

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

Regarding an application by Jeff Bolton, for approval) **FINAL ORDER**
of a preliminary plat to divide 3.63-acres into 13 lots)
on land southeast of Highway 99W, between SW Sunset) **SUB16-01**
Blvd. and SW Meinecke Road, in the City of Sherwood) **(Del Boca Vista Subdivision)**

A. SUMMARY

1. The applicant requests approval to divide the 3.63-acre site into 13 lots and an open space/stormwater tract. The proposed development is located southeast of Highway 99W, between the intersections of SW Sunset Blvd./Hwy 99W and SW Meinecke Road/Hwy 99W. The legal description of the site is tax lot 201 on Washington County Assessor Map 2S131B (the “site”). The site and abutting properties to the east are zoned MDRH (Medium Density Residential High). Properties to the south are zoned LDR-PUD (Low Density Residential, Planned Unit Development). Properties to the southwest are zoned OC (Office Commercial). Properties to the west, across Highway 99 are zoned GC (General Commercial). The site is currently vacant. The applicant proposed to construct a new single-family detached dwelling on each of the proposed lots. The applicant proposed to extend a new public street, SW Forest Creek Drive, into the site from Highway 99W. SW Forest Creek Drive will extend through the site parallel to Highway 99, terminating at the southwest boundary of the site to allow for further extension in the future when the abutting OC zoned properties redevelop. In addition, the applicant will dedicate right-of-way and construct frontage improvements (additional pavement, curb and sidewalk) on the section of Highway 99W abutting the site. The applicant will construct a shared driveway extending from SW Forest Creek Drive to serve Lots 10 and 11 and to provide a pedestrian/bicycle and emergency vehicle connection between the site and SW Pinehurst Drive. Additional basic facts about the site and surrounding land and applicable approval standards are provided in the Staff Report to the Hearings Officer dated October 3, 2016 (the “Staff Report”).

2. City of Sherwood Hearings Officer Joe Turner (the “hearings officer”) conducted a public hearing to receive testimony and evidence about the application. City staff recommended that the hearings officer approve the preliminary plat subject to conditions in the Staff Report. The applicant accepted those findings and conditions without exceptions. Four persons testified orally or in writing with questions and concerns about the application. Contested issues in the case include the following:

- a. Whether the proposed development provides adequate vehicle parking;
- b. Whether and how the applicant can prohibit use of the proposed pedestrian/bicycle and emergency vehicle accessway by private vehicles;
- c. Whether the proposed pedestrian/bicycle and emergency vehicle accessway will create a hazard by facilitating access to Highway 99;

- d. Whether the proposed pedestrian/bicycle and emergency vehicle accessway can accommodate emergency vehicles;
- e. Whether the applicant should be required to provide a trail connection between the on-site open space and existing trails east of the site; and
- f. Whether the Code requires public review of the private open space improvements.

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

B. HEARING AND RECORD HIGHLIGHTS

1. The hearings officer received testimony at the duly noticed public hearing about this application on October 10, 2016. At the hearing, the hearings officer received into the record and physically inspected the file maintained by the City regarding the application. All exhibits and records of testimony are filed at the City of Sherwood. The hearings officer made the declarations required by ORS 197.763. The following is a summary by the hearings officer of selected testimony and evidence offered at the public hearing.

2. City senior planner Michelle Miller summarized the Staff Report and the proposed development.

a. She noted that the applicant proposed to divide the site into 13 lots for single-family detached homes. The applicant will extend a new public street, proposed SW Forest Creek Drive, into the site from Highway 99. The SW Forest Creek Drive intersection with Highway 99 will be limited to right-in/right-out turn movements. The applicant will dedicate right-of-way and construct frontage improvements along the site's Highway 99 frontage.

b. The applicant will extend a shared driveway from SW Forest Creek Drive to serve proposed Lots 10 and 11.¹ The applicant will construct sidewalks abutting the shared driveway to provide pedestrian access between the site and SW Pinehurst Drive within the existing Woodhaven subdivision south of the site. The applicant will install removable bollards or a similar barrier to limit vehicle access between the site and SW Pinehurst Drive to emergency and maintenance vehicles.

c. The applicant will create a roughly 6,000 square foot open space on the eastern portion of the site. The applicant will be required to improve the open space tract to "[i]nclude usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space." Section 16.142.030.A of the Sherwood Zoning and Community Development Code (the "SZCDC"). The City will review the open space improvements to ensure compliance with this standard prior to final plat approval. The Code does not require public review of

¹ Page 2 of the Staff Report incorrectly states that the driveway will serve Lots 12 and 13.

the open space improvements. The private open space area will be owned and maintained by the homeowners association for this development. In addition, the applicant is required to retain or plant sufficient trees to provide a 40-percent tree canopy cover.

d. On-street parking will be limited to one side of SW Forest Creek Drive. Because on-street parking is available, the applicant is required to provide one off-street parking space per lot. Parking will be prohibited on the shared driveway. Therefore Lots 10 and 11 will be required to provide two parking spaces per lot. The City cannot require the applicant to provide additional parking in excess of the minimum requirements of the Code. However vehicles cannot park in the same location on the street for more than 24 hours without moving. In addition, the Code allows for creation of a parking district with parking permits for local residents, subject to approval by the City Council.

i. The City will review the parking requirements for the adjacent OC zoned properties when specific developments are proposed on those properties, because parking requirements in the OC zones vary with the type of use proposed.

e. She requested the hearings officer adopt the following changes to the conditions of approval in the Staff Report:

i. Delete condition D.20, which merely repeats condition D.10.

ii. Modify condition F.5 to reference Section 16.96.020.A(i) of the SZCDC.

iii. Delete the first sentence of condition H.2, which repeats condition H.7.

f. She noted the City received two exhibits after the Staff Report was issued:

i. Exhibit G, an October 7, 2016 email from Andy Chou expressing concerns with the adequacy of vehicle parking on the site; and

ii. Exhibit H, an October 10, 2016 letter from Robert and April MacDonald requesting conditions prohibiting vehicular access between the site and SW Pinehurst Drive, and questioning whether adequate vehicle parking will be provided on the site.

g. She noted that the wetland buffer abuts the west boundary of proposed Lot 11, precluding construction of a pedestrian pathway through the site to connect to existing open space trails in other nearby developments.

3. Professional engineer Mark Grenz appeared on behalf of the applicant, summarized the proposed development, and responded to issues raised by other witnesses.

a. He noted that development on this site is constrained by the wetlands on the east and Highway 99 on the west. The applicant will need to construct retaining walls and place fill on the site in order to provide gravity flow sewer service to the lots within the development. The City required the applicant provide a pedestrian connection from the site to SW Pinehurst Drive.

b. The applicant currently intends to build homes on the lots created by this development. CC&Rs for the development will require that all lots be developed with two-car garages.

c. The applicant will improve the open space tract consistent with SZCDC 16.142.030.A prior to final plat approval. The type and extent of the improvements are up to the applicant. The term “usable” is not clear and objective, as required by state law.

d. The applicant will work with TVFR and Pride Disposal to ensure the development provides adequate vehicle maneuvering area and turn around area.

4. Tim Roesener questioned where barriers will be located to prevent vehicular access between the site and SW Pinehurst Drive. He expressed concern that residents and visitors to this development will park on streets within surrounding neighborhoods if inadequate parking is available within the site. He requested the public be permitted to review the open space improvement plan. He requested the hearings officer hold the record open for that purpose. He questioned whether the City considered incorporating the proposed open space tract into the existing trail system within the adjacent development to the east, which could provide opportunities for pedestrian access without direct access to SW Pinehurst Drive.

5. Robert MacDonald summarized his written testimony, Exhibit H. He requested the hearings officer include a condition of approval prohibiting vehicular access between the site and SW Pinehurst Drive. He questioned whether the proposed development will provide adequate on-street parking to accommodate demand for residents and guests of the proposed development.

6. Terry Neal testified on behalf of his grandsons, who live on SW Pinehurst Drive. He argued that if parking is limited to one side of proposed SW Forest Creek Drive then fire hydrants should be located on the opposite side of the street to ensure the hydrants will not further restrict vehicle parking on the site. He questioned the parking requirements for future development on the OC zoned properties south of the site. Residents of the site should be prohibited from using the pedestrian/bicycle path/emergency vehicle access between the site and SW Pinehurst Drive for vehicular access. He questioned whether the proposed development makes adequate provisions for emergency, solid waste, and similar oversize vehicles.

7. City engineer Bob Galati testified that on-street parking should be prohibited on the east side of the north-south section of SW Forest Creek Drive in order to avoid conflicts with vehicles turning into the site from Highway 99. Parking should be allowed on the south side of the east-west segment of SW Forest Creek Drive, because the larger

lots abutting this side of the street will allow more room for on-street parking. Locating fire hydrants on the opposite side of the street “makes sense” in order to maximize on-street parking within the site.

8. At the end of the hearing the hearings officer held open the public record for one week, until October 17, 2016, to allow the public an opportunity to submit additional testimony and evidence. The hearings officer held the record open for a second week, until October 24, 2016, to allow the applicant to respond to the new testimony and evidence and to submit a closing argument. The applicant submitted its response and final argument on October 20, 2016 and requested the hearings officer close the record. The hearings officer closed the record in this case at 5:00 p.m. on October 20, 2016. The following evidence was submitted during the open record period:

- a. An email dated October 16, 2016 from Kelly O’Connor (Exhibit I); and
- b. An email from the applicant dated October 20, 2016 (Exhibit J).

C. DISCUSSION

1. City staff recommended approval of the preliminary subdivision plat, based on the affirmative findings and subject to conditions of approval in the Staff Report. The applicant accepted those findings and conditions with exceptions noted above.

2. The hearings officer concludes that the affirmative findings in the Staff Report show that the proposed preliminary plat does or can comply with the applicable standards of the Sherwood Zoning and Community Development Code, provided that the applicant complies with recommended conditions of approval as modified herein. The hearings officer adopts the affirmative findings in the Staff Report as his own, except to the extent they are inconsistent with the following findings.

3. The proposed development complies with the parking requirements of the Code. Table 1 of SZCDC 16.94.020.A requires 1 off-street parking space per single-family dwelling unit for dwelling units accessing streets that are 28 feet or wider. Lots accessing streets less than 28 feet wide require two off-street parking spaces. (Footnote #3 of Table 1). Proposed Lots 10 and 11 will access the 14-foot wide shared driveway. Therefore these lots must provide two off-street parking spaces per lot. All of the other lots will access the proposed 28-foot wide SW Forest Creek Drive and therefore must provide one off-street parking space per lot. The City can ensure compliance with this requirement through the building permit review process.

a. The applicant will provide on-street parking on one side of proposed SW Forest Creek Drive. As discussed at the hearing, it makes sense to locate fire hydrants on the north side of SW Forest Creek Drive and parking on the south side in order to maximize opportunities for on-street parking within the site. However decisions regarding the specific location of fire hydrants are best left to the expertise of the Fire Marshall and City engineer.

b. The City has no authority to require additional off-street parking on this site. However the applicant proposed to adopt CC&Rs requiring two car garages on each lot, which will provide four parking spaces per lot (two parking spaces in the garage and two more in the driveway in front of the garage).

c. The City has no authority to adopt conditions of approval prohibiting parking on existing streets in surrounding neighborhoods, including construction vehicle parking, or requiring the applicant to adopt CC&Rs prohibiting such parking. Parking on area streets is available to all members of the public on a first-come, first-served basis. The applicant will provide additional opportunities for on-street parking on one side of SW Forest Creek Drive within the site, which will mitigate the parking impacts of the use to some extent. Residents can request City Council approval of a parking permit system if on-street parking becomes a problem within surrounding neighborhoods in the future. However there is no evidence that this development is likely to generate a demand for on-street parking in excess of the capacity provided within the development.

4. Concerns were expressed that the proposed pedestrian/bicycle path connecting SW Forest Creek and SW Pinehurst Drives will create a hazard by facilitating children's access to Highway 99. However the proposed access will not connect directly to Highway 99. It will connect to the sidewalks within the proposed development, which then connect to sidewalks alongside Highway 99. This access is no different than other existing public street connections to Highway 99 that currently exist throughout the City. This connection will alter the existing condition within the Woodhaven subdivision, providing a more direct pedestrian connection to Highway 99. However this connection was foreseeable and is in the broader public's interest. Tract QQ of the Woodhaven subdivision was created to allow such connectivity when the adjacent site redeveloped. This connection will facilitate access between existing and proposed neighborhoods, provide more direct access to commercial uses along Highway 99, and increase emergency vehicle access in the area.

a. Use of the accessway should be limited to pedestrians, bicycles, and emergency vehicles. A condition of approval is warranted to that effect.

5. The applicant can modify the shared driveway/pedestrian access to accommodate emergency vehicle access, subject to Fire Marshall approval. The applicant will likely widen the northern portion of the driveway/path to provide a hammerhead style turnaround for emergency and solid waste vehicles. If necessary, the four-foot wide sidewalks on both sides of the drive/path will provide additional room for larger vehicles.

6. The applicant cannot construct a trail connecting this site to the existing trails described by Ms. O'Connor, near the corner of SW Dewey and SW Woodhaven Drives, without impacting the on-site wetlands. The existing trails are located on the opposite side of the wetland from the upland open space areas on the site.

7. The applicant is required to improve the on-site open space tract to, "include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space." SZCDC 16.142.030.A. The

Code does not require public review of the specific types of improvements for this private open space. The City will review and approve the open space improvements as part of the final plat review process.

D. CONCLUSION

Based on the above findings and discussion, the hearings officer concludes that SUB16-01 (Del Boca Vista Subdivision Subdivision) should be approved, because it does or can comply with the applicable standards of the Sherwood Zoning and Community Development Code, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

E. DECISION

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the hearings officer hereby approves SUB16-01 (Del Boca Vista Subdivision Subdivision), subject to the following conditions of approval:

A. General Conditions:

The following applies throughout the development and occupancy of the site:

1. Development and construction on the site shall conform substantially to the preliminary plat development plans submitted by Multi/Tech on August 29, 2016, 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, Tualatin Valley Fire and Rescue, Pride Disposal and Oregon Department of Transportation. All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.
2. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the plat as required by these conditions of approval, to the plans, standards, and specifications of the City of Sherwood. The developer shall also provide to the City financial guarantees for construction of all public streets and utilities within and adjacent to the plat, as required by the engineering compliance agreement.
3. Placement of construction trailers on the subject property shall require a Temporary Use Permit per Section 16.86 of the SZCDC. Construction trailers shall be located outside the public right-of-way.

4. Oregon Department of Transportation (ODOT) storm sewer facilities shall not be installed outside of ODOT right-of-way without approval from the City Engineer.
5. All new water quality facilities shall be within a separate tract dedicated to the City of Sherwood.
6. Comply with the Clean Water Services, Service Provider Letter throughout the development of the site.
7. The developer shall remove any trees within the vegetated corridor that have been identified as hazardous.
8. The developer shall maintain all existing non-hazardous trees within the vegetative corridor for a period of 2-years after engineering approval of the vegetative corridor plantings. The developer shall remove any trees within the vegetated corridor that become a hazard within the 2-year maintenance period.
9. Prior to the release of the vegetative corridor maintenance bond, the developer shall remove any trees identified as being a hazard during the 2-year maintenance vegetative corridor maintenance bond period.
10. Upon issuance of the Notice of Decision, a pre-design meeting between the Engineer of Record and the City Engineering Department shall be held.
11. Sherwood Broadband utilities shall be installed as per requirements set forth in City Ordinance 2005-017 and Resolution 2005-074.
12. Use of Tract QQ of the adjacent Brookhaven subdivision shall be limited to pedestrians, bicycles, and emergency vehicles.

B. Prior to grading the site:

1. Install tree protection fencing around trees to be preserved on the site.
2. Obtain Building Department permits and approval for erosion control and grading on private property and Engineering Department permits and approval for all grading in the public right-of-way.
3. Obtain a grading permit and 1200-C permit.

C. Prior to approval of public improvement plans:

1. Submit public improvement plans to Engineering for review and approval. The public improvement plans must be approved and bonded for prior to the City's approval of the final plat.
2. Provide for engineering review a public improvement design that shows a photometric street light design meeting IESNA standards for SW Forest Creek Drive and the access way.
3. All existing and proposed lots shall obtain approval from the Engineering Department and connect to sanitary sewer. Any existing septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law. The method and schedule for abandonment of these shall be reviewed and approved by the City Engineer prior to issuance of a grading permit.
4. Submit to the Engineering Department for review and approval a stormwater report identifying adequate space in the facility developed on site, in Tract B. The public improvement plans must include detention and treatment of all stormwater on the site in compliance with Clean Water Services standards and the CWS Provider Letter submitted with this application.
5. Submit to the engineering department a detailed downstream analysis and satisfy all storm treatment requirements including run-off from the SW Forest Creek Drive improvements.
6. Submit plans that include fire protection standards in compliance with TVF&R regulations and must include "No Parking" signs on Tract C.
7. Submit public improvement plans that include installation of conduits for public and private utilities as well as laterals for individual lots, 8-foot public utility easements (PUEs) adjacent to all right-of-way and any required design and installation for Sherwood Broadband.
8. Submit public improvement plans to Engineering for review and approval, which include all existing and proposed utilities placed underground.
9. Submit a street tree planting plan as part of the public improvements that show trees a minimum of 2 inches DBH and 6 feet high.
10. If the existing storm sewer (beneath Highway 99) receiving runoff from the subject development is undersized, the existing storm sewer shall be upsized or detention shall be provided to accommodate the subject property.

D. Prior to Issuance of the Engineering Compliance Agreement:

1. Receive City Engineer approval of construction plans for all public improvements (see condition C.1 above).
2. All existing and proposed lots shall obtain approval from the Engineering Department and connect to sanitary sewer.
3. For the purposes of future connectivity, terminate SW Forest Creek Drive stub at the southwestern site boundary to provide for a future street extension to the south as the adjacent parcel develops. Install signage indicating that this stub street will be continued with future development.
4. Design the public street intersections to meet sight distance requirements. Provide certification by a registered Oregon Professional Engineer that the constructed public street intersections meet sight distance requirements.
5. Restrict and maintain on-site landscaping, utilities, and any other obstructions in the sight distance triangles to provide adequate sight distance at access locations to SW Forest Creek Drive.
6. Public easements are required over all public utilities outside the public right-of-way. Easements dedicated to the City of Sherwood are exclusive easements unless otherwise authorized by the City Engineer.
7. Submit to the City for review and signing, all necessary public and private easements.
8. Sign, record and return the original recorded documents to the City for all necessary public and private easements. Alternatively, receive approval from Planning and Engineering Departments for the necessary easements to be recorded with the plat.
9. The driveway for Lot 1 shall be designed to be located as close to the southwest property line as possible.
10. Lot 1 shall have a sight triangle easement designed to meet the approval of the City of Sherwood Engineering Department.
11. Lots 10 and 11 shall obtain access via a private drive within a private tract. A design for the non-standard private drive typical section shall be submitted via a design modification request meeting the approval of the City Engineer.
12. Eastbound Highway 99W shall be designed to have an 8-foot wide bike lane, a 15-foot wide landscape strip and a 10-foot wide sidewalk as well as right-of-way dedication as needed to establish the right-of-way at 1-foot behind the back of sidewalk.

13. The applicant is required to obtain a State Highway Approach Road Permit from ODOT for access to the state highway or written determination (e-mail, fax or mail acceptable) from ODOT that the existing approach(es) is/are legal for the proposed use is required. Truck turning templates shall be provided as needed to ensure vehicles can enter and exit the approach safely. Site access to the state highway is regulated by OAR 734.51.
14. An ODOT Miscellaneous Permit must be obtained and copies provided to the City for all work in the highway right of way. When the total value of improvements within the ODOT right of way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the transfer of ownership of the improvement to ODOT. An Intergovernmental Agreement (IGA) is required for agreements involving local governments and a Cooperative Improvement Agreement (CIA) is required for private sector agreements. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements
15. The applicant will obtain the Reciprocal Conveyance of Access before the access can legally be permitted.
16. The developer shall obtain a temporary construction easement for the extension of the water line as needed.
17. The capacity of the existing storm sewer receiving runoff from the subject development shall be verified. If undersized, the existing storm sewer shall be upsized or detention shall be provided to accommodate the subject property.
18. All public storm sewer outside of the public right-of-way/public property will be located within a dedicated public easement.
19. All storm sewer infrastructure shall meet City of Sherwood standards and be reviewed and approved by the Sherwood Engineering Department prior to issuance of an Engineering Compliance Agreement.
20. Submit a street tree planting plan that show trees a minimum of 2 inches DBH and 6 feet high. Plant street trees for each lot prior to a certificate of occupancy for the home on the lot.

E. Prior to approval of the final plat:

1. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of

approval have or will be met; copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.

2. Submit a planting plan for the 25-foot landscaped visual corridor along 99W meeting the standards of 16.142.040 prior to approval of the final plat. Install the landscaped visual corridor or bond for the installation of improvements prior to issuance of any building permits for lots abutting 99W.
3. Submit verification of perpetual maintenance of the landscaped visual corridor.
4. Submit a tree mitigation plan to the City Planning Department prior to approval of the final plat. Complete mitigation or bond for the completion of the mitigation prior to signature by the City of the mylar.
5. Submit a landscape plan that shows adequate perimeter screening for the lots abutting the commercial property.
6. Show a public pedestrian/bicycle and emergency vehicle access and utility easement over the private drive on the final plat.
7. Receive final approval from Tualatin Valley Fire and Rescue for the subdivision.
8. Submit a revised tree plan demonstrating compliance with the Clear Vision requirements of Section.16.58.
9. Receive approval of the layout from Pride Disposal confirming that the solid waste hauler trucks can maneuver and serve the subdivision.
10. The developer shall dedicate right of way to the City to accommodate project development including street lighting, street signs, pavement markings, etc. The street improvements shall extend to serve future development properties to the southeast.
11. The developer shall dedicate right of way adjacent to Highway 99W and along the length of the subject property to be in compliance with ODOT requirements found in Exhibit F. specifically:
 - a) Curb, sidewalk, cross walk ramp(s) bikeways and road widening shall be constructed as necessary to be consistent with local, ODOT and ADA standards.
 - b) Right of way deeded to ODOT as necessary to accommodate the planned cross section shall be provided. The deed must be to the

State of Oregon, Oregon Department of Transportation. The ODOT District contact will assist in coordinating the transfer. ODOT should provide verification to the local jurisdiction that this requirement has been fulfilled. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site prior to transfer of property to the Department.

12. All public sanitary sewer outside of the public right-of-way/public property shall be located within a dedicated public easement.
13. The applicant shall provide construction plans that demonstrate compliance with City of Sherwood standards for review and approval by the Sherwood Engineering Department. The applicant will have met this condition with the issuance of an Engineering Compliance Agreement from the City of Sherwood.
14. Provide an 8-foot public utility easement along all street frontages that are not obstructed with any permanent structures.
15. Provide public pedestrian access easements over all soft and hard surface pathways throughout the subdivision.
16. Submit a landscape and programming plan for open space area that demonstrates that it is a usable and accessible area for the neighborhood.
17. Submit verification of perpetual maintenance of the landscaped visual corridor through evidence of a homeowners association being established with authority to assess funds to ensure maintenance or another acceptable means.
18. Submit a planting plan for the 25-foot landscaped visual corridor along 99W meeting the standards of 16.142.040 prior to approval of the final plat. Install the landscaped visual corridor or bond for the installation of improvements prior to issuance of any building permits for lots abutting 99W.
19. Provide plans that show the cross section and landscape plans including the specific planting materials to be installed within the visual corridors along Highway 99W.
20. Submit a street tree and landscape plan from the approved street tree list that shows spacing in relation to the driveways and selection of suitable street trees.
21. Obtain an ODOT permit to place trees in the state right of way. Tree spacing and design must be consistent with the ODOT Highway Design

Manual) or ODOT must approve a Design Exception. If trees are proposed in the planter strip a Design Exception for the clear zone is required.

22. Provide an estimated tree canopy assessment for the subdivision that satisfies the 40-percent canopy cover requirement for subdivisions.
23. Identify the vegetated corridor within a tract, as dedicated to the City of Sherwood on the final plat submittal.

F. Prior to Issuance of Building Permits:

1. Submit to the Planning Department for review and approval the building plans for each building on lots 1-13.
2. The public improvements must be complete and accepted by the City Engineer, and the final plat(s) must be recorded. An approval letter from the Engineering Department, accepting all public improvements, shall be issued prior to issuance of building permits.
3. The developer shall provide a geotechnical investigation report if required by the Building Official.
4. An electronic version of the final plat must be submitted to the Planning Department.
5. Driveways shall conform to Section 16.96.020.A(i) of the Sherwood Zoning and Community Development Code, with individual driveway slopes not exceeding a grade of 14-percent. A shared driveway providing access to two lots shall be a minimum of twenty (20) feet in width.
6. Submit verification of perpetual maintenance of the landscaped visual corridor through evidence of a homeowners association being established with authority to assess funds to ensure maintenance or another acceptable means.
7. Submit plot plans showing that the height of the dwellings do not exceed 2.5 stories or 35 feet, whichever is less.
8. The applicant shall provide the Planning Department with a letter or e-mail from the TVFR District Fire Marshal that indicates that the concerns within his letter, attached as Exhibit D to this report, have been addressed and mitigated to the districts satisfaction.
9. Install removable bollards, or a similar barrier approved by the City and the TVFR District Fire Marshal, at the south boundary of the private drive, between the site and the north boundary of Tract QQ of the

Woodhaven subdivision, to limit access between the site and Tract QQ to pedestrians, bicycles, and emergency vehicles.

G. Prior to final occupancy of the subdivision:

1. Provide signage at the southern boundary of SW Forest Creek Drive that notifies the public of the intent to extend the drive with the following language: "This road will be extended with future development. For more information, contact the City of Sherwood at 503-625-4202.
2. Plant the required street trees for each lot prior to a certificate of occupancy for the home on the lot.
3. Install the landscaping according to the landscape plan prior to the issuance of the occupancy permits or pay a security bond for 125-percent of the cost of the landscaping payable to the City. If the landscaping is not completed within six months, the security may be used by the City to complete the installation.
4. Design the public street intersections to meet sight distance requirements. Provide certification by a registered Oregon Professional Engineer that the constructed public street intersections meet sight distance requirements.
5. Provide signage at the intersection of the private drive and SW Forest Creek Drive that identifies that it is a private drive with public pedestrian and bicycle access only.
6. Install the visual corridor landscaping per the landscape plans submitted during final plat review for lots 1-6.

H. On-going Conditions

1. All homes exceeding 3,600 square feet of living space must have available hydrant flow approved.
2. All rain, storm, and other surface water runoff from roofs, exposed stairways, light wells, courts, courtyards, and exterior paved areas shall be disposed of in compliance with local ordinances and state rules and regulations, in a manner that will not increase runoff to adjacent properties. The approved points of disposal include storm sewer laterals to a public system or other storm sewer system as approved by the City Engineer.
3. The developer shall coordinate the location of mailboxes with the Post Office.

4. The developer shall coordinate location of garbage and recycling receptacles with Pride Disposal.
5. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.
6. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise determined by the City of Sherwood.
7. Fences separating lots from adjacent pedestrian access way may not exceed 42-inches in height unless the fences are setback with at least three (3) feet of landscaping from the pedestrian easement.
8. This approval is valid for a period of two (2) years from the date of the decision notice, per Section 16.124.101.1.
9. Comply with the Clean Water Services Service Provider Letter throughout the development of the site.
10. Restrict and maintain on-site landscaping, utilities, and any other obstructions in the sight distance triangles to provide adequate sight distance at access locations to SW Forest Creek Drive
11. As an on-going TVF&R condition, all homes exceeding 3,600 square feet of living space must have available hydrant flow approved.

DATED this __ day of October 2016.

Joe Turner, AICP
City of Sherwood Land Use Hearings Officer

