVAL E4: Prior to Issuance of Building Permits, the applicant shall provide a House Variety Plan that demonstrates compliance with the housing variety standards in Residential Design standards in SZCDC § 16.14.010 Table 16.14-1.

Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)*

16.40.010 - Purpose

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

ANALYSIS: The applicant is proposing a 32-lot subdivision and PUD. The PUD process allows creativity and flexibility in site design which could not be achieved through a strict adherence to the existing zoning and subdivision standards.

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

16.40.020 - Preliminary Development Plan

A. Generally

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

ANALYSIS: The applicant narrative states “In this case, the site is unusually limited in development potential due to the natural features on site such as a small seasonal

wetland, the extreme rocky topography, eastern property boundary abutting the Rock Creek natural area, as well as the man-made features, such as the surrounding developments to the north.

There is further public benefit with the development in this site as it implements the street system envisioned in the Sherwood Transportation System Plan and the SE Sherwood Master Plan for this region of the city. The number of lots proposed makes it feasible to develop the property considering the undulating topography, rock outcroppings and infrastructure costs, thereby ensuring that the vehicular and pedestrian connectivity and circulation patterns are provided.”

FINDING: This standard is met.

C. Commission Review

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

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

ANALYSIS: Analysis and findings for PUD eligibility are provided above. The property is being developed in accordance with the City’s Comprehensive Plan & Zoning Map, which designates the property as VLDR. The historic forest on the property will be partially restored and a new off-street pedestrian trail system will be provided. The proposal complies conforms to Alternative B/C of the SE Sherwood Master Plan and is eligible for a PUD as described in findings and conditions for SZCDC § 16.12.010(A)(3)(b).

FINDING: This criterion is met.

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

development and existing public spaces will together equally or better meet community needs.

ANALYSIS: The applicant is proposing open space Tracts C and D totaling 2.06-acres or 89,872 SF. The proposal meets the criteria as shown below:

Open Space Calculations	
Gross site area	541,245 SF
Public streets	-85,917 SF
<u>Water quality tract</u>	<u>-20,317 SF</u>
Net development area	435,011 SF (or 9.98 acres)

435,011 SF x 15% = 65,251 SF or 1.49-acres of required open space

The applicant is proposing 89,872 SF, or 20.65% open space.

FINDING: This criterion is met per Condition H1.

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

ANALYSIS: The applicant is proposing a density of approximately 3.20-units per acre which exceeds the maximum density permitted in the underlying VLDR zone of 1.0-units per acre. As conditioned, the density will be approximately 2.90-units per acre and will exceed the VLDR-PUD limit of 2.0-units per acre. The applicant is proposing an approximately 2-acre open space within Tracts C and D. Tract C will be reforested with native trees and include a wood-chip walking trail, gazebo, benches, and interpretive signage. Tract D is a small open space that will be landscaped as a remnant property left-over after required right-of-way dedication for local streets.

As the applicant is proposing of approximately 3x the underlying zone, the design and amenities included in the plan are not sufficient to meet the criterion above. A typical residential neighborhood with over 25 lots would include a central park space with amenities such as a play equipment, concrete walking paths, weather protection and seating, and flat usable lawn space for recreation. The proposed density of 3x the underlying zone is therefore not warranted by the design and amenities incorporated into the plan.

In order to meet the criterion above, the development is required to provide a park space with the amenities described in Condition of Approval B13. As an alternative to providing this park space and amenities, the applicant can opt to develop the site under

the clear and objective standards of the underlying VLDR zone at a maximum density of 1.0-units per acre.

To reduce the impact on buildable lots within the subdivision, all pedestrian walkways that are currently shown in private tracts can be converted to easements over private lots. A 15 ft. wide open space / trail easement can also be provided along the north / east side of Lots 11 – 24 within Tract C (Exhibit C4). After accounting for the new 1-acre park, it is estimated that the net loss of buildable lot area will be approximately 17,000 SF.

Additional park space	- 43,500 SF lot area
<u>Open space easement over private lots</u>	<u>+ 26,500 SF lot area</u>
Net change to lot area	-17,000 SF

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

CONDITION OF APPROVAL B13: Prior to Final Development Plan Approval, the following changes shall be made to the preliminary plat and open space plan:

1. All pedestrian walkways that are currently shown in private tracts can be converted to easements over private lots. A 15 ft. wide open space / trail easement can also be provided along the north / east side of Lots 11 – 24 as shown on the Preliminary Plat within Tract C.
2. The gazebo and interpretive signage within Tract C shall be removed. Tract C shall continue to be a minimum size of 1.75-acres and include the following elements:
 - a. Reforestation in accordance with the reforestation plan
 - b. Hard-surface off-street trail (asphalt or concrete) in accordance with the open space plan
 - c. Pedestrian guard rails along the trail where adjacent to retaining walls or steep slopes
 - d. Two benches
3. A new park identified as Tract F shall be provided in the location of Lots 30 – 32. The design of the park and amenities described below shall be owned and maintained by the HOA unless indicated otherwise. The park and amenity design shall receive approval by the Planning Commission as part of the Final Development Plan
 - a. Park shall include trees and landscaping
 - b. Park shall include lighting
 - c. Park shall include a minimum flat area of 20,000 SF that is ADA accessible from the public street. Required amenities can be located in flat area.
 - d. Park shall include a sports court / facility based on an identified need or community desire in the 2021 Parks Master Plan.

- e. Park shall include a gazebo or other covered structure with tables and seating (minimum 600 SF)
- f. Park shall include minimum of two benches outside the covered structure
- g. Park shall include a new restroom to match the existing restroom at Cannery Square, or a similar design approved by the Planning Commission. The developer shall be responsible for the installation of underground electrical and plumbing and construction of a concrete pad in the final location of the restroom. The City shall be responsible for purchasing, installing, and long-term maintenance of the restroom. The City shall be responsible for setting the hours of operation, cleaning, and maintenance schedule of the restroom.
- h. Parallel on-street parking shall be provided along the south side of Upper Roy street adjacent to the park
- i. Park area can be reduced on a per square foot basis for any off-street parking and drive aisles provided that meet the dimensional requirements of SZCDC 16.94.020(B)

FINDING: This criterion is met.

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

ANALYSIS: The proposed project (residential detached dwellings) is in harmony with the surrounding area as the proposed lots are comparable in size and use to the existing development (also residential detached dwellings) to the north, south, and west. The applicant has provided an architectural pattern book that is consistent with the past pattern books of the adjacent Denali developments. In addition, each new residence will be subject to the City's new residential design standards that further improve architectural treatments, vernacular, and scale relative to existing development.

FINDING: This criterion is met.

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

ANALYSIS: All parks and open spaces, including Tract F, are required to be owned and maintained by the future HOA.

FINDING: This criterion is met as conditioned below.

CONDITION OF APPROVAL B14: Prior to Final Plat Approval, submit draft CC&Rs that demonstrate how Tract F will be owned and maintained by the future HOA. The CC&Rs shall be recorded with the final plat.

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

ANALYSIS: As stated above, the applicant is proposing a density of approximately 3.20-units per acre, which is approximately 3x the maximum density permitted in the underlying VLDR zone. The key benefit on the area, including existing neighborhoods immediately surrounding the subject site, is that the open spaces are available for public use.

FINDING: This criterion is met as conditioned below.

CONDITION OF APPROVAL B15: Prior to final plat approval, the plat and CC&Rs shall clearly state that all open space tracts available for public use.

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

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

FINDING: This criterion is met as conditioned below.

CONDITION OF APPROVAL A9: The required public improvements and common areas shall be substantially completed within one (1) year from the date of the Notice of Decision of the Final Development Plan.

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

ANALYSIS: The development can be adequately served by public facilities and services as described and conditioned in this report, and as described in the agency comments. The developer will be constructing new public facilities including streets, sidewalks, lighting, water, sanitary sewer, etc.

FINDING: This criterion is met.

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

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

FINDING: This criterion is met.

10. The minimum area for a Residential PUD shall be five (5) acres, unless the Commission finds that a specific property of lesser area is suitable as a PUD because it is unusually constrained by topography, landscape features, location, or surrounding development, or qualifies as "infill" as defined in Section 16.40.050(C)(3).

ANALYSIS: The gross site area is 12.40-acres.

FINDING: This criterion is met.

D. Council Action

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

E. Effect of Decision

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

ANALYSIS: Pursuant to subsection (D) above, the PUD shall become effective upon Final Development Plan approval by the Planning Commission.

FINDING: These criteria is met as conditioned below.

CONDITION OF APPROVAL A17: The PUD ordinance shall become effective upon approval of the Final Development Plan pursuant to SZCDC 16.40.30.

16.40.030 - Final Development Plan

A. Generally

Upon approval of the PUD overlay zoning district and preliminary development plan by the Council, the applicant shall prepare a detailed Final Development Plan as per this Chapter, for review and approval of the Commission. The Final Development Plan shall comply with all conditions of approval as per Section 16.40.020. In addition, the applicant shall prepare and submit a detailed site plan for any non-single-family structure or use not addressed under Section 16.40.020(B)(6), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be processed concurrently with the Final Development Plan.

B. Final Subdivision Plat

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

ANALYSIS: Final Plat and Final Development Plan approval are required. The applicant has been conditioned to obtain final plat approval under SZCDC § 16.120. Final plat approvals are processed as a Type I administrative decision. The Final Development Plan approval is issued by the Planning Commission under the Type IV procedures.

FINDINGS: These criteria are met as conditioned below.

CONDITION OF APPROVAL A16: The Final Plat shall be processed as a Type I administrative decision. The Final Development Plan shall be processed under the City's Type IV procedures with the Planning Commission as the decision authority.

CONDITION OF APPROVAL B2: Prior to Final Plat approval, the applicant shall obtain Final Development Plan approval from the Planning Commission.

16.40.040 - General Provisions

A. Phasing

1. The City may require that development be done in phases, if public facilities and services are not adequate to serve the entire development immediately.

2. Any PUD which requires more than twenty four (24) months to complete must be constructed in phases that are substantially complete in themselves and conform to a phasing plan approved as part of the Final Development Plan.
- B. Failure to Complete**
1. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission will determine whether or not the PUD's continuation, in whole or in part, is in the public interest.
 2. If continuation is found not to be in the public interest, the Commission will recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.
- C. Changes in Approved Plans**
1. **Major Changes**
Proposed major changes in a Final Development Plan are considered the same as a new application, and are made in accordance with the procedures specified in this Chapter.
 2. **Minor Changes**
Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses.

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

FINDING: This criterion is met.

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

ANALYSIS: A density zone transfer is not proposed.

FINDING: This criterion is met.

16.40.050 - Residential PUD

A. Permitted Uses

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

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

ANALYSIS: The 32-lot subdivision is proposed for single-family residences.

FINDING: This criterion is met.

B. Conditional Uses

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

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

FINDING: This criterion does not apply.

C. Development Standards

1. Density

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

2. Density Transfer

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

3. Minimum Lot Size and Setbacks

The minimum lot size and setbacks shall be consistent with the provisions in the underlying zone with the exceptions listed below:

- a) **Where there are multiple zones within a single PUD, lot sizes and setbacks shall meet the following:**
 - 1) **Lots on the perimeter boundary of the PUD shall be consistent with the underlying zone.**
 - 2) **All remaining lots, not on the perimeter boundary of the PUD, may utilize the provision of average lot size of the underlying zones.**

ANALYSIS: The proposed density meets the requirements of the VLDR-PUD zoning within the SE Sherwood Master Plan area. No density transfers or reductions to lot sizes or setbacks are proposed.

FINDING: These criteria are met.

16.58.010 Clear Vision Areas

- A. **A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.**
- B. **A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.**
- C. **A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.**

The following requirements shall govern clear vision areas:

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

ANALYSIS: The plans submitted by the applicant do not show clear vision areas as required by this section. Clear vision areas are required on the corners of each intersection in the subdivision. Trees appear to be located in the vision clearance

triangle within open space Tract D. Trees within the vision clearance triangles are required to be pruned to a height of 7 ft. above the sidewalk and 10 ft. above the street.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL B3: Prior to Final Plat Approval, show a clear vision area on the corners of each street intersection in accordance with SZCDC § 16.58.010 Clear Vision Areas.

CONDITION OF APPROVAL A10: Trees within the Clear Vision Areas shall be maintained in accordance with the clear vision standards in SZCDC § 16.58.010. Trees shall be pruned to 7 ft. above the sidewalk and 10 ft. above the street.

Chapter 16.120 - SUBDIVISIONS

16.120.010 - Purpose

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

16.120.020 - General Subdivision Provisions

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

ANALYSIS: A Preliminary Plat has been submitted for approval. The applicant is required to comply with all of the conditions of approval of the preliminary plat.

FINDING: This criterion will be met.

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

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

FINDING: This criterion is met.

- C. Future re-division**

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

ANALYSIS: The proposal is for a 32-lot residential subdivision that represents full build out of the parent parcel. Future re-division is not feasible under the existing zoning.

FINDING: This criterion is met.

D. Future Partitioning

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

ANALYSIS: As described above, the proposal represents full land division of the subject property. No large lots will remain and future re-division is not feasible under the existing zoning.

FINDING: This criterion is met.

E. Lot averaging

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

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

ANALYSIS: The minimum lot size for the VLDR-PUD zone is 10,000 SF and all 32-lots meet the minimum area requirement outright. Lot size averaging is not required.

FINDING: This standard does not apply.

F. Required Setbacks

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

ANALYSIS: The preliminary plat (Exhibit A17 – Sheet 04) shows the conceptual setbacks. The setbacks are shown as 20 ft. for the front, rear, and corner street side. Interior side yard setbacks are 5 ft. All setbacks conform to the VLDR-PUD zone. The applicant’s narrative indicates a reduction to the front yard setback is requested, however, no exceptions are permitted.

FINDING: This criterion is met.

G. Property Sales

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

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

FINDING: This criterion is met as conditioned below.

CONDITION OF APPROVAL A8: No property created by the subdivision approval shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to Sherwood Zoning & Community Development Code.

16.120.030 - Approval Procedure-Preliminary Plat

A. Approval Authority

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

ANALYSIS: The 32-lot subdivision is being processed concurrently with the Type V PUD approval request with the City Council as the Hearing Authority.

FINDING: This criterion is met.

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

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

FINDING: This criterion is met.

B. Phased Development

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

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

FINDING: This criterion does not apply.

16.120.040 - Approval Criteria: Preliminary Plat

No preliminary plat shall be approved unless:

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

ANALYSIS: The proposed street system will conform to the adjacent Denali developments and complete the local transportation system within the SE Sherwood Master Plan area. The proposed right-of-way width is 52 ft., which is below the new 60 ft. local street standards adopted by the City in Spring 2022. Utilizing the new standard

is not recommended as the right-of-way width will change between developments and may lead to safety issues and poor aesthetic. In order to match the existing right-of-way width and design, the applicant has requested a Transportation Facility Modification pursuant to SZCDC § 16.106.020(E).

FINDING: This criterion is met.

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

ANALYSIS: All public streets are shown on the plat and will be dedicated as part of the final plat. No private streets are proposed.

A 10 ft. wide roadway easement is located along the north property line as shown in the plans. An additional 10 ft. of easement is located on the abutting properties to the north. The applicant has provided a copy of the easement document from Washington County but the majority of the document is not legible. The easement appears to be from 1942 for access purposes to an adjacent property. Aerial images show tire tracks within the easement but it is unknown if the easement is still in use. The development plans propose grading and retaining walls within the easement, however, the applicant has not demonstrated the right to obstruct access over the easement.

FINDING: This criterion is met as conditioned below.

CONDITION OF APPROVAL B4: Prior to Final Development Plan approval, the existing access easement shall be extinguished on the subject property, or the plans shall be revised to maintain existing access within the easement.

CONDITION OF APPROVAL A11: If the existing access easement along the north property line is not extinguished, no fences, retaining walls, or permanent structures shall be constructed within the easement on Lots 7 – 10 and Tracts B and C.

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

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

FINDING: This criterion is met.

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

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

FINDING: This criterion is met.

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

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

FINDING: This criterion does not apply.

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

ANALYSIS: The adjoining land to the north, south, and west has been developed with single-family residential development. The land to the east is outside of City limits and outside of the Urban Growth Boundary. The applicant has been conditioned to extinguish the existing access easement or to revise the plans to maintain access.

FINDING: This criterion is met.

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

ANALYSIS: The applicant has submitted a Tree Inventory and is proposing to restore a portion of the historic woodland on the site. Full tree protection requirements are described in detail in SZCDC § 16.142.070.

FINDING: This criterion is met.

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

ANALYSIS: The Preliminary Plat clearly shows the proposed lot numbers, setbacks, dedications, and easements.

FINDING: This criterion is met.

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

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

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

16.120.050 - Final Subdivision Plat

A. Procedure

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

B. Extensions

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

C. Approval Criteria: Final Plat

ANALYSIS: The subject application is for preliminary plat approval. Final plat approval is required as a Type I procedure.

FINDINGS: These criteria are met as conditioned below.

CONDITION OF APPROVAL A12: The preliminary plat approval is valid for two years from the date of the Notice of Decision. The final plat shall be approved by the City within two years of Notice of Decision, unless an extension is granted by the City prior to the two-year deadline.

16.120.060 - Improvement Agreement

A. Subdivision Agreement

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

B. Performance Security

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

16.120.070 - Bond

A. Performance guarantee required. As required by Section 16.120.060, the subdivider shall file with the agreement an assurance of performance supported by one of the following:

- 1. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated or cash.**
- 2. Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.**
- 3. Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.**
- 4. When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such**

failure, the City shall call on the bond, cash deposit for reimbursement.

5. **Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.**

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

FINDINGS: These criteria are met.

Chapter 16.128 - LAND DIVISION DESIGN STANDARDS

16.128.010 - Blocks

A. Connectivity

1. Block Size

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

ANALYSIS: The proposed street layout conforms to the adjoining Denali developments and provides standard shaped lots with side lot lines running at 90 degrees to the street. All new streets will be public and conform to the City's previous 52 ft. local street standard. Additional pedestrian circulation is provided via the open space and public access tracts (Tracts C and E).

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: The partial block created as part of the adjoining Denali developments will be continued and completed through the subject site. When completed, the block will

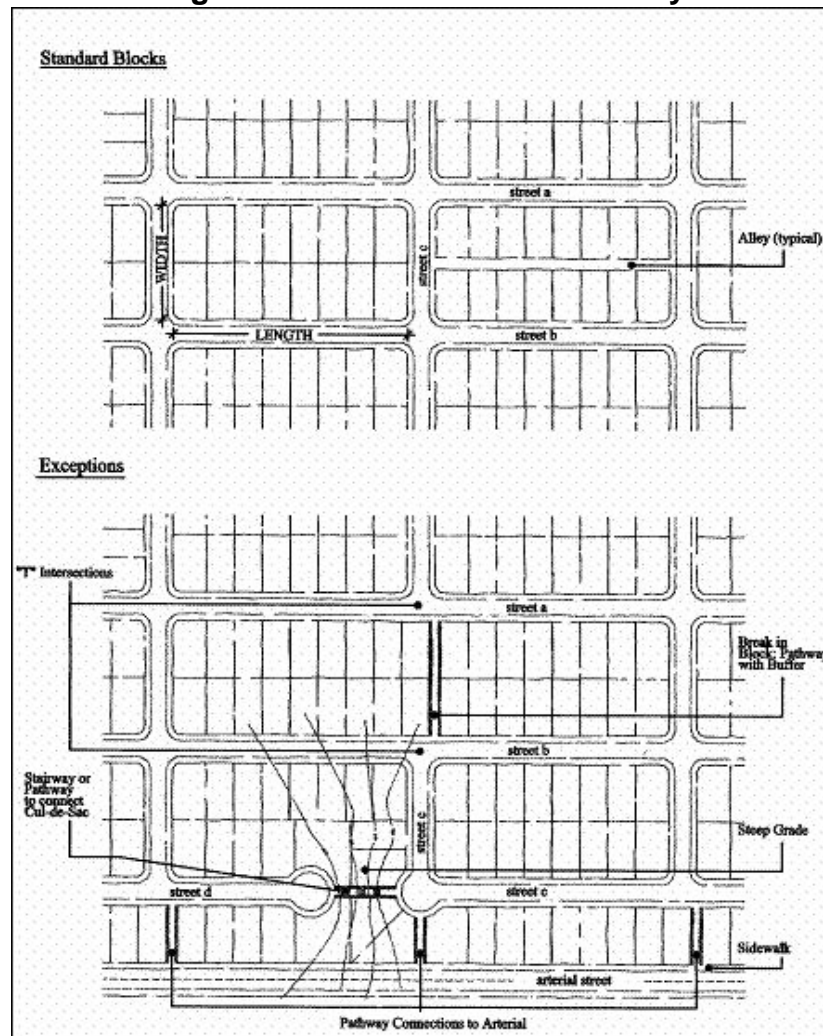
exceed 530 ft. per the standard above. As part of the Denali Summit PUD approval, the applicant received an exception to the block length standard.

The proposed development will complete the local transportation network for the SE Sherwood Master Plan area. While the block length is exceeded for vehicles, the blocks have been broken up by pedestrian easements and open space tracts that allow public access. The overall design is a convenient system of on and off-street pedestrian facilities with scenic and learning opportunities, seating, and weather protection.

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: A new cul-de-sac is proposed at the northwest corner of the site. A public access easement is proposed to provide access between SW Murdock Rd. and the new cul-de-sac.

FINDING: This standard is met.

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

ANALYSIS: The development proposal will require an extension of public main line utilities throughout the site including sanitary sewer, storm sewer, water, and franchise utilities. The applicant has provided a Preliminary Utility Plan (Exhibit A17 – Sheet 13) that shows public utilities will be located within the new public streets. An 8 ft. wide Public Utility Easement is also provided along the frontage of each lot.

FINDING: This standard is met.

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

ANALYSIS: The applicant has provided a Preliminary Grading & Erosion Control Plan (Exhibit A17 – Sheet 5) that shows the development generally conforms to the existing natural topography. Grading and fill is required in order to provide public infrastructure such as streets and underground utilities, in addition to leveling building pads for individual homes. Stormwater will be collected and conveyed in underground pipes within streets and public utility easements to a stormwater facility (Tract B) at the northwest corner of the site.

FINDING: This standard is met.

16.128.020 - Pedestrian and Bicycle Ways

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

ANALYSIS: 15 ft. wide public access easements will be provided to break up the new public street block and provide pedestrian access into the open space. A 15 ft. wide access easement will also provide pedestrian access between the cul-de-sac and SW Murdock Rd.

FINDING: This standard is met.

16.128.030 - Lots

A. Size and Shape

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

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

FINDING: This criterion is met.

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

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

FINDING: This standard does not apply.

B. Access

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

ANALYSIS: All lots in the subdivision abut a public street.

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: No double frontage lots are 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: As shown in the Preliminary Plat (Exhibit A1 – Sheet 4) side lot lines run at right. Where curves exist in the street, the side lot lines are radial to the curve of the street as far as practicable.

FINDING: The standard is met.

- E. Grading**
Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:
1. Cut slopes shall not exceed one (1) and one-half (1 1/2) feet horizontally to one (1) foot vertically.
 2. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.

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

FINDING: This standard is met.

DIVISION V COMMUNITY DESIGN

Chapter 16.92 – LANDSCAPING

16.92.010-Landscaping Plan Required

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

ANALYSIS: The proposal is for a residential subdivision. Landscaping standards related to subdivisions (e.g. open space landscaping) are addressed below.

FINDING: This criterion is met.

16.92.020 Landscaping Materials

A. Type of Landscaping

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

1. Ground Cover Plants

- a. All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.
- b. Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.

2. Shrubs

- a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.
- b. Shrubs must be at least the one-gallon container size at the time of planting.

3. Trees

- a. Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.
- b. Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.

B. Plant Material Selection and Preparation

1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.
2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the

plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

ANALYSIS: The applicant has submitted Landscape Plan (Exhibit A12) and “Vegetated Corridor Master Plan” (Forest Restoration Plan) (Exhibit A7). The Forest Restoration Plan is following specific restoration guidelines for planting based on the forester recommendations. All other landscaping within the open space tracts have been sized in accordance with the standards above.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL B5: Prior to Final Development Plan approval, provide a final Landscape Plan (including open space improvements) and Forest Restoration Plan.

16.92.030 Site Area Landscaping and Perimeter Screening Standards

D. Visual Corridors

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

ANALYSIS: The site has frontage on SW Murdock Rd., a city arterial street. The applicant is proposing to maintain a 15 ft. wide visual corridor in Tract A. Full standards are addressed in SZCDC § 16.142.

FINDING: This criterion is met.

16.92.040 Installation and Maintenance Standards

A. Installation

All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy

wires or stakes must not interfere with vehicular or pedestrian movement.

B. Maintenance and Mitigation of Landscaped Areas

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

ANALYSIS: Ongoing maintenance for open space landscaping is the responsibility of the future property owners. Traditional open space and visual corridor landscaping is required to be installed prior to occupancy. Landscaping under the Forest Restoration Plan is not required for occupancy as tree planting is required to follow a specific schedule based on the season.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL G11: Prior to Occupancy, all open space and visual corridor landscaping shall be installed in accordance with the final landscape plans.

CONDITION OF APPROVAL A13: The applicant and future owners shall install and maintain the restored forest area in accordance with the final Forest Restoration Plan. Landscaping under the Forest Restoration Plan is not required for occupancy as tree planting is required to follow a specific schedule based on the season.

CONDITION OF APPROVAL B6: Prior to Final Plat Approval, the applicant shall provide draft CC&Rs that demonstrate how the open space plantings, including the restored forest area, will be established and maintained by the developer or future HOA.

C. Irrigation

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

- 1. Option 1: A permanent built-in irrigation system with an automatic controller installed.**
- 2. Option 2: An irrigation system designed and certified by a licensed landscape architect or other qualified professional as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The system does**

not have to be permanent if the plants chosen can survive independently once established.

3. **Option 3: Irrigation by hand.** If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.

ANALYSIS: The plans indicate that a permanent an irrigation system will be provided.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G3: Prior to Occupancy, all common landscaped areas must have an irrigation system in accordance with SZCDC § 16.92.040(C).

Chapter 16.94 OFF-STREET PARKING AND LOADING

16.94.010 General Requirements

E. Location

1. **Residential off-street parking spaces:**
 - a. **Shall be located on the same lot or development as the residential use.**
 - b. **Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).**

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

FINDING: These standards are met.

16.94.020 Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off -

street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

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

Use	Minimum Parking Standard	Maximum Permitted Parking Zone A ¹	Maximum Permitted Parking Zone B ²
Single-Family detached and manufactured home on lot ³	1 per dwelling unit	None	None

³ If the street on which the house has direct access does not permit on-street parking or is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family residential unit. (includes single-family detached or attached, two-family dwelling or a manufactured home on an individual lot) If the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. x 20 ft.) parking space is required.

ANALYSIS: The proposal is for a 32-lot single-family residential subdivision. One (1) off-street parking space is required per lot. The applicant is proposing one off-street parking space per lot which will be located in the private driveway serving each residence.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G4: Prior to Occupancy of Each Residence, a minimum of one off-street parking stall shall be provided on the lot. Garage spaces cannot be counted towards meeting this requirement. The minimum stall dimension is 9 ft. x 20 ft.

Chapter 16.96 - ONSITE CIRCULATION

16.96.020 Minimum - Residential standards

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

A. Driveways

- 1. Single-Family: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%.**

ANALYSIS: Each lot will include a private driveway.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL G5: Prior to Occupancy of Each Residence, one hard surface driveway shall be provided on the lot. Pavement width shall be a minimum of 10 ft. wide and grades shall not exceed 14%.

Chapter 16.142 Parks, Trees and Open Space

16.142.010 - Purpose

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

16.142.030 - Single-Family or Duplex Residential Subdivisions

- A. A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. The following may not be used to calculate open space:**
- 1. Required yards or setbacks.**
 - 2. Required visual corridors.**
 - 3. Required sensitive areas and buffers.**
 - 4. Any area required to meet a standard found elsewhere in this code.**

ANALYSIS: The application includes PUD approval and the development is required to meet the 15% open space requirement of SZCDC § 16.40.020(C)(2). As proposed and conditioned, the open space exceeds 15%.

FINDING: This criterion is met.

- B. Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.**
- 1. Example: if a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each**

side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement.

ANALYSIS: Enhanced streetscapes are not proposed.

FINDING: This standard does not apply.

- C. The open space shall be conveyed in accordance with one of the following methods:**
- 1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager's designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;**
 - 2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.**

ANALYSIS: Open space Tracts C, D, E, and F will be owned and maintained by the future HOA. As the open space is a key improvement of the PUD development that provides an enhanced public benefit that may not otherwise be achieved, the open space is required to be available for general public use.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL B7 Prior to final plat approval, submit draft deeds for City review dedicating Open Space Tracts C, D, E, and F to the future HOA. The deeds shall be recorded with the final plat.

CONDITION OF APPROVAL B8: Prior to final plat approval, submit draft CC&Rs to the City that describe how Open Space Tracts C, D, E, and F will be maintained by the future HOA. The final CC&Rs shall be recorded with the final plat.

CONDITION OF APPROVAL B9: Prior to final plat approval, the plat and CC&Rs shall clearly state that the open space Tracts C, D, E, and F are available for public use.

D. The density of a single-family residential subdivision shall be calculated based on the net buildable site prior to exclusion of open space per this Section.

- 1. Example: a 40,000 square foot net buildable site would be required to maintain 2,000 square feet (5%) of open space but would calculate density based on 40,000 square feet.**

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

FINDING: This criterion is met.

E. If a proposed residential subdivision contains or is adjacent to a site identified as "parks" on the Acquisition Map of the Parks Master Plan (2006) or has been identified for acquisition by the Sherwood Parks and Recreation Board, establishment of open space shall occur in the designated areas if the subdivision contains the park site, or immediately adjacent to the parks site if the subdivision is adjacent to it.

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

FINDING: This criterion is met.

F. If the proposed residential subdivision does not contain or is not adjacent to a site identified on the Parks Master Plan map or otherwise identified for acquisition by the Parks and Recreation Board, the applicant may elect to convey off-site park/open space.

ANALYSIS: The development will provide approximately 2.06-acres of open space, including in areas identified for park acquisition in the 2006 Parks Master Plan.

FINDING: This criterion is met.

G. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part

of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.

ANALYSIS: A residential partition is not proposed.

FINDING: This standard does not apply.

- H. The value of the open space conveyed under Subsection (A) above may be eligible for Parks System Development Charges (SDCs) credits based on the methodology identified in the most current *Parks and Recreation System Development Charges Methodology Report*.**

ANALYSIS: The value of open space provided is eligible for Park SDC credits based on the methodology in the most current Parks and Recreation System Development Charges Methodology Report and as determined by the City Engineer. As the open space will be owned and maintained by the future HOA, it is unlikely that any dedications or improvements will be SDC credible.

FINDING: This criterion is met.

16.142.040 - Visual Corridors

A. Corridors Required

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

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

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

ANALYSIS: The development site has frontage along SW Murdock Road, identified as an arterial in the City's Transportation System Plan (TSP). A 15 ft. wide visual corridor is

required along the length of SW Murdock Rd. The applicant is proposing a 15 ft. wide visual corridor to be located in Tract A.

FINDING: This criterion is met as conditioned below.

CONDITION OF APPROVAL B10: Prior to Final Plat Approval, submit draft CC&Rs demonstrating how visual corridor Tract A will be owned and maintained by the future HOA.

16.142.050 - Park Reservation

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

ANALYSIS: The subject site is shown on the Natural Resources and Recreation Plan Map as the Tonquin Scabland Geologic Area. A portion of the Scabland area will be preserved in Tract C while the remainder will be private lots. The open space will be maintained by the HOA but available to the public.

FINDING: This criterion is met.

16.142.060: STREET TREES

- A. Installation of Street Trees on New or Redeveloped Property.**
Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.
- 1. Location:** Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.

2. **Size:** Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.
3. **Types:** Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.
4. **Required Street Trees and Spacing:**
 - a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.
 - b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.
 - c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:
 - (1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or
 - (2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and
 - (3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.
 - (4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.

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

ANALYSIS: The applicant is proposing Village Green Zelkova for the new public streets. The Landscape Plans shows the preliminary location of street trees with spacing at approximately 40 ft.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL G6: Prior to Occupancy, street trees shall be installed in accordance with the final landscape plan.

16.142.070 Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.

B. Applicability

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

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

FINDING: This criterion is met.

C. Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a tree and woodland inventory

- and report. The report shall be prepared by a qualified professional and must contain the following information:
- a. Tree size (in DBH and canopy area)
 - b. Tree species
 - c. The condition of the tree with notes as applicable explaining the assessment
 - d. The location of the tree on the site
 - e. The location of the tree relative to the planned improvements
 - f. Assessment of whether the tree must be removed to accommodate the development
 - g. Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.
2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and report shall also include, but is not limited to, the specific information outlined in the appropriate land use application materials packet.
3. Definitions for the inventory purposes of this Section
- a. A tree is a living woody plant having a trunk diameter as specified below at Diameter at Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under six (6) inches at DBH. All trees six (6) inches or greater shall be inventoried.
 - b. A woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a six (6) inches or greater at DBH. Woodlands planted for commercial agricultural purposes and/or subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under this Section.
 - c. A large stature tree is over 20 feet tall and wide with a minimum trunk diameter of 30 inches at DBH.

FINDING: The applicant has submitted a Tree Protection and Removal Plan (Exhibit A17 – Sheet 03) that shows existing trees on the site and the proposal for preservation

or removal. All of the trees are proposed for removal based on the limited supply of mature healthy trees and the need to remove invasive understory and grade the property. The applicant is proposing to restore a portion of the historic forest based on a detailed plan created by Ash Creek Forest Management. The applicant has previously obtained approval to remove 20 of the existing 70 trees in order to grade the site in preparation of development and for the upcoming Street of Dreams event.

FINDING: These criteria are 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.**

FINDING: The applicant is proposing to remove all on-site trees to accommodate grading of the site. In order to provide a gravity flow sewer system, site fill is located at the east end of the property. The open space will be located behind the building pads and will include a slope area and retaining wall. Trees within this area are required to be removed based on the proposed site layout and fill required at the east end of the site. The applicant is proposing to plant 250 Incense Cedars, 40 Oregon White Oaks, 25 Ponderosa Pines, and 10 Big Leaf Maples in order to restore the forest. Street trees and other open space plantings will also be provided. The tree canopy exceeds 70% of the site and meets standard D2 below.

No off-site trees are proposed for removal and land use approval does not permit off-site trees to be removed without property owner permission.

FINDING: This standard is met.

- 2. Required Tree Canopy - Residential Developments (Single Family Attached, Single Family Detached and Two - Family) Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation πr^2 to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies.**

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be

counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.

Residential (single family & two family developments)	
Canopy Requirement	40%
Counted Toward the Canopy Requirement	
Street trees included in canopy requirement	Yes
Landscaping requirements included in canopy requirement	N/A
Existing trees onsite	Yes x2
Planting new trees onsite	Yes

ANALYSIS: The proposal is for a single-family subdivision and the development is required to provide a 40% mature tree canopy over the net development site.

Gross site area	541,245 SF
Public streets	-85,917 SF
<u>Water quality tract</u>	<u>-20,317 SF</u>
Net development area	435,011 SF (or 9.98 acres)

(net development area)(0.40) = required tree canopy
 (445,011)(0.40) = 178,004 SF

The development is required to provide 178,004 SF of mature tree canopy. The applicant is proposing approximately 275,000 SF (63%) of tree canopy between the restored forest area, the remaining open space, and street tree plantings. Credit was not provided for the western serviceberry or cascara plants listed on the plans which are being planted at densities similar to a shrub.

FINDING: This standard is met.

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: While the City encourages preservation of existing trees wherever possible, the existing conditions do not warrant additional tree protection. The historic forest was removed approximately 15 years ago and new trees have not been stewarded in a way that warrants protection. The applicant is proposing to restore a portion of the forest in order to provide scenic and recreational opportunities for the public. A detailed restoration plan has been provided as Exhibit A7 and A20.

FINDING: These criteria are met.

Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS*

16.144.010 - Generally

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

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

City's Wetland Inventory – the City's wetland inventory does not show wetlands on the development site, however, the applicant has identified a 0.05-acre wetland in a low point near the north property line.

Comprehensive Plan Natural Resource Inventory – the subject site is shown on the Natural Resources and Recreation Plan Map as the Tonquin Scabland Geologic Area. Upon completion, the development will provide 2-04-acres of open space that allows public enjoyment of the area through recreation and scenic views. The remaining areas will be developed for new residential lots and infrastructure.

Regionally Significant Fish and Wildlife Habitat Area – the subject site contains Class A Upland Habitat. Upland habitat was originally identified based on the existence of contiguous patches of forest canopy with limited openings. The site was clear cut in 2006 – 2007.

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

16.144.020 – Standards (Wetlands)

- A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:**
 - 1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an**

area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.

- a. **A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.**
 - b. **Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.**
 - c. **A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.**
- 2. If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.**

ANALYSIS: A 0.05-acre seasonal wetland is located at a low point near the north property line. The applicant is proposing to fill the wetland to accommodate grading and building pads.

When filling a wetland within the City, the standard above requires the applicant to develop or enhance an equal area of wetland on the site or in the same drainage basin. The applicant has provided a Clean Water Services SPL that indicates a total of 7,519 SF of mitigation is required.

The size and extent of the wetland has been confirmed by DSL through the issuance of a delineation approval letter (Exhibit A18). The applicant is conditioned to obtain final fill permits from DSL and US Army Corps of Engineers prior to tree removal and issuance of a grading permit on the site.

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C1: Prior to engineering plan approval and any filling of the on-site wetland, the proposed development shall obtain a US Army Corps of Engineers/Oregon Department of State Lands joint permit.

- 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 subject property is identified as a Significant Natural Feature on the Natural Resource and Recreation Plan Map. The standards above apply. The applicant has provided an Environmental Assessment (Exhibit A14) that indicates endangered and threatened species are unlikely to exist on the property due to incompatible habitat. The proposed Forest Restoration Plan will utilize best practices in soil management and remediation including use of native plants.

FINDING: These standards are met.

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

ANALYSIS: A majority of the site is covered by Class A Upland Habitat based on MetroMaps. As stated above, the site was cleared of mature trees in the mid-2000s. While some trees have re-grown the overall condition of the existing tree stand is poor. A new wooded area will be planted with the development.

FINDING: This standard is met.

Chapter 16.106 - TRANSPORTATION FACILITIES

16.106.010 - Generally

A. Creation

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

Type of Street	ROW Width	Number of Lanes	Minimum Land Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip (exclusive of curb)	Median Width
Local (previous standard)	52'	2	14'	8' on one side only	None	6'	5' with 1' buffer	None
Local (current standard)	60'	2	18'	8' on both sides	None	6'	5' with 1' buffer	None
Arterial	60-102'	2-5	12'	Limited	6 feet	6-8'	5'	14' if required

ANALYSIS: The applicant is proposing an extension of the existing street system surrounding the development including SW Currey Ridge Dr. (local residential), SW Byers Lake Terrace (local residential), and SW Murdock Rd. (arterial residential).

In Spring 2022, the City adopted a new local residential street standard, increasing the required right-of-way width from 52 ft. to 60 ft. as shown in the table above. The applicant has requested an exception to this standard in order to match the existing right-of-way widths adjacent to the development. Staff supports this request as widening the existing roads mid-block is not desirable from a safety or aesthetic perspective. Full findings for the modification are provided under SZCDC 16.142.020(E). SW Murdock Rd. is proposed at a full arterial width of 78 ft. including and 8 ft. wide sidewalk adjacent to the development.

FINDING: These criteria are met.

B. Street Naming

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

same street name standards as are public streets. All private street signs will be provided at the owner(s) expense.

C. Street Name Standards

- 1. All streets named or renamed shall comply with the following criteria:**
 - a. Major streets and highways shall maintain a common name or number for the entire alignment.**
 - b. Whenever practicable, names as specified in this Section shall be utilized or retained.**
 - c. Hyphenated or exceptionally long names shall be avoided.**
 - d. Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.**
 - e. Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.**
- 2. The following classifications (suffixes) shall be utilized in the assignment of all street names:**
 - a. Boulevards: North/south arterials providing through traffic movement across the community.**
 - b. Roads: East/west arterials providing through traffic movement across the community.**
 - c. Avenues: Continuous, north/south collectors or extensions thereof.**
 - d. Streets: Continuous, east-west collectors or extensions thereof.**
 - e. Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.**
 - f. Lanes: Short east/west local streets under 1,000 feet in length.**
 - g. Terraces: short north/south local streets under 1,000 feet in length.**
 - h. Court: All east/west cul-de-sacs.**
 - i. Place: All north/south cul-de-sacs.**
 - j. Ways: All looped local streets (exceeding 180 degrees).**
 - k. Parkway: A broad landscaped collector or arterial.**
- 3. Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.**
- 4. All proposed street names shall be approved, prior to use, by the City.**

D. Preferred Street Names

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

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

STAFF ANALYSIS: The proposal will extend two local residential streets recently constructed as part of the Denali Meadows and Denali Summit subdivisions. The new public streets have been named in accordance with these standards as part of the previous approvals. No changes or new street names are required.

FINDING: These criteria are met.

16.106.020 - Required Improvements

A. Generally

Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. Right-of-way requirements are based on functional classification of the street network as established in the Transportation System Plan, Figure 17.

B. Existing Streets

Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.

C. Proposed Streets

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

D. Extent of Improvements

1. **Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.**
2. **If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:**
 - a. **A partial improvement is not feasible due to the inability to achieve proper design standards;**
 - b. **A partial improvement may create a potential safety hazard to motorists or pedestrians.**
 - c. **Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;**
 - d. **The improvement would be in conflict with an adopted capital improvement plan;**
 - e. **The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets;**
or
 - f. **Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.**

ANALYSIS: City of Sherwood Engineering comments state - The subject property has street frontage along SW Murdock Road (City Arterial) to the west. The subject property also has access to 2 local streets stubbed at the southern property line (SW Byers Lake Terrace and SW Curry Ridge Drive).

Currently SW Murdock Road is unimproved along the frontage of the subject property. Both north and south of the subject property, SE Murdock Road has been widened with curb and gutter and sidewalk.

The typical half section for a 3-lane arterial street in a residential zone is 25 feet width of pavement, with a 5-foot wide landscape strip, 8-foot wide sidewalk and 1-foot wide buffer area within a 39-foot wide half street right-of-way section per the Sherwood Transportation System Plan. The developer will need to construct street widening improvements (including street lighting and street trees) and dedicate right-of-way to meet the above noted half-street section.

Since the developer will be constructing improvements within the SW Murdock Road/SW Upper Roy intersection, it will be required to reconstruct the existing sidewalk ramps on the west side of the intersection. A marked crosswalk across the intersection will also be required with a rapid flashing beacon at the new pedestrian crossing. City transportation SDC credits and Washington County TDT credits in compliance with their regulations are available.

Left turn lanes shall be constructed within SW Murdock Road at the SW Murdock Road/SW Upper Roy Street intersection on both the north and south sides of the new intersection.

The developer will be required to construct a public local street system within the subject property to provide street access to new lots and for continuity of the public street system.

At the time of land use submittal, the local standard residential city street section consists of a 36-foot wide pavement section (curb-curb) with curb and gutter, 5-foot wide landscape strip, 6-foot wide concrete sidewalk and a 1-foot wide buffer on each side of the street for a total right-of-way width of 60 feet. The developer has submitted for a design modification request to use a pavement width of 28 feet within a 52-foot wide right-of-way matching the street sections within the subdivisions to the south. The City Engineer has approved this request.

A design modification request for street length between intersections has been submitted by the developer and approved by the City Engineer.

A design modification request to use curves below minimum street standards for a 25MPH street has been submitted by the developer and approved by the City Engineer.

FINDING: These criteria are met as conditioned below.

CONDITION OF APPROVAL C2: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for street widening improvements (including street lighting and street trees) along the subject property frontage of SW Murdock Road to meet a 3-lane city arterial street section meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL C3: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for left turn lanes within SW Murdock Road at the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL C4: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new sidewalk ramps on the western side of the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations.

~~**CONDITION OF APPROVAL C5:** Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new sidewalk ramps on the western side of the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations. (duplicate condition to C4 above)~~

CONDITION OF APPROVAL C6: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new continental crosswalk and rapid flashing beacon at the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations.

CONDITION OF APPROVAL C7: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new local street improvements (including street lighting and street trees) within the subdivision to meet a 28' local standard residential street section meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL F1: Prior to Acceptance of Public Improvements, the developer shall dedicate right-of-way as necessary to achieve a 39-foot wide half street right-of-way along the subject property frontage of SW Murdock Road meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL F2: Prior to Acceptance of Public Improvements, the developer shall dedicate right-of-way to a 52-foot width for local street improvements within the subject development meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL F3: Prior to Acceptance of Public Improvements, the developer shall dedicate a minimum 8-foot wide PUE along all street frontages within the subject development meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer.

E. Transportation Facilities Modifications

- 1. A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.**
- 2. A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8 in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:**
 - a. Reduced sight distances.**
 - b. Vertical alignment.**
 - c. Horizontal alignment.**
 - d. Geometric design (length, width, bulb radius, etc.).**
 - e. Design speed.**
 - f. Crossroads.**
 - g. Access policy.**
 - h. A proposed alternative design which provides a plan superior to these standards.**
 - i. Low impact development.**
 - j. Access Management Plans**
- 3. Modification Procedure**
 - a. A modification shall be proposed with the application for land use approval.**
 - b. A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.**
 - c. When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.**

4. **Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:**
 - a. **Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.**
 - b. **Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.**

ANALYSIS: The applicant has requested the following modifications to the underlying transportation standards:

- Reduced design speed allowing for a centerline radius of 100 feet at northeast corner of Curry Ridge Dr.
- Right-of-way width reduction from 60 feet to 52 feet
- Exception to the maximum cul-de-sac length of 200 feet

The proposed modifications meet criteria (a) and (b) as discussed below.

- (a) The proposed modifications will enable development of the site at the density envisioned in the SE Sherwood Master Plan and will extend local streets as identified in Figure 18 Local Street Connectivity Map of the City's Transportation System Plan. SW Curry Ridge Dr. will create a new intersection with SW Murdock Rd., completing the block and allowing vehicle and pedestrian circulation through the "Denali" developments.
- (b) The site faces an unusual hardship that warrants a modification to the underlying standards based on the physical conditions of the site and existing construction surrounding the site. The site has varying topography and hard subsurface bedrock that increase costs of providing new streets and public utilities. The reduced design speed is related to the curve of SW Curry Ridge Dr. at the northeast end of the site. This curve will allow buildable lots to be created on both sides of the street and allow the site to meet the density of the SE Sherwood Master Plan. The reduced width of 52 ft. will allow the local streets to match the existing street widths, avoiding a narrowing street within the existing block and alleviating a potential safety concern. The proposed cul-de-sac length for SW Byers Lake Terrace will exceed 200 ft. and is proposed based on existing

construction. The land to the north is developed with single-family uses and cannot be extended to create a through street.

FINDING: This criterion is met.

16.106.030 - Location

A. Generally

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

ANALYSIS: The proposed streets have been located to extend the existing street system, including existing grades and curves. The proposed streets will complete the transportation network envisioned by the SE Sherwood Master Plan. As shown in Exhibit C2, a convenient and safe transportation network will be provided for vehicles and pedestrians.

FINDING: This criterion is met.

B. Street Connectivity and Future Street Systems

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

ANALYSIS: The development will provide new public streets that implement Figure 18 Local Street Connectivity Map of the City's Transportation System Plan. The Local Street Connectivity Map shows an eastern extension of SW Upper Roy St. through the property, which is proposed as SW Curry Ridge Dr.

FINDING: This criterion is met.

2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements,

responds to and expands on the Local Street Connectivity map contained in the TSP.

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

ANALYSIS: The applicant has provided a Neighborhood Circulation Map (Exhibit A17 – Sheet 14), that shows how the existing street system will be continued through the development site. No stub streets will be created as the proposed development will complete the transportation network envisioned by the TSP and SE Sherwood Master Plan.

FINDING: This criterion is met.

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

ANALYSIS: An exception to the block length standard was approved as part of the Denali Summit subdivision (LU 2020-013 SUB / PUD). The proposed street system will

complete this block by connecting SW Curry Ridge Dr. to SW Byers Lake Terrace and SW Murdock Rd. The block length is broken up by public access easements within open space and the private streets in Denali Summit. A convenient transportation system has been created within the Denali developments as shown in Exhibit C2.

FINDING: This criterion is met.

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

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

FINDING: This standard does not apply.

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

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

FINDING: This standard does not apply.

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

ANALYSIS: A full street connection cannot be created for the SW Byers Lake Terrace cul-de-sac. A 15 ft. wide pedestrian and bike easement has been proposed within Tract E to break up this block length. A 5 ft. wide sidewalk with landscaping on each side is proposed, as shown in A12.

FINDING: This standard is met.

7. **Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:**
 - a. **Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.**
 - b. **Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or**
 - c. **Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.**

ANALYSIS: Public access easements have been provided within the subject development to break up block lengths where feasible based on existing conditions. A new public access easement cannot be provided to the north as the property has already been developed at densities consistent with the underlying zoning.

FINDING: This criterion is met.

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

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

FINDING: This standard is met.

- D. **Additional Setbacks**
Generally additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide

unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.

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

ANALYSIS: The applicant is required to dedicate street right-of-way to meet current standards for SW Murdock Rd. An exception to the standard is requested for local streets. Development of the site represents full build out based on the underlying zoning and additional setbacks are not required.

FINDING: This standard is met.

16.106.040 - Design

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

A. Reserve Strips

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

ANALYSIS: No reserve strips or street plugs are proposed.

FINDING: This standard does not apply.

B. Alignment

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

ANALYSIS: No new T intersections are proposed.

FINDING: This standard is met.

C. Future Extension

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

A durable sign must be installed at the applicant's expense. The sign is required to notify the public of the intent to construct future streets. The sign must read as follows: "This road will be extended with future development. For more information contact the City of Sherwood Engineering Department."

ANALYSIS: No future extension of public streets is required.

FINDING: This standard is met.

D. Intersection Angles

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

ANALYSIS: All new intersections are proposed at 90 degrees. Final design meeting this standard will be reviewed and approved with the public improvement plans.

FINDING: This standard is met.

E. Cul-de-sacs

- 1. All cul-de-sacs shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation. A cul-de-sac shall not be more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.**
- 2. All cul-de-sacs shall terminate with a turnaround in accordance with the specifications in the Engineering Design Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center,**

- Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.**
- 3. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where a cul-de-sac or dead-end street is planned, to connect the ends of the streets together, connect to other streets, or connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP, the Engineering Design Manual or other provisions identified in this Code for the preservation of trees.**

ANALYSIS: A new cul-de-sac will be created in excess of 200 ft. A 15 ft. wide public access easement is proposed to connect the cul-de-sac to SW Murdock Rd. An easement cannot be provided to the property to the north as the property is already developed.

FINDING: This standard is met.

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

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

FINDING: This standard will be met.

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

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

FINDING: This standard does not apply.

- H. Buffering of Major Streets**

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties must be provided, through and local traffic be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.040, and all applicable access provisions of Chapter 16.96, are to be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

ANALYSIS: The development site has frontage on SW Murdock Rd., an arterial street. A 15 ft. wide visual corridor will be provided in Tract A to separate the road from the residential development..

FINDING: This standard is met.

I. Median Islands

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

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

FINDING: This standard does not apply.

J. Transit Facilities

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

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

5. Provide lighting at a transit stop (if not already existing to transit agency standards).

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

FINDING: This standard does not apply.

K. Traffic Controls

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

ANALYSIS: The City of Sherwood Engineering Department has reviewed the proposal and determined that a Traffic Impact Analysis (TIA) is not required. At build-out the development will create 32 new residential homes. The applicant is proposing to complete transportation improvements that will result in a safe and convenient circulation system for vehicles and pedestrians. Pedestrian trips are anticipated between the proposed development and the existing neighborhood to the west, across SW Murdock Rd. The applicant has been conditioned to provide a new crosswalk and flashing beacon at the SW Curry Ridge Rd. / SW Murdock Rd. intersection for pedestrians crossing Murdock Rd. Stop signs are also required at all intersections. No new signals are required.

FINDING: This standard is met.

L. Traffic Calming

- 1. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:**
 - a. Curb extensions (bulb-outs).**
 - b. Traffic diverters/circles.**
 - c. Alternative paving and painting patterns.**
 - d. Raised crosswalks, speed humps, and pedestrian refuges.**

- e. **Other methods demonstrated as effective through peer reviewed Engineering studies.**
2. **With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.**

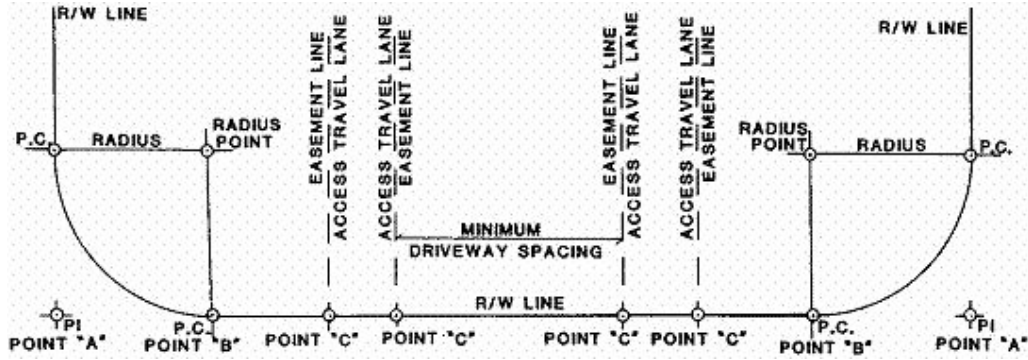
ANALYSIS: The applicant has been conditioned to provide a new crosswalk and flashing beacon for pedestrians to safely cross SW Murdock Rd.

FINDING: This standard is met.

M. Vehicular Access Management

All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the Engineering Design Manual.

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



2. Roadway Access

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

a. Local Streets

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

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

3. Exceptions to Access Criteria for City-Owned Streets

a. Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is submitted to and approved by the City Engineer as the

access management plan must be included as part of the land use submittal or an application for modification as described in § 16.106.020 E. (Transportation Facilities Modifications).

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

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

FINDING: These criteria are met.

N. Private Streets

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

ANALYSIS: No new private streets are proposed.

FINDING: These criteria are met.

16.106.060 - Sidewalks

A. Required Improvements

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

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

FINDING: This standard is met.

B. Design Standards

1. **Arterial and Collector Streets**
Arterial and collector streets shall have minimum six (6) or eight (8) foot wide sidewalks/multi-use paths, located as required by this Code. Residential areas shall have a minimum of a six (6) foot wide sidewalk and commercial industrial areas shall have a minimum of an eight (8) foot wide sidewalk.
2. **Local Streets**
Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.
3. **Handicapped Ramps**
Sidewalk handicapped ramps shall be provided at all intersections.

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

FINDING: These criteria are met.

C. Pedestrian and Bicycle Paths

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

ANALYSIS: 15 ft. wide public access easements have been proposed within Tracts C and E to break up block lengths.

FINDING: This standard is met.

16.106.070 - Bike Lanes

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

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

FINDING: This standard is met.

16.106.080 - Traffic Impact Analysis (TIA)

A. Purpose

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

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

B. Applicability

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

1. An amendment to the Sherwood Comprehensive Plan or zoning map.
2. A new direct property approach road to Highway 99W is proposed.

3. **The proposed development generates fifty (50) or more PM peak-hour trips on Highway 99W, or one hundred (100) PM peak-hour trips on the local transportation system.**
4. **An increase in use of any adjacent street or direct property approach road to Highway 99W by ten (10) vehicles or more per day that exceed the twenty thousand-pound gross vehicle weight.**
5. **The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.**
6. **A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.**

C. Requirements

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

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

D. Study Area

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

1. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed development site. If the site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.
2. Roads and streets through and adjacent to the site.
3. All intersections needed for signal progression analysis.
4. In addition to these requirements, the City Engineer may require analysis of any additional intersections or roadway links that may be adversely affected as a result of the proposed development.

E. Analysis Periods

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

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

F. Approval Criteria

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

- 1. The analysis complies with the requirements of 16.106.080.C;**
- 2. The analysis demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City Engineer and, when County or State highway facilities are affected, to Washington County and ODOT;**
- 3. For affected non-highway facilities, the TIA demonstrates that mobility and other applicable performance standards established in the adopted City TSP have been met; and**
- 4. Proposed public improvements are designed and will be constructed to the street standards specified in Section 16.106.010 and the Engineering Design Manual, and to the access standards in Section 16.106.040.**
- 5. Proposed public improvements and mitigation measures will provide safe connections across adjacent right-of-way (e.g., protected crossings) when pedestrian or bicycle facilities are present or planned on the far side of the right-of-way.**

ANALYSIS: The City of Sherwood Engineering Department has reviewed the proposal and determined that a Traffic Impact Analysis (TIA) is not required. At build-out the development will create 32 new residential homes. All lots will be accessed from public streets. Compliance with all applicable engineering design standards is required unless an exception has been granted. Compliance with engineering standards is reviewed as part of the public improvement plan review after land use approval.

FINDING: This criterion is met.

G. Conditions of Approval

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

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

FINDING: This criterion is met.

16.106.090 - Rough Proportionality

A. Purpose

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

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

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

- 1. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half-mile radius of the proposed development. If a TIA is required, the impact area is the TIA study area.**
- 2. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.**
- 3. The effect of increased demand on transportation facilities and other approved, but not yet constructed, development projects within the impact area that is associated with the proposed development.**
- 4. Applicable TSP goals, policies, and plans.**

5. **Whether any route affected by increased transportation demand within the impact area is listed in any City program including school trip safety; neighborhood traffic management; capital improvement; system development improvement, or others.**
6. **Accident history within the impact area.**
7. **Potential increased safety risks to transportation facility users, including pedestrians and cyclists.**
8. **Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.**
9. **Other considerations as may be identified in the review process pursuant to Chapter 16.72.**

ANALYSIS: All of the new or modified improvements required as part of the development will directly serve the new residential homes. Credits are available for SW Murdock Rd. based on applicable City policy. The required public improvements are roughly proportional to the scope and intensity of the development, as described in this report and the agency comments.

The new 0.75-acre park required by Condition of Approval B13 is similar in size to a Pocket Park as described in the 2021 Parks Master Plan. Based on the size of a pocket park, they are intended to serve the immediate neighborhood but can still include restrooms, seating, covered structures, etc. The park and required improvements within the will primarily serve the future residents of the development. As such the park and improvements are roughly proportional to the impact created by the approximately 30-lot subdivision.

FINDING: These criteria are met.

Chapter 16.108 – IMPROVEMENT PLAN REVIEW

16.108.010 – Preparation and Submission

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

A. Review Fee

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

B. Engineering Agreement

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

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

16.108.040 - Acceptance of Improvements

A. Final Inspection

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

B. Notification of Acceptance

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

C. Maintenance Bond

Prior to City acceptance of public improvements, the applicant shall provide the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, for the purpose of correcting any defective work or maintenance that becomes apparent or arises within two (2) years after final acceptance of the public improvements.

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

FINDING: These criteria are met as conditioned below.

CONDITION OF APPROVAL C8: Prior to Approval of Engineering Public Improvement Plans, an engineering compliance agreement shall be executed between the developer and the City of Sherwood.

CONDITION OF APPROVAL F4: Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL E5: Prior to Issuance of Building Permits, substantial completion of the public improvements by the Sherwood Engineering Department is

required unless otherwise approved by the Sherwood Engineering Department in the case of a model home.

CONDITION OF APPROVAL G7: Prior to Occupancy, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.

Chapter 16.110 – SANITARY SEWERS

16.110.010 - Required Improvements

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

16.110.020 - Design Standards

A. Capacity

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

B. Over-Sizing

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

16.110.030 - Service Availability

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

ANALYSIS: Per the City of Sherwood Engineering comments, there is an 8-inch diameter public sanitary sewer main exists within SW Murdock Road along the southern portion (+/- 200') of the property frontage of SW Murdock Road. Extending the sanitary sewer northward within SW Murdock Road would not provide service to any additional properties as the roadway drops heading northward. The development north of the subject property has access to sanitary sewer service from the north. Therefore extension of the sanitary sewer northward within SW Murdock Road is not required.

The subject development will need to construct a public sanitary sewer system within the new public streets to provide sanitary sewer service to each lot of the subject development. Public sanitary sewer may be within private property within a public easement with the approval of the Sherwood Engineering Department.

Since the property to the south was recently developed to provide public sanitary sewer to all lots, extension of the public sanitary sewer to the southern property line is not necessary.

The existing homes appears to be on a private septic system. Any private sanitary sewer system will need to be abandoned/removed in compliance with all regulations. This will need to be done prior to recording of the subdivision plat.

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

FINDING: This standard is met as conditioned below.

CONDITION OF APPROVAL C9: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public sanitary sewer service to all proposed lots through new public streets/public easements meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL B11: Prior to Final Plat Approval, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.

CONDITION OF APPROVAL F5: Prior to Acceptance of the Public Improvements, any public sanitary sewer located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL G8: Prior to Grant of Occupancy, any private sanitary piping 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.

16.112.020 - Design Standards

A. Capacity

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

B. Fire Protection

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

C. Over-Sizing

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

16.112.030 - Service Availability

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

ANALYSIS: Per the City of Sherwood Engineering comments, there is a 12-inch diameter public water main exists within SW Murdock Road along entire length of the subject property frontage of SW Murdock Road.

The subject development will need to construct a public water system within the new public streets to provide water service and fire protection to each lot of the subject development.

The new water system shall connect into the higher pressure zone at SW Murdock Road, SW Byers Lake Terrace and SW Curry Ridge Drive. Pressure reducing valves will be needed for individual homes.

Due to the distance between fire hydrants along the subject development section of SW Murdock Road, a new fire hydrant will be required along SW Murdock Road.

There may be a well located within the subject property. Any well located within the subject property shall be abandoned in accordance with all regulations.

Water meters shall not be located in hardscape.

FINDING: These criteria are met as conditioned below.

CONDITION OF APPROVAL C10: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide water service and fire protection to all proposed lots meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL C11: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to extend public water lines to connect to the water lines within SW Murdock Road, SW Byers Lake Terrace and SW Curry Ridge Drive meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL C12: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to add a fire hydrant along SW Murdock Road meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL F6: Prior to Acceptance of the Public Improvements, the public water system that is currently under construction within the Denali Summit subdivision will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.

CONDITION OF APPROVAL B12: Prior to Final Plat Approval, any well within the subject property shall be abandoned/removed in accordance with all applicable regulations.

CONDITION OF APPROVAL G9: Prior to Grant of Occupancy, any private water piping 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).

16.114.020 - Design Standards

A. Capacity

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

B. On-Site Source Control

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

C. Conveyance System

The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the

receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.

16.114.030 - Service Availability

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

ANALYSIS: Per the City of Sherwood Engineering Comments, there a 12-inch diameter public storm sewer main exists within SW Murdock Road at the northern end of the subject property frontage. This is the only public storm sewer in the area available to serve the subject property.

The subject development will need to construct a public storm sewer system within the new public streets to provide storm sewer service to each lot of the subject development and for street drainage of new streets and street widening. Public storm sewer may be within private property within a public easement with the approval of the Sherwood Engineering Department.

Since the property to the south was recently developed to provide public storm sewer to all lots, extension of the public storm sewer to the southern property line is not necessary.

The subject development is required to provide storm water quality treatment and hydro-modification for all new/modified impervious area unless otherwise approved by the City of Sherwood and Clean Water Services (CWS). The water quality treatment and hydro-modification facilities shall be in a separate tract of land dedicated to the City of Sherwood.

A storm report in compliance with CWS standards is required.

On site water quality facilities shall not have retaining walls unless otherwise approved by the Sherwood Engineering Department.

City policy requires that prior to grading, a permit is obtained from the Building Department for grading on the private portion of the site.

The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans.

The proposed development will disturb over 5 acres, therefore a DEQ NPDES 1200-C is required. A DEQ NPDES 1200-C permit is already in place for the site grading, however a new 1200-C will likely be required by DEQ for the new development.

FINDING: These criteria is met as conditioned below

CONDITION OF APPROVAL C13: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public storm sewer service to all proposed lots, new streets and new street widening meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL C14: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide on-site water quality treatment/hydro-modification facilities with maintenance access to all facility structures in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services. These facilities shall be designed meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL C15: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall provide a storm report in compliance with CWS standards meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL F7: Prior to Acceptance of the Public Improvements, any public storm sewer located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL F8: Prior to Acceptance of the Public Improvements, the tract of land containing the public water quality facilities meeting the approval of the Sherwood Engineering Department shall be dedicated to the City of Sherwood.

CONDITION OF APPROVAL F9: Prior to Acceptance of the Public Improvements, any fence for protection of the public water quality/hydro-modification facility that is located on private property shall have a Fence and Maintenance Covenant recorded meeting the approval of the Sherwood Engineering Department.

CONDITION OF APPROVAL G10: Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

CONDITION OF APPROVAL C16: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall obtain a DEQ NPDES 1200-C permit.

CONDITION OF APPROVAL A14: The proposed development shall comply with the conditions of the CWS Service Provider Letter.

CONDITION OF APPROVAL C17: Prior to Approval of Engineering Public Improvement Plans, a CWS Storm Water Connection Permit Authorization shall be obtained.

Chapter 16.116 - FIRE PROTECTION

16.116.010 Required Improvements

When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.

A. Capacity

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

B. Fire Flow

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

C. Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any

combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

D. Hydrants

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

16.116.030 - Miscellaneous Requirements

A. Timing of Installation

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

B. Maintenance of Facilities

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

C. Modification of Facilities

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

ANALYSIS: The applicant has obtained a Tualatin Valley Fire & Rescue Service Provider Letter (SPL). The SPL indicates fire standards are met. The applicant is required to follow the plans as indicated in the approval. A final inspection is not required.

FINDING: These criteria are met.

Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES

16.118.010 Purpose

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

16.118.020 Standard

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.**
- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).**
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.**
- F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.**

16.118.030 - Underground Facilities

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

ANALYSIS: Utility facilities including but not limited to electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground. The applicant has been conditioned to provide an 8 ft. wide PUE along the frontage of each public street.

FINDING: These standards are met as conditioned below.

CONDITION OF APPROVAL A15: Per City of Sherwood standards, all new utilities shall be placed underground.

CONDITION OF APPROVAL F10: Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property frontage of all streets interior to the subject development and the frontage along SW Murdock Road per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

CONDITION OF APPROVAL C18: Prior to Approval of Engineering Public Improvement Plans, the developer shall design to underground the existing overhead utilities along the east side of SW Murdock Road along the frontage of the subject development meeting the approval of the Sherwood Engineering Department.

IV. CONDITIONS OF APPROVAL

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's submittal, City Council finds that the proposed site plan does not fully comply with the standards but can be conditioned to comply. **Therefore, City Council approves LU 2022-020 SUB / PUD Moser Pass subject to the following conditions of approval:**

A. GENERAL CONDITIONS

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. Development and construction on the site shall conform substantially to the preliminary plat plans submitted by Emerio Design as part of the land use review, except as modified in the conditions below, (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official, Clean Water Services, and Tualatin Valley Fire and Rescue, and Washington County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.
3. Placement of construction trailers or temporary storage containers on the subject property shall require a Temporary Use Permit per Section 16.86 of the SZCDC.
4. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.
5. All fences within the subdivision shall meet the requirements in Sherwood Zoning and Community Development Code Chapter 16.58.020.

6. The applicant and future owners shall restrict and maintain on-site landscaping, utilities, and any other obstructions in the sight distance triangles to provide adequate sight distance at access locations.
7. Prior to Building Permit application submittal, obtain address(es) for the site or parcels.
8. No property created by the subdivision approval shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to Sherwood Zoning & Community Development Code.
9. The required public improvements and common areas shall be substantially completed within one (1) year from the date of the Notice of Decision of the Final Development Plan.
10. Trees within the Clear Vision Areas shall be maintained in accordance with the clear vision standards in SZCDC § 16.58.010. Trees shall be pruned to 7 ft. above the sidewalk and 10 ft. above the street.
11. If the existing access easement along the north property line is not extinguished, no fences, retaining walls, or permanent structures shall be constructed within the easement on Lots 7 – 10 and Tracts B and C.
12. The preliminary plat approval is valid for two years from the date of the Notice of Decision. The final plat shall be approved by the City within two years of Notice of Decision, unless an extension is granted by the City prior to the two-year deadline.
13. The applicant and future owners shall install and maintain the restored forest area in accordance with the final Forest Restoration Plan. Landscaping under the Forest Restoration Plan is not required for occupancy as tree planting is required to follow a specific schedule based on the season.
14. The proposed development shall comply with the conditions of the CWS Service Provider Letter.
15. Per City of Sherwood standards, all new utilities shall be placed underground.
16. The Final Plat shall be processed as a Type I administrative decision. The Final Development Plan shall be processed as a Type IV land use decision.
17. The PUD ordinance shall become effective upon approval of the Final Development Plan pursuant to SZCDC 16.40.30.

B. PRIOR TO FINAL SUBDIVISION PLAT / FINAL DEVELOPMENT PLAN APPROVAL

1. Prior to Final Plat and Final Development Plan approval, provide a revised plat that demonstrates how the minimum lot depth and minimum lot width at front property line standards are met.
2. Prior to Final Plat approval, the applicant shall obtain Final Development Plan approval from the Planning Commission.
3. Prior to Final Plat Approval, show a clear vision area on the corners of each street intersection in accordance with SZCDC § 16.58.010 Clear Vision Areas.

4. Prior to Final Development Plan approval, the existing access easement shall be extinguished on the subject property, or the plans shall be revised to maintain existing access within the easement.
5. Prior to Final Development Plan approval, provide a final Landscape Plan (including open space improvements) and Forest Restoration Plan.
6. Prior to Final Plat Approval, the applicant shall provide draft CC&Rs that demonstrate how the open space plantings, including the restored forest area, will be maintained by the developer or future HOA.
7. Prior to final plat approval, submit draft deeds for City review dedicating Open Space Tracts Tracts C, D, E, and F to the future HOA. The deeds shall be recorded with the final plat.
8. Prior to final plat approval, submit draft CC&Rs to the City that describe how Open Space Tracts Tracts C, D, E, and F will be maintained by the future HOA. The final CC&Rs shall be recorded with the final plat.
9. Prior to final plat approval, the plat and CC&Rs shall clearly state that the open space Tracts Tracts C, D, E, and F are available for public use.
10. Prior to Final Plat Approval, submit draft CC&Rs demonstrating how visual corridor Tract A will be owned and maintained by the future HOA.
11. Prior to Final Plat Approval, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.
12. Prior to Final Plat Approval, any well within the subject property shall be abandoned/removed in accordance with all applicable regulations.
13. Prior to Final Development Plan Approval, a new park identified as Tract F shall be provided in the location of Lots 30 – 32. The design of the park and amenities described below shall be owned and maintained by the HOA unless indicated otherwise. The park and amenity design shall receive approval by the Planning Commission as part of the Final Development Plan
 - a. Park shall include trees and landscaping
 - b. Park shall include lighting
 - c. Park shall include a minimum flat area of 20,000 SF that is ADA accessible from the public street. Required amenities can be located in flat area.
 - d. Park shall include a sports court / facility based on an identified need or community desire in the 2021 Parks Master Plan.
 - e. Park shall include a gazebo or other covered structure with tables and seating (minimum 600 SF)
 - f. Park shall include minimum of two benches outside the covered structure
 - g. Park shall include a new restroom to match the existing restroom at Cannery Square, or a similar design approved by the Planning Commission. The developer shall be responsible for the installation of underground electrical and plumbing and construction of a concrete pad in the final location of the restroom. The City shall be responsible for purchasing, installing, and long-term maintenance of the restroom. The

City shall be responsible for setting the hours of operation, cleaning, and maintenance schedule of the restroom.

- h. Parallel on-street parking shall be provided along the south side of Upper Roy street adjacent to the park
 - i. Park area can be reduced on a per square foot basis for any off-street parking and drive aisles provided that meet the dimensional requirements of SZCDC 16.94.020(B)
14. Prior to Final Plat Approval, submit draft CC&Rs that demonstrate how Tract F will be owned and maintained by the future HOA. The CC&Rs shall be recorded with the final plat.

C. PRIOR TO APPROVAL OF THE PUBLIC IMPROVEMENT PLANS / ISSUANCE OF A CITY OF SHERWOOD ENGINEERING COMPLIANCE AGREEMENT

1. Prior to engineering plan approval and any filling of the on-site wetland, the proposed development shall obtain a US Army Corps of Engineers/Oregon Department of State Lands joint permit.
2. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for street widening improvements (including street lighting and street trees) along the subject property frontage of SW Murdock Road to meet a 3-lane city arterial street section meeting the approval of the Sherwood Engineering Department.
3. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for left turn lanes within SW Murdock Road at the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department.
4. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new sidewalk ramps on the western side of the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations.
- ~~5. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new sidewalk ramps on the western side of the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations. (duplicate condition to C4 above)~~
6. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new continental crosswalk and rapid flashing beacon at the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations.

7. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new local street improvements (including street lighting and street trees) within the subdivision to meet a 28' local standard residential street section meeting the approval of the Sherwood Engineering Department.
8. Prior to Approval of Engineering Public Improvement Plans, an engineering compliance agreement shall be executed between the developer and the City of Sherwood.
9. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public sanitary sewer service to all proposed lots through new public streets/public easements meeting the approval of the Sherwood Engineering Department.
10. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide water service and fire protection to all proposed lots meeting the approval of the Sherwood Engineering Department.
11. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to extend public water lines to connect to the water lines within SW Murdock Road, SW Byers Lake Terrace and SW Curry Ridge Drive meeting the approval of the Sherwood Engineering Department.
12. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to add a fire hydrant along SW Murdock Road meeting the approval of the Sherwood Engineering Department.
13. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public storm sewer service to all proposed lots, new streets and new street widening meeting the approval of the Sherwood Engineering Department.
14. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide on-site water quality treatment/hydro-modification facilities with maintenance access to all facility structures in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services. These facilities shall be designed meeting the approval of the Sherwood Engineering Department.
15. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall provide a storm report in compliance with CWS standards meeting the approval of the Sherwood Engineering Department.
16. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall obtain a DEQ NPDES 1200-C permit.
17. Prior to Approval of Engineering Public Improvement Plans, a CWS Storm Water Connection Permit Authorization shall be obtained.
18. Prior to Approval of Engineering Public Improvement Plans, the developer shall design to underground the existing overhead utilities along the east side of SW Murdock Road along the frontage of the subject development meeting the approval of the Sherwood Engineering Department.

D. PRIOR TO ISSUANCE OF A SITE GRADING PERMIT

1. None

E. PRIOR TO ISSUANE OF BUILDING PERMITS

1. Prior to Issuance of Building Permits for each lot, the applicant shall provide plot plans and building plans showing the residential structures meet the development standards of the VLDR-PUD zone. No exceptions to the underlying standards are permitted unless a modification to the PUD is approved pursuant to SZCDC § 16.40.
2. 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.
3. 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.
4. Prior to Issuance of Building Permits, the applicant shall provide a House Variety Plan that demonstrates compliance with the housing variety standards in Residential Design standards in SZCDC § 16.14.010 Table 16.14-1.
5. Prior to Issuance of Building Permits, substantial completion of the public improvements by the Sherwood Engineering Department is required unless otherwise approved by the Sherwood Engineering Department in the case of a model home.

F. PRIOR TO ACCEPTANCE OF CONSTRUCTED PUBLIC IMPROVEMENTS

1. Prior to Acceptance of Public Improvements, the developer shall dedicate right-of-way as necessary to achieve a 39-foot wide half street right-of-way along the subject property frontage of SW Murdock Road meeting the approval of the Sherwood Engineering Department.
2. Prior to Acceptance of Public Improvements, the developer shall dedicate right-of-way to a 52-foot width for local street improvements within the subject development meeting the approval of the Sherwood Engineering Department.
3. Prior to Acceptance of Public Improvements, the developer shall dedicate a minimum 8-foot wide PUE along all street frontages within the subject development meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer.
4. Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements meeting the approval of the Sherwood Engineering Department.
5. Prior to Acceptance of the Public Improvements, any public sanitary sewer located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.
6. Prior to Acceptance of the Public Improvements, the public water system that is currently under construction within the Denali Summit subdivision will be required to

have received Acceptance of Public Improvements by the Sherwood Engineering Department.

7. Prior to Acceptance of the Public Improvements, any public storm sewer located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting the approval of the Sherwood Engineering Department.
8. Prior to Acceptance of the Public Improvements, the tract of land containing the public water quality facilities meeting the approval of the Sherwood Engineering Department shall be dedicated to the City of Sherwood.
9. Prior to Acceptance of the Public Improvements, any fence for protection of the public water quality/hydro-modification facility that is located on private property shall have a Fence and Maintenance Covenant recorded meeting the approval of the Sherwood Engineering Department.
10. Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property frontage of all streets interior to the subject development and the frontage along SW Murdock Road per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

G. PRIOR TO OCCUPANCY OF STRUCTURES

1. Prior to Occupancy, open space improvements shall be installed in accordance with the Final Open Space Plan and Landscape Plan.
2. 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.
3. Prior to Occupancy, all common landscaped areas must have an irrigation system in accordance with SZCDC § 16.92.040(C).
4. Prior to Occupancy of Each Residence, a minimum of one off-street parking stall shall be provided on the lot. Garage spaces cannot be counted towards meeting this requirement. The minimum stall dimension is 9 ft. x 20 ft
5. Prior to Occupancy of Each Residence, one hard surface driveway shall be provided on the lot. Pavement width shall be a minimum of 10 ft. wide and grades shall not exceed 14%.
6. Prior to Occupancy, street trees shall be installed in accordance with the final landscape plan.
7. Prior to Occupancy, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.
8. Prior to Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
9. Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
10. Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

11. Prior to Occupancy, all open space and visual corridor landscaping shall be installed in accordance with the final landscape plans.

V. EXHIBITS

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

1. Narrative
2. Application Form
3. CWS and TVF&R SPL
4. Geotech Report
5. CC&Rs
6. Architectural Pattern Book
7. Tree and Open Space Plan
8. Tree Inventory
9. Vicinity Map
10. Deed
11. Deed of Trust
12. Landscape Plan (copy, same as A7 above)
13. Pre-application Materials
14. Habitat Compliance Letter
15. Nesting Bird BMP Letter
16. DEQ LUCS Form for Early Grading
17. Preliminary Plans
18. Wetland Concurrence Letter
19. Tax Map
20. Reforestation Narrative (copy, same as A7 above)
21. Access Easement
22. Neighborhood Meeting Material

B. Agency Comments

1. City of Sherwood Engineering Comments
2. Clean Water Services Memorandum
3. Tualatin Valley Fire & Rescue SPL

C. Additional Information

1. SE Sherwood Master Plan – Figure 15 Alternative B/C
2. Overall Circulation Plan – Denali and Moser Developments
3. Aerial Photo of Subject Site
4. Conceptual Plat Based on Condition of Approval B13
5. Conceptual Open Space Plan Based on Condition of Approval B13
6. Example Nature Play Equipment

