

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

Regarding an application by DR Horton, for approval)	<u>FINAL ORDER</u>
of a preliminary plat to divide 6.38-acres into 35 lots)	
on land between SW Copper Terrace and SW Elwert)	SUB13-01¹
Road, south of SW Edy Road, in the City of Sherwood)	(Daybreak Subdivision)

A. SUMMARY

1. The applicant requests approval to divide the 6.38-acre site into 35 lots and two open space tracts.² The proposed development is located between SW Copper Terrace and SW Elwert Road, south of SW Edy Road, at 21730 and 21500 SW Elwert Road; also known as tax lots 300 and 500 on Washington County Assessor Map 2S130CC (the "site"). A roughly 1.41-acre area in the northwest corner of the site is zoned MDRH (Medium Density Residential High). The remaining 2.74-acres of the site is zoned MDRL (Medium Density Residential Low). The applicant will remove all existing structures on the site and construct a new single-family detached dwelling on each of the proposed lots. The applicant proposed to construct frontage improvements (additional pavement, curb and sidewalk) on the sections of SW Copper Terrace and SW Elwert Road abutting the site. The applicant will extend a new public street, proposed Street B, into the site from SW Copper Terrace. The proposed Street B/Copper Terrace intersection will align with the existing driveway serving the existing Laurel Ridge Middle School on the east side of SW Copper Terrace. The applicant will extend streets throughout the site and provide street stubs to the abutting properties to allow for further extension when the abutting properties redevelop. The applicant will provide a pedestrian path between the on-site streets and SW Elwert Road, abutting the west boundary of the site. Additional basic facts about the site and surrounding land and applicable approval standards are provided in the Staff Report to the Hearings Officer dated April 18, 2013 (the "Staff Report").³

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 Revised Staff Report. The applicant accepted those revised findings and conditions without exceptions. Six persons testified orally and/or in writing with questions and concerns about the application. Contested issues in the case include the following:

a. Whether traffic generated by the proposed development will exceed the capacity of area streets or create a hazard;

¹ The first page of the Staff Report incorrectly identifies this application as SUB12-01/PA12-02.

² The applicant proposed to dedicate "Lot 31" to the City as an open space/park tract. In the alternative, and subject to City approval, the applicant may create a larger consolidated open space tract on undeveloped land north of the site and develop Lot 31 as a developable lot.

³ The City issued a Revised Staff Report, with the same, April 17, 2013, issue date, on May 3, 2013 (the "Revised Staff Report"). The Revised Staff Report corrected typographical errors in the original Staff Report.

b. Whether the proposed subdivision will exacerbate existing problems with speeding traffic in the area;

c. Whether the applicant is required to provide a street connection to SW Elwert Road, abutting the west boundary of the site;

d. Whether the development will impact the existing easement on the south boundary of the site;

e. Whether the applicant is required to analyze groundwater flows through the site prior to preliminary plat approval;

f. Whether the applicant is required to fence the site to protect the privacy of adjacent property owners.

4. 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 April 25, 2013. 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 planning manager Brad Kilby summarized the Staff Report.

a. He noted that the site is zoned MDRL (Medium Density Residential Low) and MDRH (Medium Density Residential High). The site can be developed with between 23 and 37 lots. The applicant proposed to develop the site with 36 lots with an average lot size of 5,157 square feet.

b. The applicant will extend a new public street into the site from SW Copper Terrace, which abuts the east boundary of the site. The applicant will extend street stubs to abutting properties to allow for future extension of the public street system when the abutting properties redevelop. The applicant will install barricades at all proposed street stubs. The applicant cannot create a new public street intersection on SW Elwert Road abutting the west boundary of the site. SW Elwert Road is classified as an arterial street and the applicant cannot create a new intersection on this site in compliance with the minimum intersection spacing requirements for arterial streets. The applicant submitted a conceptual circulation plan (Plan Sheet 7) demonstrating that access can be provided to SW Elwert Road when properties to the north and south of the site redevelop. The applicant's traffic study demonstrates that traffic from the proposed development will not exceed the capacity of area streets or create a hazard. Traffic signals are not warranted at any intersections affected by traffic from the proposed development. SW Handley Street, south of the site, is designated a collector street, which is intended to carry higher volumes of traffic.

i. The speeding problems noted by Ms. Trainor appear to be an enforcement issue. He agreed to raise the issue with the City engineer and police department. The City is in the process of updating its Transportation System Plan. During that process, the City can consider improvements to the design of Elwert Street to reduce speeds and improve safety.

c. The sidewalk along the site's SW Elwert Road frontage should be between six and eight feet wide, which is the City's standard for arterial streets. The eight-foot width listed on page 4 of the Staff Report is the Washington County standard. The County agreed to defer to the City standard. Exhibit J. SW Elwert Road will be a City street in the future. He requested the hearings officer add a condition of approval to that effect.

d. Many of the references to "Tract A" in the Staff Report should actually refer to "Lot 31", the open space/park tract.

e. SW Elwert Road is classified as an arterial street, not a collector as noted in the Staff Report. Therefore the Code requires a 15-foot visual corridor abutting this arterial street. There is ample area on the site to accommodate the visual corridor. Section 16.142.040.D of the Sherwood Zoning and Community Development Code (the "SZCDC") provides that the visual corridor may be located on the lots abutting the street. The Code may allow sidewalks within the visual corridor.

f. He noted that Jim and Susan Claus requested the hearings officer hold the record open to allow them more time to comment on the application. Exhibit K.

g. He requested the hearings officer move condition E.4 to condition F.4, and modify the condition to allow the applicant to either plant or bond for the visual corridor landscape materials prior to final occupancy rather than prior to issuance of building permits.

h. The applicant will collect stormwater runoff from throughout the development site and convey it to an existing stormwater facility north of the site for treatment, detention and discharge at less than predevelopment rates. The City does not regulate groundwater. It is the applicant's responsibility to "de-water" the site and install foundation drains if needed to direct groundwater away from foundations.

i. The City will review construction quality through the building permit review and inspection process for individual homes on the site.

3. Planner Ryan O'Brien testified on behalf of the applicant, DR Horton and summarized his written testimony, Exhibit L.

a. He requested the hearings officer modify condition C.7 to authorize Tualatin Valley Fire and Rescue ("TVFR") and the City engineer to approve changes to the gate within Tract A. Tract A is 20 feet wide. The 20-foot gate required by the current condition will block the entire tract. The applicant proposes to install a 16-foot gate, which will allow a four-foot space beside the gate for pedestrian access through Tract A, subject to TVFR and City engineering approval.

b. He requested the hearings officer modify condition C.10 to add, “unless paid by another entity.” The applicant believes that the School District already paid the administrative fee required by this condition.

c. He requested the hearings officer modify condition D.4 to refer to Tracts A and B, rather than C and D. There are no Tracts C and D on the site.

d. He noted that this application is identified as SUB 13-01, not SUB 12-01/PA 12-02 as indicated on the first page of the Staff Report.

e. He testified that the peak traffic hours for the subdivision are different than the adjacent schools, with little or no overlap. Therefore vehicle traffic from the subdivision will have little impact on school traffic.

f. The applicant will install a fence along the site’s Elwert Road frontage and will likely install a fence around the remainder of the site to provide privacy for the residents. However the applicant is not willing to accept a condition of approval to that effect.

g. There is a 40-foot wide access easement on the south end of the site. The easement is rarely used. The house on Tax Lot 600 takes access from Elwert Road. The applicant is currently negotiating with the owners of the adjacent property to vacate the easement.

h. The applicant is pursuing the purchase of several properties located north of the site and intends to develop a single large park on one of those parcels instead of creating a small park on Lot 31 of this site. A single large park would provide more benefit than multiple small parks within each subdivision. He requested the hearings officer modify condition D.10 to allow the applicant to convey Lot 31 to a homeowners association subject to a deed restriction prohibiting development.

i. The applicant’s traffic study did not review the intersection of Elwert Road and Handley Street, because this intersection is beyond the impact area of the development. The proposed development will generate fewer than ten peak hour vehicle trips through this intersection.

j. The applicant is aware of the groundwater issues on the site. The applicant will install foundation drains and other improvements to direct groundwater away from building foundations.

4. Sandra Trainor testified that the volume and speed of traffic on SW Handley Street makes it very difficult to access the intersection at SW Elwert Road. Although SW Handley Street is posted with a 25 mph speed limit, SW Elwert Road is posted at 55 mph. Drivers frequently make the turn from Elwert onto Handley at high speed. She is often afraid to pull out of her driveway on Handley Street from her home abutting the intersection of Elwert Road and Handley Street. In addition, many parents use SW Handley Street to access the schools east of the site, which creates large volumes of traffic on Handley Street in the morning and afternoons. This traffic creates a hazard for the many children living on Handley Street. The applicant or the City should be required to install traffic calming measures in this area to force drivers to slow down. The City should have another traffic

study performed by an independent engineer. She argued that the existing curb bump outs on Handley Street create a hazard and make this street unsafe.

5. Steve Reynolds agreed with Ms. Trainor's concerns regarding traffic at the intersection of Elwert Road and Handley Street. He argued that the applicant should be required to study the groundwater in the area prior to development. Many residents in the Vineyards development to the east and south of the site have problems with groundwater in the crawlspaces beneath their homes. The quality of construction within the Vineyards development was poor and the City's enforcement process is inadequate to deal with this problem.

6. At the end of the hearing the hearings officer held open the public record for one week, until May 2, 2013, to allow staff and the applicant an opportunity to submit a corrected copy of the Staff Report and revised language for the conditions of approval. The hearings officer held the record open for a second week, until May 9, 2013, to allow the public an opportunity to submit new testimony and evidence and to respond to the Revised Staff Report and conditions proposed by staff and the applicant. The hearings officer held the record open for a third week, until May 16, 2013, to allow the applicant to respond to the new testimony and evidence and to submit a closing argument.

a. The applicant submitted its response and final argument on May 10, 2013 and requested the hearings officer close the record. Exhibit P. The record in this case closed at 5:00 p.m. on May 10, 2013.

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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 Revised Staff Report. The applicant accepted those findings and conditions with exceptions noted above.

2. The hearings officer concludes that the affirmative findings in the Revised 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 Revised Staff Report as his own, except to the extent they are inconsistent with the following findings.

3. The proposed development will generate increased traffic on area streets. That increased traffic and the associated noise and other impacts will be perceptible to area residents. However the additional traffic will not exceed the capacity of streets nor create a hazard, based on the applicant's traffic impact study. Attachment N of the application. There is no substantial evidence to the contrary. Neighbor's unsupported concerns about increased traffic are not substantial evidence sufficient to overcome the expert testimony of the applicant's traffic engineer. A professional traffic engineer performed the traffic study with

input regarding the scope of the study from the City engineer. School was in session when the traffic counts used in the traffic study were performed.

a. The traffic study did not review the intersection of SW Handley Street and Elwert Road, because the proposed development will generate fewer than ten vehicle trips through this intersection during the a.m. peak hour. The City generally requires applicants to review traffic impacts at intersections that receive ten or more peak hour vehicle trips. The applicant did review the intersection of Handley Street and Copper Terrace and determined that this, and all other intersections within the study area, will continue to operate at an acceptable level of service with the additional traffic generated by the proposed subdivision. The proposed development will increase the volume of peak hour traffic through the intersection of Copper Terrace and Handley Street by less than five percent. See Figure 4 of the applicant's traffic study, Attachment N of the application.

i. SW Handley Street is designated a collector street. See SZCDC 16.106020.A, Figure 8-1. Collector streets are intended to carry higher traffic volumes. See p. p. 8-3 of the Sherwood Transportation System Plan.

b. The proposed development is unlikely to increase the volume of traffic at the nearby schools. The site is directly across the street from the schools, so children living on the site can walk to school.

c. Members of the public expressed concerns about speeding traffic through the intersection of Elwert Road and Handley Street under existing conditions. However the applicant cannot be required to remedy existing speeding problems in the area. The applicant is only required to remedy problems that the proposed development creates or significantly exacerbates. The hearings officer finds that the proposed development will not significantly exacerbate the existing speeding problems in the area. Reasonably prudent drivers will observe the posted speed limit. Unfortunately not all drivers are prudent. However there is no evidence that the development proposed in this application will contribute a disproportionate share of imprudent drivers. The hearings officer encourages area residents to contact the City to request additional enforcement and/or the installation of traffic calming devices to reduce speeds on area streets if speeding problems continue.

i. The existing curb bump outs on Handley Street are a traffic calming measure. The bump outs reduce the road width and encourage drivers to slow down. In any case, this is an existing condition, which the applicant cannot be required to remedy.

d. Higher traffic volumes create a roughly proportionally higher risk for drivers, pedestrians and bicyclists. In response reasonably prudent people exercise more care personally and with family members. The hearings officer concludes that the increased risk that results from traffic generated by the proposed development does not pose a hazard to public health and safety, because of the small absolute and relative impacts of the subdivision. Those risks are consistent with the location of the site in an area where City plans call for the sort of development being proposed.

4. The applicant cannot provide a street connection to Elwert Road from this site without violating the minimum intersection spacing requirements of the Code. The applicant will provide an emergency vehicle and pedestrian connection to Elwert Road through

proposed Tract A. Future developments on properties to the north and south will provide street connections to Elwert Road, which will provide additional circulation options and allow traffic to disperse onto more streets in the area. See the applicant's conceptual future circulation plan, Sheet 7. The proposed development will extend stub streets to the boundaries of the abutting properties to allow for further extension of the on-site streets when these properties redevelop.

a. This development, which is the first subdivision within the area bounded by Edy Road, Copper Terrace, Cereghino Lane and Elwert Road, will establish a general street pattern for the area. As the adjacent properties redevelop they will extend the streets on this site from the locations established by this development. The City does not plan streets at the local level. The applicant's conceptual future street plan demonstrates that it is feasible to develop adjacent properties consistent with Code, considering intersection spacing requirements, topography, wetlands and other development limitations. The owners of the adjacent properties received notice of this development and did not raise any concerns with proposed street layout.

b. The applicant will install barricades where the on-site streets stub into adjacent properties. This is required by Condition E.3.

5. The proposed development will have no impact on the existing easement on the south boundary of the site. The easement is a private agreement, which the hearings officer has no authority to interpret or enforce. Mr. O'Brien testified that the applicant is negotiating with the owner of the properties benefitted by this easement to vacate the easement. If those negotiations are successful, the easement will be eliminated. Otherwise the applicant will need to arrange development on the lots affected by the easement to accommodate the easement. The applicant did not propose to improve this easement for access to the site.

6. There is no dispute that groundwater approaches near the ground surface in this area. However the applicant is not required to analyze groundwater flows on the site, because groundwater flows are not relevant to any applicable approval criteria. This development may reduce the volume of groundwater on the site by reducing the amount of pervious surface areas where stormwater can infiltrate into the ground. The applicant will collect surface stormwater runoff from impervious areas of the site and convey it to an offsite facility for treatment and discharge. The applicant will be required to install foundation drains and other facilities to direct groundwater away from foundations and crawlspaces if required by the building code. The City will ensure compliance with the building code through the building permit and inspection process.

7. Compliance with the building code will also ensure a minimum construction quality for homes on the site.

8. The applicant is not required to install fencing along the boundaries of the site in order to protect the privacy of existing residents. Development of this site will cause an incremental loss of privacy for existing residents in the area. What is now a vacant field will be developed with 35 or 36 new homes. But the Code does not prohibit development from having an impact on privacy. The intensity of the proposed development is consistent with the current zoning of the site. The hearings officer understands residents' displeasure with the growth around them, but this growth was foreseeable and is in the broader public's interest.

This site is zoned MDRL and MDRH. As large lots are sold, presumably they will be developed.

a. Mr. O'Brien testified that the applicant is likely to install fences along the boundaries of the site. The hearings officer has no authority to require such fences as a condition of approval.

D. CONCLUSION

Based on the above findings and discussion, the hearings officer concludes that SUB13-01 (Daybreak 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.

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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 SUB13-01 (Daybreak Subdivision Subdivision), 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 development plans submitted by HHPR Engineering and dated January 2013 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, and Washington County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.
3. 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.
4. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. Placement of construction trailers on the subject property shall require a Temporary Use Permit per Section 16.86 of the SZCDC.

6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.
7. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.

B. Prior to issuance of grading or erosion control permits from the Building Department:

1. 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.
2. Obtain a 1200C Erosion Control Permit through the Building Department for all the disturbed ground, both on and off site that is in excess of one acre in addition to meeting all CWS Design and Construction Standards. The applicant shall follow the latest requirements from DEQ and CWS for NPDES 1200-C Permit submittals. A copy of the approved and signed permit shall be provided to the City prior to holding a pre-construction meeting or commencing any construction activity.
3. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the City Plumbing Inspector and provide verification of such to the City Engineer.
4. A demolition permit shall be obtained from the Sherwood Building Department prior to demolishing or moving any structures.
5. Submit a geotechnical report to the Building Department if required by the Building Official.

C. Prior to approval of the public improvement plans:

1. Submit engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) **to the Sherwood Engineering Department.** The engineering plans shall conform to the design standards of the City of Sherwood's Engineering Department, Clean Water Services, Tualatin Valley Water District, Tualatin Valley Fire & Rescue and other applicable requirements and standards.
2. Submit to the Engineering Department for review and approval a final stormwater report meeting design standards of both the City of Sherwood and Clean Water Services.
3. Prior to public improvement plan approval, submit standard cross sections showing street design and pavement dimensions to the Engineering Department per the City of Sherwood Transportation System Plan, and City of Sherwood's Engineering Design Manual
4. Submit public improvement plans that demonstrate the placement of all existing and proposed utilities underground

5. Submit the final plat for review to the Planning Department.
6. Prior to Public Improvement Plans approval, show that signs and barriers will be installed at the terminus' of E street, both ends of D street, and C street where these streets terminate at an adjacent private property line.
7. A maintenance access road shall be constructed within Tract "A" and shall have a 4-foot high by 20-foot wide double tubular barrier gate with a Knox Box a minimum of 30 feet back from intersecting roadways. The road within Tract "A" shall serve as an emergency access road meeting Tualatin Valley Fire and Rescue approval until such a time as the property to the south develops in a manner that eliminates the need for Tract "A" to be used as an emergency vehicle access. Tract "A" shall be dedicated to the City of Sherwood. Turning movements into Tract "A" at both intersections shall meet Tualatin Valley Fire and Rescue requirements. Any modifications of the above standards require approval of the fire marshal and the City Engineer.
8. Prior to any site work, the applicant shall provide a tree plan and narrative that demonstrates compliance with section 16.142.070.D.2.
9. A Washington County facilities or right-of-way permit shall be required for any work within SW Elwert Road right-of-way. An Engineering Compliance Agreement is required for all on-site work outside of SW Elwert Road right-of-way.
10. Sherwood Resolution 2008-011 in accordance with SMC 13.24.100 requires the property owner to pay reimbursement for an equitable share for public facilities that were constructed for the benefit of this property prior to the development of the property. The reimbursement cost for this property is \$199,649.36 plus interest and a 1% administration fee. The applicant is not required to pay the 1% administration fee if it is determined that the fee is the responsibility of, or has already been paid by another entity.
11. Prior to any site work, the applicant shall submit and obtain City approval of a landscape plan for the 15-foot wide visual corridor that demonstrates compliance with section 16.142.040.B.

D. 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; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.
2. The final plat shall show the following:
 - a. The Community Development Director as the City's approving authority within the signature block of the final plat.
 - b. A 15-foot wide public utility easement for any areas where a single public utility line is located outside a public right-of-way with an increase of five (5) feet for each additional utility line.

- c. Private access easements, utility easements and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the Planning Department.
3. Prior to final plat approval, the applicant shall provide the City a set of engineered construction plans that demonstrate compliance with the TVFR district standards for fire protection.
4. Prior to final plat approval, provide documentation, to be recorded with the plat, dedicating Tract A and B to the City of Sherwood.
5. All public easement dedication documents must be submitted to the City for review, signed by the City and the applicant, and recorded by the applicant with the original or a certified copy of the recorded easements on file at the City prior to release of the public improvement plans.
6. Submit verification of perpetual maintenance of the landscaped visual corridor.
7. Submit revised plans that provide adequate turning radius, hydrant location, fire flow, and adherence in compliance with TVFR standards as verified by an acceptance letter from TVFR.
8. The public improvement plans must be approved and bonded for prior to the City's approval of the final plat.
9. Satisfy the conditions of the comments submitted by Washington County dated March 28, 2013.
10. Prior to final plat approval, provide documentation, to be recorded with the plat, dedicating Lot 31 to either the Homeowner's Association, or the City as open space unless another acceptable alternative for open space is provided.

E. Prior to Issuance of a Building Permit:

1. Prior to issuance of any building permits, 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.
2. Prior to issuance of building permits, all public and private utilities shall be underground unless the utility provider has determined that the lines are too large to place underground.
3. Prior to issuance of building permits, install (at the applicant's expense) barricades and signs notifying the public of the intent to construct the future street extension of streets "C," "D," "E," and "F". The signs shall read as follows: "This road will be extended with

future development. For more information contact the City of Sherwood at 503-625-4202."

5. Sherwood Broadband utilities shall be installed as per requirements set forth in City Ordinances 2005-017 and 2005-074.

F. Prior to Final Occupancy of the Subdivision:

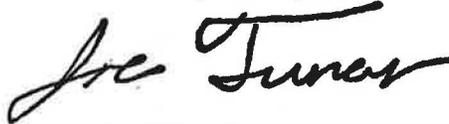
1. All public improvements shall be completed, inspected and approved, as applicable, by the City, CWS, TVFR, Public works and other applicable agencies.
2. Prior to occupancy, plant the approved street trees with a minimum trunk diameter of two (2) caliper inches which is measured six inches above the soil line and a minimum of six feet tall.
3. Prior to occupancy, provide a street tree plan showing all of the street trees meeting the spacing requirement after determining the location of the driveways in the subdivision.
4. Prior to occupancy, consistent with the preliminary landscape plan, plant the visual corridor landscape materials or bond for the proposed planting. All landscape materials must be maintained by a Homeowner's Association.

G. On-going Conditions

1. Joint mailbox facilities shall be installed prior to the City signing the Letter of Acceptance for the development. Joint mailbox facilities must be installed per U.S. Postal Service's "*Developers' Guide to Centralized Box Units*". The Developer shall provide a signed copy of the U.S. Postal Services "*Mode of Delivery Agreement*". Submittal of this agreement shall be required prior to a pre-construction meeting taking place.
2. The developer shall coordinate location of garbage and recycling receptacles with Pride Disposal.
3. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.
4. Comply with the Clean Water Services Service Provider Letter throughout the development of the site.
5. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
6. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
7. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the

construction site through proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the Community Development.

DATED this 16th day of May 2013.



Joe Turner, AICP
City of Sherwood Land Use Hearings Officer

APPEAL

As per Section 16.76.020 of the Sherwood Zoning and Community Development Code (SZCDC), the decision of the Hearings Officer, detailed above will become final unless an appeal is received by the Planning Department. The appeal deadline is **5:00 PM on May 30, 2013.**

STATE OF OREGON)
)
Washington County)

I, Brad Kilby, AICP for the Planning Department of the City of Sherwood, State of Oregon, in Washington County, do hereby certify that the Notice of Decision on Case No. SUB13-01 was placed in a U.S. Postal receptacle on May 16, 2013.



Brad Kilby, AICP
Planning Manager
City of Sherwood