



**APPLICATION
FOR A 3-LOT PARTITION
IN SHERWOOD, OREGON**

15379 SW SUNSET BLVD.

Submittal Date:

Property Owners/Applicant/Developer:
Mark and Susie Cottle
15379 SW Sunset Blvd.
Sherwood, OR 97140
(971) 207-3447

Contact/

Planners, Surveyors, and Engineers:

Welkin Engineering, P.C.
Attn: Ed Christensen, P.E.
25260 SW Parkway Ave., Suite G
Wilsonville, OR 97070

Phone: (503) 380-5324

ekc@welkinpc.com



TABLE OF CONTENTS

Pages

Introduction	1-2
Project Description	2-4
City of Sherwood Community Development Code Applicable Sections and Narrative Responses	5-71

EXHIBITS

- 1 Aerial vicinity map
- 2 Existing Conditions and Tree Plan
- 3 Preliminary Partition, Grading, and Utility Plan

Lot of Record: Parcel 1, Partition Plat No. 1999-030, in the City of Sherwood, County of Washington, State of Oregon together with an easement for access as shown on Partition Plat. Parcel ID R2085500 Tax Lot 2S132DC13400

Location: 15379 SW Sunset Blvd, Sherwood, OR 97140

Zoning: Current zoning LDR (1.35± gross acres)

Comprehensive Plan Designation: Low Density Residential

REQUEST: Preliminary approval for partition of one lot of record into 3 separate lots.

EXISTING CONDITIONS

The site is sloped, with access off of Sunset. The City has in its transportation masterplan a road to connect neighboring lots through this lot into the Church. There is one house on the lot currently. It borders approximately 3 acres of wooded land the City owns. There is, in addition to the house, an outbuilding, and a shelter for a lawn mower. The whole property is and has been in use for residential use.

PROJECT DESCRIPTION

The applicant requests approval for a three (3) Parcel Partition for the future development of two new single-family detached dwelling. The existing house will be retained on Parcel 1, with Parcel 2 & 3 being the new lots. The tentative plan set submitted with this narrative provides information relating to:

- (i) Connectivity to the site with existing public street frontage along SW Sunset Boulevard. There is no need to provide for future connectivity to any abutting lots through the site. All adjacent tax lots have immediate access to SW Sunset Boulevard and the site is bordered on one side by open space, a church and then residences. The current proposal does not limit any adjacent tax lots ability to divide in the future.
- (ii) The applicant proposes to meet their storm water treatment to Clean Water Services standards. A copy of the approved Service Provider Letter issued by Clean Water Services dated 11/07/24 has been included with this application.

Welkin Engineering, P.C.
25260 SW Parkway Ave., Suite G, Wilsonville, OR 97070
ph: (503) 598-1866 ekc@WelkinPC.com

(iii) The site contains no wetlands and is not in a flood hazard area.

Public Utilities

Services for the site consist of the following:

STORM SEWER SYSTEM

Stormwater from the roof of the future home and new driveways will be directed towards the existing public storm system in SW Sunset Blvd. as depicted on the preliminary utility plan. The applicant proposes to meet their storm water treatment to Clean Water Services (CWS) standards for water quality for the new impervious surfaces by utilizing the community water quality detention system. Prior to final approval the proposed facilities will be reviewed and approved by CWS to ensure the standards are met.

WATER SYSTEM

The City of Sherwood currently has a water main located in SW Sunset Blvd. An individual water lateral and water meter will be constructed to serve the new homes. The existing home on Parcel 1 will utilize the existing water meter service.

SANITARY SEWER SYSTEM

There is an existing sanitary sewer line in Sunset Blvd. will service the site. The applicant has shown conceptual individual lateral connections on the preliminary utilities plan and the abandonment of its septic system once the future lots are developed. Individual sanitary sewer laterals will be constructed to serve each lot. Construction of the sanitary sewer line for the development will be consistent with city and CWS standards. Prior to final approval the sanitary sewer lateral connections will be reviewed and approved by CWS to ensure the standards are met.

As there is no immediate application for development of the additional lots, all storm water and sewer connections will be conditioned once the first application for development for the new lots is approved.

STREETS

Currently, access is provided to the site from one individual gravel driveway that directly connects to SW Sunset Blvd. an arterial designated street. An additional driveway accessing the lots will be improved to Private Driveway standards, including Fire truck access to the beginning of Lot 2. The new driveway will connect to the existing driveway, creating a loop or circular driveway system. Ingress and egress will be allowed to either the new or old driveway. The two driveways will be tied together by a wide wing allowed under the code.

When the City requires or builds the street across the new and old Lots as specified in the Plat, the easement will be granted to the City for construction of the street. The street will be a local street which requires a minimum foot right of way width and the following improvements: 6' sidewalk, 5' planter strip, and a paved street width curb to curb of 28 feet. The City of Sherwood Community Development Code defines the public street Improvement Standards required for all future developments.

There is no required improvements to Sunset as it is a developed street per the City Code.

PRIVATE DRIVEWAY

The applicant's frontage on SW Sunset St consists of an 18.5 foot pole frontage on which the new driveway and utilities will be placed. The existing driveway way fronting Sunset is a permanent access easement for the use of 15379 Sunset. It will be a temporary access until the City develops its transportation master plan connecting the neighboring properties as indicated on the site plan.

Proposed Approval and Project information:

16.128.010 Generally

A. Approval Required

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

B. City Action

The City Manager or his/her designee shall review the partition applications submitted in accordance with Section 16.70 and shall approve, approve with conditions or deny the application. The action of the City Manager or his/her designee shall be noted on two (2) copies of the partition, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City with other applicable records.

C. Required Findings

Partitions shall not be approved unless:

1. The partition complies with the standards of the underlying zoning district and other applicable standards of this Code.
2. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.
3. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land, as determined by the City and are in compliance with City standards. For the purposes of this section:
 - a. Adequate water service shall be deemed to be connections to the City water supply system.

b. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system if sewer lines are within one-hundred fifty (150) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within one hundred fifty (150) feet.

c. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

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

D. Future Development Ability

In addition to the findings required by Section 16.128.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

RESPONSE: The subject property can address all these approval criteria.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 98-1053, § 1; 91-922, § 3; Ord. 86-851)

TABLE A: DIMENSIONAL REQUIREMENTS R-7 ZONE

REQUIREMENTS (LDR) Parcel 1 Parcel 2 & 3

Min. Lot Area

7,000 sq. ft.

Lot Width 60 feet

Lot Depth 80 feet

Frontage 25 feet

-The Average lot area of both lots exceed the minimum.

-The permitting and review for all new homes, off street parking areas and other requirements associated with new development will be done at the time of development review and future partition plat and or building permit approval.

TABLE B: DENSITY REQUIREMENTS

Gross Site Area =

DENSITY TABLE –LDR

Maximum Density 5.0 units per Acre (1.17 Net Acres) * units per acre = 5.85 or 6

***Minor Land Partitions are exempt from minimum density requirements.**

General Site Information

Address 15379 SW Sunset Blvd.

County: Washington Co.

Neighborhood: CPO 5 SHERWOOD-TUALATIN

Local Designation: LDR

Minimum Lot Size Minimum lot – 7,000 SF

Generalized Classification: SFR

Watershed Basin: Coffee Creek, Wilsonville

Watershed Subbasin: Willamette River

Fire Protection: Tualatin Valley Fire & Rescue

Parks: City of Sherwood

School District: SHERWOOD No. 88J

Sewer: Clean Water Services District

Water: City of Sherwood

Chapter 16.16 MEDIUM DENSITY RESIDENTIAL LOW (LDR)*

16.16.010 Purpose

16.16.020 Permitted Uses

16.16.030 Conditional Uses

16.16.040 Dimensional Standards

16.16.050 Community Design

16.16.060 Flood Plain

16.16.010 Purpose

The LDR zoning district provides for single-family and two-family housing, manufactured housing on individual lots and in manufactured home parks, and other related uses, with a density not to exceed eight (5) dwelling units per acre and a density not less than 3.5 dwellings per acre may be allowed. Minor land partitions shall be exempt from the minimum density requirements. (Ord. 2000-1108 § 3; 86-851)

16.16.020 Permitted Uses

The following uses and their accessory uses are permitted outright:

A. Single-family detached or attached dwellings.

B. Two-family dwellings.

C. Accessory dwelling unit subject to Chapter 16.52. (Ord. 2000-1108 § 3)

D. Manufactured homes on individual lots as per Section 16.46.010. (Ord. 89-898 § 1; 86-8510)

E. Manufactured home parks, subject to Section 16.46.020. (Ord. 89-898 § 1)

F. Agricultural uses such as truck farming and horticulture, but excluding commercial buildings or structures, or the raising of animals other than household pets.

G. Home occupations, subject to Chapter 16.42.

H. Group homes not exceeding five (5) unrelated persons in residence, family day care providers, government assisted housing, provided such facilities are substantially identical in physical form to other types of housing allowed in the zoning district. (Ord. 91-922 § 2; 86-851)

I. Public recreational facilities, including but not limited to parks, playfields, sports and racquet courts, but excluding golf courses which are permitted conditionally.

J. PUDs, subject to Chapter 16.40 and Section 16.12.070.

K. Temporary uses, including but not limited to portable construction and real estate sales offices, subject to Chapter 16.86. (Ord. 86-851 § 3)

L. Residential care facility. (Ord. 91-922 § 2)

RESPONSE: The LDR zone allows for the development of new single family housing, two family housing and or manufactured housing on individual lots of record. The applicant is proposing an infill development for the future development of new single family homes on individual lots of record. The existing home will remain on Parcel 1. As shown in the density calculations above the three proposed parcels do not exceed the maximum density permitted within the LDR zone. The proposed use for single family homes on all parcels is an allowed use. This standard is met.

16.16.030 Conditional Uses

The following uses and their accessory uses are permitted as conditional uses when approved in accordance with Chapter 16.82:

A. Churches and parsonages.

B. Public and private schools providing education at the preschool level or higher, but excluding commercial trade schools which are prohibited.

C. Daycare facilities other than family day care providers, which are permitted outright. (Ord. 91-922 § 2; 86- 851)

D. Government offices, including but not limited to postal stations, administrative offices, police and fire stations.

E. Public use buildings, including but not limited to libraries, museums, community centers, and senior centers.

F. Plant nurseries and other agricultural uses including commercial buildings and structures.

G. Special care facilities, including but not limited to hospitals, sanitariums, and convalescent homes.

H. Private lodges, fraternal organizations, country clubs, golf courses, and other similar clubs.

I. Public and private utilities, including but not limited to telephone exchanges, electric sub-stations, gas regulator stations, sewage treatment plants, water wells, and public work yards.

J. Any business, service, processing, storage, or display not conducted entirely within an enclosed building which is essential or incidental to any permitted or conditional use, as determined by the Commission.

K. Raising of animals other than household pets.

L. Public golf courses. (Ord. 91-922 § 2; 86-851 § 3)

RESPONSE: The type of use proposed for single family housing is a use allowed outright within the LDR zoning district. A conditional use review is not required or proposed with this application.

16.16.040 Dimensional Standards

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. (Ord. 91-922 § 2; 86-851)

A. Lot Dimensions

Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030, or as otherwise provided, required minimum lot areas and dimensions shall be:

1. Lot areas:

- a. Single-Family Detached or Attached: 7,000 sq ft
- b. Two-Family: not allowed
- c. Manufactured Homes: 7,000 sq ft

(Ord. 89-898 § 1)

2. Lot width at front property line: 25 feet

3. Lot width at building line:

- a. Single-Family: 60 feet
- b. Two-Family: xx feet
- c. Manufactured Homes: 60 feet

4. Lot depth: 80 feet

RESPONSE: The full development potential of Parcels 2 and 3 is limited due to the configuration of the existing parcel, which is offset from Sunset Blvd. by approximately 300 feet with a 25' foot pole adjoining the future ROW. All parcels meet or will exceed

the development standards relating to area, lot width and depth in the LDR zone. As allowed. This standard will not be used. Parcel 1 will contain the existing house. The home was constructed prior to implementation of the City of Sherwood Community development code. All other lot area, dimensional and setback requirements are met.

B. Setbacks

Under Chapter 16.68 (Infill Development), Section 16.144.030, or as otherwise provided, required minimum setbacks shall be:

1. Front yard: 20 feet 20 feet

2. Side yard:

a. Single-Family Detached: 5 feet 5 feet

Corner Lots (street side): 15 feet 15 feet

b. Single-Family Attached (one side): 10 feet 10 feet

c. Two-Family: 5 feet 5 feet

Corner Lot (street side): 15 feet 15 feet

d. Manufactured Home: 5 feet 5 feet

Corner Lot (street side): 15 feet 15 feet

3. Rear yard: 20 feet 20 feet

4. Accessory buildings see Chapter 16.50 -- Accessory Uses.

(Ord. 2006-021; 2003-1153 § 1)

C. Height

Except as otherwise provided for accessory structures, and for infill development under Chapter 16.68, the maximum height of structures shall be two (2) stories or thirty (30) feet, whichever is less. Chimneys, solar and wind energy devices, radio and TV aerials, and similar structures attached to residential dwellings and accessory buildings, may exceed this height limitation by up to twenty (20) feet. (Ord. 2006-021; 86-851 § 3)

RESPONSE: The existing house on Parcel 1 meets all setback standards. The full development potential of the site is limited due to its flag lot configuration.

A private maintenance easement running the length of the proposed flag lot configuration of Parcel 3 through the ±58 foot potential driveway easement portion

benefiting Parcel 2 will be shown on the final plat. The easement will preclude property owners from placing any structures within the easement that may limit access through the interior side yards. The building official will also review and approve the proposed setbacks during the building permit review. The request will allow a builder to achieve the most functional building envelope and ensure continued protection of existing resources on and around the site. At this time specific home designs have not yet been selected for either parcel and it is requested that setback and height standards to again be reviewed prior to building permit approval for individual lot. To all extents practical this standard is shown to be met.

16.16.050 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 and IX. (Ord. 91-922; 86-851 § 3)

RESPONSE: The applicant will address all applicable criteria in regards to community Design in a following section of this narrative.

16.16.060 Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply. (Ord. 2000-1092 § 3; 88-979; 87-867; 86-851)

RESPONSE: This site is not in any floodplain.

Chapter 16.70 GENERAL PROVISIONS*

16.70.010 PRE-APPLICATION CONFERENCE

16.70.020 APPLICATION MATERIALS

16.70.030 APPLICATION SUBMITTAL

16.70.040 AVAILABILITY

16.70.050 APPLICATION RESUBMISSION

16.70.010 PRE-APPLICATION CONFERENCE

Pre-application conferences shall be scheduled to provide applicants with the informational and procedural requirements of this Code; to exchange information regarding applicable policies, goals and standards of the Comprehensive Plan; to provide technical and design assistance; and to identify opportunities and constraints for a proposed land use action. An

applicant may apply at one time for all permits or zone changes needed for a development project as determined in the pre-application conference. (Ord. 91-922 § 3; 86-851)

RESPONSE: A pre-application conference was held on May 28, 2024 PAC 2024-008. The notes from the preapplication conference are included with the application submittal package.

16.70.020 APPLICATION MATERIALS

A. Form

Any request for a land use action shall be made on forms prescribed and provided by the City and shall be prepared and submitted in compliance with this Code. A land use application shall be reviewed against the standards and criteria effective at the time of application submittal. (Ord. 91-922 § 3)

B. Copies

To assist in determining the compliance of proposed land use actions with the Comprehensive Plan and provisions of this Code, applicants shall submit fifteen (15) copies of: the completed application form, with attachments or exhibits specifying and illustrating the proposed land use action; an existing conditions inventory; the proposed development plan; and any supplemental materials, as required by Section 16.78.010.

Additional information may be required at the discretion of the City. (Ord. 91-922 § 3)

RESPONSE: The applicant has submitted this land use application on a form provided by the city. This application addresses all the information requested on the application form and all relevant criteria identified within the Community Development Code. The requirements of this section have been met.

16.70.030 APPLICATION SUBMITTAL

Acceptance

Within thirty (30) calendar days of the date of initial submission, the City shall determine whether the application is complete and so notify the applicant in writing. Incomplete applications will not be accepted by the City. Incomplete applications shall be returned to the applicant along with a written notification of the application's deficiencies. The application fees submitted are non-refundable. Provided however, that incomplete applications may be resubmitted when the noted deficiencies have been corrected to the City's satisfaction. (Ord. 98-1053 § 1; 91-922)

A. Public Inspection

1. Except as provided herein, all application materials to be relied upon in public hearings on land use actions required by this Code shall be available for public inspection twenty (20) calendar days in advance of the initial hearing before the Commission or Council. If two (2) or more hearings are required on a land use action, all application materials shall be available for public inspection at least ten (10) calendar days in advance of the initial

hearing before the Hearing Authority. All application materials to be relied upon for Type II decisions as indicated in Section 16.72.010 shall be available for public inspection fourteen (14) calendar days in advance of the staff decision on the application.

2. Application materials shall be available to the public for inspection at no cost. Copies of application materials will be provided to the public, upon request, at a cost defined by the City's schedule of miscellaneous fees and charges. (Ord. 99-1079 § 3; 98-1053; 91-922)

B. Continuance

If additional materials are provided in support of an application later than twenty (20) calendar days in advance of the initial hearing before the Hearing Authority, or later than ten (10) calendar days in advance of the initial hearing before the Commission or Council if two (2) or more hearings are required, or if the City or the applicant fails to meet any requirements of Chapter 16.72, any party to the application, or party notified of the hearing as per Section

16.72.010, may make request to the City, either verbally at the initial hearing or in writing at any time before the close of the hearing, for a hearing continuance. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations. If, in the City's determination, there is a valid basis for the continuance request, said request shall be granted. (Ord. 99-1079 § 3; 98-1053)

16.70.050 APPLICATION RESUBMISSION

A land use application denied in accordance with this Code, shall not be accepted for resubmission for one hundred eighty (180) calendar days following the date of the denial, unless the application has been sufficiently modified to abrogate the reason for denial, as determined by the City. All applications resubmitted after being denied in accordance with this Code shall be required to provide new application materials, pay new fees, and shall be subject to the review process required by this Code for the land use action being considered. (Ord. 98-1053 § 1)

RESPONSE: The applicant has read and understands the above procedures.

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS*

16.72.010 GENERALLY

16.72.020 PUBLIC NOTICE AND HEARING

16.72.030 CONTENT OF NOTICE

16.72.040 PLANNING STAFF REPORTS

16.72.050 CONDUCT OF PUBLIC HEARINGS

16.72.060 NOTICE OF DECISION

16.72.070 REGISTRY OF DECISIONS

16.72.080 FINAL ACTION ON PERMIT OR ZONE CHANGE

16.72.010 GENERALLY

1. Classifications

Except for Administrative Variances, which are reviewed per Section 16.84.020, and 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:

A. Type I

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

1. Signs
2. Property Line Adjustments
3. Interpretation of Similar Uses
4. Temporary Uses
5. Final Subdivision Plats
6. Final Site Plan Review
7. Time extensions of approval, per Sections 16.90.020; 16.124.010

B. Type II

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

1. Minor Land Partitions

2. Expedited Land Divisions - The Planning Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied

with all of the relevant requirements of the Zoning and Community Development Code. Conditions may be imposed by the Planning Director if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code.

3. “Fast-track” Site Plan review, defined as those site plan applications which propose less than 15,000 square feet of floor area, parking or seating capacity of public, institutional, commercial or industrial use permitted by the underlying zone, or up to a total of 20% increase in floor area, parking or seating capacity for a land use or structure subject to conditional use permit, except as follows: auditoriums, theaters, stadiums, and those applications subject to Section 16.72.010D, below.

C. Type III

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

1. Conditional Uses
2. Variances, including Administrative Variances if a hearing is requested per Section 16.84.020.
3. Site Plan Review -- between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010D, below.
4. Subdivisions -- Less than 50 lots

RESPONSE: Per 16.72.010.B.1 above the Applicant is requesting a Type II land use approval for a three (3) parcel partition.

Chapter 16.74 APPLICATION FEES*

16.74.010 FEES

16.74.020 EXCEPTIONS

16.74.010 FEES

Fees for land use actions are set by the “Schedule of Development 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. (Ord. 91-922 § 3; 86-851)

RESPONSE: Upon submittal and acceptance of this application package the city has been paid the appropriate fee.

Chapter 16.78 APPLICATION INFORMATION REQUIREMENTS*

16.78.010 Application Content

16.78.010 Application Content

19. This Chapter sets forth the application contents generally required for the review of proposed land use activities. The City Manager or his or her designee is authorized to waive information requirements that are clearly not material or relevant to the specific proposal being made. In addition to these requirements, Divisions V, VI, and VII of this Code must be reviewed for other applicable requirements. (Ord. 86-851 § 3)

Chapter 16.90 SITE PLANNING

16.90.010 PURPOSE

16.90.020 SITE PLAN REVIEW

16.90.010 PURPOSE

1. Generally

This Division is intended to establish a process and define a set of development standards to guide physical development in the City consistent with the Community Development Plan and this Code. (Ord. 86-851 § 3)

2. Objectives

Site planning review is intended to:

A. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.

B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:

1. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.
2. Vehicular and pedestrian ways and parking areas.
3. Existing or proposed alteration of natural topographic features, vegetation and water-ways. (Ord. 86-851 § 3)

RESPONSE: This site plan and development are designed to adhere to this purpose.

16.90.020 SITE PLAN REVIEW

1. Review Required

Except for single and two family uses, and manufactured homes located on individual residential lots as per Section 16.46.010, but including manufactured home parks, no building permit shall be issued for a new building or structure, or for the substantial alteration of an existing structure or use, and no sign permit shall be issued for the erection or construction of a sign relating to such building or structure until the proposed

development has been reviewed in accordance with Chapter 16.72. For the purposes of Section 16.90.020, the term “substantial alteration” shall mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

- A. The activity alters the exterior appearance of a structure, building or property.
- B. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial.
- C. The activity involves non-conforming uses as defined in Chapter 16.48.
- D. The activity constitutes a change in a City approved plan, as per Section 16.90.020.
- E. The activity involves the cutting of more than five (5) existing mature trees per acre, per calendar year.
- F. The activity is subject to site plan review by other requirements of this Code.
- G. Review of any proposed activity indicates that the project does not meet the standards of Section 16.90.020. (Ord. 2006-021)

2. Exemptions

The City shall make an initial determination whether a proposed project requires a site plan review or whether the project is exempt. The City Manager or his or her designee is authorized to waive site plan review when a proposed development activity clearly does not represent a substantial alteration to the building or site involved. The findings of the City Manager or his or her designee shall be made in writing to the applicant. The action of the City Manager or his or her designee may be appealed as per Chapter 16.76. (Ord. 98-1053 § 1; 86-851)

3. Plan Changes and Revocation

A. Changes

Construction, site development, landscaping, tree mitigation, habitat preservation, and other development activities shall be carried out in accordance with the site development plans per Chapter 16.72. Any proposed changes to approved plans shall be submitted for review to the City. Changes that are found to be substantial, as defined by Section 16.90.020, that conflict

with original approvals, or that otherwise may conflict with the standards of Section 16.90.020, shall be submitted for supplemental review together with a fee equal to one half (1/2) the original site plan review fee. (Ord. 2006-021; 98-1053 § 1; 86-851)

B. Revocation

Any departure from approved plans shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, shall be revoked. (Ord. 98-1053 § 1; 86-851)

4. Required Findings

No site plan approval shall be granted unless each of the following is found:

A. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.

B. The proposed development can be adequately served by services conforming to the Community Development Plan, including but not limited to water, sanitary facilities, storm water, solid waste, parks and open space, public safety, electric power, and communications.

C. Covenants, agreements, and other specific documents are adequate, in the City's determination, to assure an acceptable method of ownership, management, and maintenance of structures, landscaping, and other on-site features.

D. The proposed development preserves significant natural features to the maximum extent feasible, including but not limited to natural drainage ways, wetlands, trees, vegetation (including but not limited to environmentally sensitive lands), scenic views, and topographical features, and conforms to the applicable provisions of Division VIII of this Code and Chapter 5 of the Community Development Code. (Ord. 2006-021; 91-922 § 3; 86-851)

E. For a proposed site plan in the Neighborhood Commercial (NC), Office Commercial (OC), Office Retail (OR), Retail Commercial (RC), General Commercial (GC), Light Industrial (LI), and General Industrial (GI) zones, except in the Old Town Overlay Zone, the proposed use shall satisfy the requirements of Section 16.108.080 Highway 99W Capacity Allocation Program, unless excluded herein. (Ord. 2005-009 § 8)

F. For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant shall provide adequate information, such as a traffic impact analysis or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate for impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.

G. The proposed commercial, multi-family development, and mixed-use development is oriented to the pedestrian and bicycle, and to existing and planned transit facilities. Urban design standards shall include the following:

1. Primary, front entrances shall be located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.
2. Buildings shall be located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.
3. The architecture of buildings shall be oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding, metal roofs, and artificial stucco material shall be prohibited. Street facing elevations shall have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain shall be installed unless other architectural elements are provided for similar protection, such as an arcade.
4. As an alternative to the above standards G.1-3, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.

5. Approvals

The application shall be reviewed pursuant to Chapter 16.72 and action taken to approve, approve with conditions, or deny the application for site plan review. Conditions may be imposed by the Review Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action shall include appropriate findings of fact as required by Section 16.90.020. The action may be appealed to the Council in accordance with chapter 16.76. (Ord. 98-1053 § 1)

6. Time Limits

Site plan approvals shall be void after two (2) years unless construction on the site has begun, as determined by the City. The City may extend site plan approvals for an additional period not to exceed one (1) year, upon written request from the applicant showing adequate cause for such extension, and payment of an extension application fee as per Section 16.74.010. (Ord. 2003-1148 § 3; 98-1053; 86-851)

RESPONSE: The applicant has submitted all relevant preliminary development plans for review with this application. The applicant has demonstrated all critical public facilities exist on or around the site. At the time of writing this narrative the applicant has not yet picked specific building plans.

Chapter 16.106 STREETS

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, streetlights, 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.

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.
 - c. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.
 - d. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.
 - e. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.
5. The maximum width of residential driveways shall not exceed 24 feet for lot frontage up to 60 feet and 30 feet for lot frontage greater than 60 feet. This width does not include the width of the transition wings on both sides of the driveway.

RESPONSE: There are two 12 foot access driveways with a combined 4 lots accessing them. Either driveway will allow both ingress and egress. The two driveways will provide a circular access, available to all 4 lots. The driveways are connected by a 23 foot wide wing. The looped connection will double as the Fire Department turnaround. Driveway wings are not limited in the Development Code, so we believe this driveway system should be an acceptable connection. This criterion is met.

Chapter 16.108 STREETS

16.108.010 GENERALLY

16.108.030 REQUIRED IMPROVEMENTS

16.108.040 LOCATION AND DESIGN

16.108.050 STREET DESIGN

16.108.060 SIDEWALKS

16.108.070 HWY. 99W CAPACITY ALLOCATION PROGRAM (CAP)

16.108.080 BIKE PATHS

16.108.010 GENERALLY

1. 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 classification of said streets, as shown on the Transportation Plan Map, attached as Appendix B, in Chapter 6 of the Community Development Plan, and in other applicable City standards. (2005-006 § 5; 91-922)

16.108.030 REQUIRED IMPROVEMENTS

1. 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. (Ord. 86-851 § 3)

2. 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. (Ord. 86-851 § 3)

3. Proposed Streets

A. 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.

B. Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer.

(Ord. 2005-009 § 5; 86-851)

4. Extent of Improvements

Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the Transportation System Plan and applicable City standards and specifications included in the City of Sherwood Construction Standards, and shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Catch basins shall be installed and connected to storm sewers and drainage ways. Upon completion of the improvements, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street signs shall be installed at all street intersections and street lights shall be installed and served from an underground source of supply unless other electrical lines in the development are not underground. (Ord. 2005-009 § 5; 91-922)

RESPONSE: SW Sunset St is an arterial street and is fully improved. The site will eventually have a local street once the neighboring properties develop and once the local street is improved. All lots will have access to the local street.

5. Street Modifications

A. Modifications to standards contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted Sherwood Transportation System Plan (TSP), may be granted in accordance with the procedures and criteria set out in this section.

B. Types of Modifications. Requests fall within the following two categories:

1. Administrative Modifications. Administrative modification requests concern the construction of facilities, rather than their general design, and are limited to the following when deviating from standards in this Chapter, Section 16.58.010 City of Sherwood Construction Standards or Chapter 8 contained in the adopted Transportation System Plan:

- a. Surfacing materials for roads or pedestrian facilities.
- b. Asphalt and/or base rock thickness less than required.
- c. Pavement marking layout.
- d. Exceeding the maximum street grade.
- e. Type and/or location of signage.
- f. Channelization.

- g. Intersection interior angles and curb radii less than required.
- h. Utilizing the current set of standards in lieu of the standards that were in place when the applicant's proposed project was vested.
- i. Access-related modifications onto collectors, arterials, and state routes provided other substantive criteria such as sight distance and limited access points are met; and provided further that access of a lesser classification of road is not available.
- j. Needed changes as a result of a field investigation during construction.
- k. Similar revisions to the standards.

(Ord. 2006-021)

2. Design Modifications. Design modifications deal with the vertical and horizontal geometrics and safety related issues and include the following when deviating from this Chapter, Section 16.58.010 or Chapter 8

cross sections in the adopted Transportation System Plan:

- 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. All other standards.

C. Procedure. A modification request shall be classified as an administrative decision by the City Engineer. When a modification is requested to provide a green street element that is not included in the Construction Standards, the below process shall be followed, however no fee shall be required. (Ord. 2006-021)

1. Administrative Modification. Administrative modifications may be requested at any time and are processed as Type II applications, unless defined under (C)(2) below. The application

shall include sufficient technical analysis to enable a reasoned decision and shall include a letter of concurrency from the City Engineer.

2. Design Modification. Design modifications shall be proposed in conjunction with the application for the underlying development proposal and processed as a Type III application. Design modification requests shall be processed in conjunction with the underlying development proposal unless it is submitted subsequent to the decision for the underlying development proposal. The design modification application shall:

a. Include a written request stating the reasons for the request and the factors which would make approval of the request reasonable.

b. Include a letter of Concurrency from the City Engineer.

c. Be accompanied by a map showing the applicable existing conditions and proposed construction such as contours, wetlands, significant trees, lakes, streams and rivers, utilities, property lines, existing and proposed roads and driveways, existing and projected traffic patterns, and any unusual or unique conditions not generally found in other developments.

d. In the case of modification requests based upon alleged disproportionality, include an engineering analysis of the standard sought to be modified which contrasts relevant traffic impacts from the development with the cost of complying with the standard.

e. For crossroad and frontage construction and right-of-way dedication, the application shall include information indicating whether there are geographic or other factors which render connection/completion of the road unfeasible.

D. Street modifications may be granted when criterion D.1 and any one of criteria D.2 through D.6 are met:

1. A letter of concurrency is obtained from the City Engineer or designee.

2. 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.

3. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.

4. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.

5. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.

RESPONSE: The applicant does request a street design modification with this application. A future local road width of 50 feet is proposed, versus the City TSP 2-lane 60 foot street section shown below. For such a short, steep, uphill street, the 50 foot ROW section does not deter from the livability of the future neighborhood. We request this modification be approved.



1. GENERALLY

Page 27

2. Street Connectivity and Future Street Systems

A. 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 8-8).

B. 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 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 Planning Commission. 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. 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. (Ord. 2006-021)

C. Block Length. For new streets except arterials and principal arterials, block length shall not exceed 530 feet. The length of blocks adjacent to principal arterials shall not exceed 1,800 feet.

D. 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.

E. 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.

F. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways at least 8 feet wide, or 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 Transportation System Plan.

G. Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:

1. 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.
2. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
3. 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. (Ord. 2005-009 § 5)

RESPONSE: No new streets will be created as a result of this application. An easement will become “active” for a local street once the City commences its construction of the future street.

3. 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. (Ord. 2005-017 § 5; 86-851)

RESPONSE: All specified utilities will be designed to be under grounded to the standards established by this section of the Code. Exceptions to utility under-grounding including surface mounted transformers, surface mounted connection boxes and surface mounted meter boxes. Easements will be shown on the final development plans for all underground utility facilities and those plans will be submitted to the City Engineer and CSW for review and approval. The 18.5 foot wide utility flag pole does not meet CSW’s 20 foot standard, but in a meeting with them it was determined it would be adequate in this case. Therefore, the criterion is met.

16.108.050 STREET DESIGN

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood Transportation System Plan, and City of Sherwood Construction Standards. (Ord. 2006-021; 2005-006 § 5)

1. Reserve Strips

Reserve strips or street plugs controlling access or extensions to streets shall not be allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the City. (Ord. 2005-009 § 5; 86-851)

2. 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 will not be allowed. (Ord. 2005-009 § 5; 86-851)

3. Future Extension

Where necessary to access or permit future subdivision of adjoining land, streets shall extend to the boundary of the development. Dead-end streets less than 100' in length shall either comply with City cul-de-sac standards of Section 16.108.060, or shall provide an interim hammerhead turnaround at a location that is aligned with the future street system as shown on the local street connectivity map. A durable sign shall be installed at the applicant's expense. These signs shall notify the public of the intent to construct future streets. The sign shall read as follows: “This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202. (Ord. 2005-009 § 5; 86-851)

4. Intersection Angles

A. Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In no case shall the permitted angle be less than eighty (80) degrees without an approved special intersection design. Streets which contain an acute angle of less than eighty (80) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway edge radius of twenty (20) feet and maintain a uniform width between the roadway and the right-of-way line.

B. Principal arterial, arterial, collector streets, or neighborhood routes intersecting with another street shall have at least one hundred (100) feet on tangent adjacent to intersections unless topography requires a lesser distance. Local streets, except alleys, shall have at least fifty (50) feet on tangent adjacent to intersections. (Ord. 2005-009 § 5; 86-851)

RESPONSE: No new streets, reserve strips or future street extensions are proposed or could be achieved with consideration of existing development patterns around the site. The requirements of this section of the Code do not apply to this land use review.

5. Cul-de-sacs

1. All cul-de-sacs shall be no more than one hundred (100) feet in length, shall not provide access to more than 15 dwelling units and 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.

2. All cul-de-sacs shall terminate with a circular turnaround no more than 40 feet in radius (i.e. from center to edge of pavement) or hammerhead turnaround in accordance with the specifications in the Public Works Standards. 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. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

4. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle accessways at least 6 feet wide where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, connect to other streets, and/or connect to other existing or planned developments in accordance with the standards of this Chapter and other City standards. (Ord. 2005-009 § 5)

RESPONSE: No cul-de-sacs are proposed as a result the future development. All parcels will have access onto SW Sunset St.

6. Grades and Curves

Grades shall not exceed six percent (6%) for principal arterials or arterials, ten percent (10%) for collector streets or neighborhood routes, and twelve percent (12%) for other streets. Center line radii of curves shall not be less than three hundred (300) feet for principal arterials, two hundred (200) feet for arterials or one hundred (100) feet for other streets. Where existing conditions, such as topography, make buildable sites impractical, steeper grades and sharper curves may be approved. Finished street grades shall have a minimum slope of one-half percent (1/2%). (Ord. 2005-009 § 5; 86-851)

RESPONSE: This is not applicable to this application.

7. 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. (Ord. 86-851 § 3)

RESPONSE: There are no railway right-of-ways within the immediate vicinity of the site and, as a consequence, the requirements of this section of the Code do not apply to this land use review.

8. 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 shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall 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. (Ord. 2005-009 § 5; 91-922)

9. Median Islands

As illustrated in Chapter 8 of the adopted Transportation System Plan, median islands may be used on principal arterial, arterial or collector streets for the purpose of controlling access, or for aesthetic purposes. (Ord. 2005-009 § 5; 86-851)

RESPONSE: The site does not access Sunset via a pole easement. No buffering is needed. Therefore, no additional buffering is required for the future development of the subject site.

10. Curbs

Except in the Old Town Overlay District where curbless (woonerf) streets are permitted, or as otherwise approved by the City Engineer, curbs shall be installed on both sides of public streets and shall be at least six (6) inches in height. (Ord. 2006-021; 2005-009 § 5; 86-851)

RESPONSE: Not applicable.

11. Transit Facilities

Developments along existing or proposed transit routes, as illustrated in Figure 7-2 in the TSP, shall be 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).

(Ord. 2005-009 § 5; 86-851)

RESPONSE: The site is not located or adjacent to any public transit facilities.

12. Traffic Controls

For developments of five (5) acres or more, the City may require a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated

traffic flow. Such analysis will be completed according to specifications established by the City. Review and approval of the analysis by the City, and any improvements indicated, shall be required prior to issuance of a construction permit. (Ord. 2005-009 § 5; 86-851)

13. Traffic Calming

A. 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:

1. Curb extensions (bulb-outs).
2. Traffic diverters/circles.
3. Alternative paving and painting patterns.
4. Raised crosswalks, speed humps, and pedestrian refuges.
5. Other methods demonstrated as effective through peer reviewed engineering studies.

B. 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. (Ord. 2005-009 § 5)

RESPONSE: The development is expected to generate approximately 20 new vehicle trips per day allowing for the existing home on the site. The site is less than 5 acres in size and therefore a traffic impact analysis is not required. No additional traffic calming is proposed.

14. 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 City of Sherwood Transportation Technical Standards and the standards of this Division.

A. 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.

1. Minimum right-of-way radius at intersections shall conform to city standards. Where city standards do not exist, the County Road Standards shall apply.
2. All minimum distances stated in the following sections shall be governed by sight distance requirements according to County Road Standards.

3. 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.

4. All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.

5. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below per this code.

B. 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.

1. 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.

2. Neighborhood Routes:

Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, 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 fifty (50) feet.

3. Collectors:

All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors unless no other alternative exists. 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.

4. Principal Arterials, Arterials, and Highway 99W - Points of ingress or egress to and from Highway 99W, principal arterials, and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:

a. Single and two-family uses and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W, principal arterials, and arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.

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

1. Access to Highway 99W shall be consistent with ODOT standards and policies per OAR 734, Division 51, as follows: Direct access to an arterial or principal arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that arterial (Point 'C').

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

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

C. Exceptions to Access Criteria for City-Owned Streets

1. Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is reviewed and approved by the City Engineer after considering the applicant's compliance with this Chapter.

2. An application for an Access Management Plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. References to standards or publications used to prepare the Access Management Application shall be included with the application, including citations and numbers of engineering publications used to demonstrate compliance.

3. An access management plan shall address the safety and operational problems which would be encountered should a modification to the access spacing standards be granted. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:

a. The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard on each side of the subject property, as set forth in Section 16.108.070.B., measured from the property lines or access point(s), whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 600 foot access spacing standard) shall have a minimum study area which is 1,700 (1,200 + 500) feet in length.

b. The access management plan shall address the potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.

c. The access management plan shall include a comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the County standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.

d. The access management plan shall include a list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.

e. Notice for a proposed access management plan shall include all property owners within the study area defined above.

D. Access in the Old Town (OT) Overlay Zone

1. 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.

2. Partial Access Management Plan.

a. A partial access management plan shall include:

1. Drawings identifying proposed or modified access points.

2. A list of improvements and recommendations necessary to implement the proposed or modified access.

3. A written statement identifying impacts to and mitigation strategies for facilities related to the proposed access points, especially considering safety impacts to all travel modes, operations, and the streetscape including on-street parking, tree spacing and pedestrian and bike facilities. The lowest functional classification street available to the lot, including alleys within a public easement, shall take precedence for new access points.

b. Access permits shall be required even if no other land use approval is requested.

(Ord. 2005-009 § 5)

RESPONSE: The existing driveway location of parcels 2 and 3 will be reviewed and approved prior to future building permit approval. The applicant does not anticipate any problems meeting minimum driveway spacing standards onto SW Sunset Street which is classified as a local street. The future homebuilders will be responsible for the construction of curb cuts, driveway approaches and sidewalks within the public right-of-way abutting their lots. Review through the building permit process will insure that the homebuilders meet the standards of this section of the Code. Therefore, the criterion is met.

16.108.060 SIDEWALKS

1. Required Improvements

A. Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.

B. For Highway 99W, major or minor arterials, or in special industrial districts, the Commission may approve a development without sidewalks if alternative pedestrian routes are available.

C. 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 Commission.

(Ord. 2005-009 § 5; 86-851)

2. Sidewalk Design Standards

A. Arterial Streets

Arterial and collector streets shall have minimum eight (8) foot wide sidewalks/multi-use path, located as required by this Code.

B. Local Streets

Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.

C. Handicapped Ramps

Sidewalk handicapped ramps shall be provided at all intersections. (Ord. 2005-009 § 5; 99-1077)

3. Pedestrian and Bicycle Paths

A. 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. (Ord. 2005-009 § 5; 2000-1103)

16.108.080 BIKE PATHS

If shown on the Transportation Plan Map, attached as Appendix B, or in Chapter 5 of the Community Development Plan, bicycle paths 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 (12) inch stripe, not a curb, and should be a minimum of five (5) feet wide. Bike paths should not be combined with a sidewalk. (Ord. 2005-009 § 5; 91-922)

RESPONSE: Not applicable.

Chapter 16.110 SANITARY SEWERS*

16.110.010 REQUIRED IMPROVEMENTS

16.110.020 DESIGN STANDARDS

16.110.030 SERVICE AVAILABILITY

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, Unified Sewerage Agency and State sewage disposal standards. (Ord. 86-851 § 3)

RESPONSE: There is an existing sanitary sewer line that runs to the site from the east as shown on the existing conditions plan submitted with this application. A sanitary sewer main will be laid up to and down the future street. It is designed to be connected to the system in SW Pine St. should an extension ever be laid through the existing Crossridge Church site. Individual sanitary sewer laterals are designed and will be constructed to serve all three parcels and Parcel 1 will abandon its septic system according to State requirements once development applications for lots 2 & 3 are made.

Construction of any sanitary sewer lines for the development will be consistent with the city and CSW standards. Conceptual laterals are shown on the preliminary utility plan submitted with this application. This criterion can be met.

16.110.020 DESIGN STANDARDS

1. Capacity

Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map attached as Appendix F, Chapter 7 of the Community Development Plan, and other applicable Unified Sewerage Agency and City standards, in order to adequately serve the proposed development and allow for future extensions. (Ord. 91-922 § 3; 86-851)

2. Over-Sizing

A. 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.

B. 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. (Ord. 91-922 § 3; 86-851)

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. (Ord. 86-851 § 3)

RESPONSE: The future sanitary system have adequate capacity to serve three additional dwellings.

Chapter 16.112 WATER SUPPLY*

16.112.010 REQUIRED IMPROVEMENTS

16.112.020 DESIGN STANDARDS

16.112.030 SERVICE AVAILABILITY

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. (Ord. 86- 851 § 3)

16.112.020 DESIGN STANDARDS

1. Capacity

Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water Service Plan Map, attached as Appendix D, Chapter 7 of the Community Development Plan, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions. (91-922 § 3; 86-851)

2. 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. (Ord. 91- 922 § 3; 86-851)

3. Over-Sizing

A. 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.

B. 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.

(Ord. 91-922 § 3; 86-851)

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. (Ord. 86-851 § 3)

RESPONSE: New water meters and service lines will be constructed and stubbed to provide water service to Parcels 2 & 3. The home to remain on Parcel 1 will utilize the existing water service.

Chapter 16.114 STORM WATER*

16.114.010 REQUIRED IMPROVEMENTS

16.114.020 DESIGN STANDARDS

16.114.030 SERVICE AVAILABILITY

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. (Ord. 2006-021; 2000-1092 § 3; 93- 972)

(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

1. 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. (Ord. 2006-021; 2000-1092 § 3; 91-922)

2. 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. (Ord. 2006-021; 86-851 § 3)

3. 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. (Ord. 2006-021; 86- 851 § 3)

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. (Ord. 86- 851 § 3)

RESPONSE: A public storm mainline currently exists within the improved portion of the SW Sunset St public row. A public storm line will be brought to Parcels 1-3. They will be connected to the public main line in the SW Sunset St public row through a new catch basin extended on the south side of the roadway. No detention or water quality will be provided onsite. A fee will be paid in order to use the regional detention and water quality facility. This criterion is met.

Chapter 16.116 FIRE PROTECTION*

16.116.010 REQUIRED IMPROVEMENTS

16.116.020 STANDARDS

16.116.030 MISCELLANEOUS REQUIREMENTS

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. (Ord. 86-851 § 3)

16.116.020 STANDARDS

1. 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. (Ord. 91-922 § 3; 86-851)

2. 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. (Ord. 86-851 § 3)

3. 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. (Ord. 86-851 § 3)

4. 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. (Ord. 86-851 § 3)

16.116.030 MISCELLANEOUS REQUIREMENTS

1. 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. (Ord. 85-851 § 3)

2. 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. (Ord. 86-851 § 3)

3. 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. (Ord. 86-851 § 3)

RESPONSE: The fire Marshall has had a chance to provide written comments prior to the City issuing a decision for this partition application. Per the pre-application conference, Fire Access is shown to be able to make the turn off the flag pole of the lot, into the main parcel. The development will add a new fire hydrant at the bottom of the new driveway. Even with the new fire hydrant, depending on the location of the new home on parcel 3, it may have to be sprinklered. This standard can be met.

Chapter 16.118 PUBLIC AND PRIVATE UTILITIES*

16.118.010 PURPOSE

16.118.020 STANDARD

16.118.030 UNDERGROUND FACILITIES

16.118.040 EXCEPTIONS

16.118.050 PRIVATE STREETS

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 feet in width unless a reduced width is specifically exempted by the City Engineer.

C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).

D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.

E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.

F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.

16.118.030 UNDERGROUND FACILITIES

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

16.118.040 EXCEPTIONS

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

approve location of all surface-mounted transformers. (Ord. 2005-17 § 5; 91-922)

16.118.050 PRIVATE STREETS

The construction of new private streets shall be prohibited unless it provides principal access to two or fewer lots or parcels i.e. flag lots. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records. A private street shall also be signed differently from public streets and include the words "Private Street". (Ord. 2005-009 § 5; 86-851)

RESPONSE: All utilities will be underground (unless a fee in-lieu is paid) with the exception, the meters serving the individual lots, and other necessary above grade equipment. Utility crossings will be provided across the driveway throat if a fee in-lieu is paid.

Chapter 16.120 GENERAL PROVISIONS*

16.120.010 PURPOSE

16.120.020 PLATTING AUTHORITY

16.120.010 PURPOSE

Subdivision and land partitioning 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. (Ord. 86-851 § 3)

16.120.020 PLATTING AUTHORITY

1. Approval Authority

A. The approving authority for preliminary and final plats of subdivisions and partitions shall be in accordance with Section 16.72.010 of this Code.

B. Approval of subdivisions and partitions is required in accordance with this Code before a plat for any such subdivision or partition may be filed or recorded with Washington County. Appeals to a decision may be filed pursuant to Chapter 16.76.

(Ord. 98-1053 § 1; 86-851)

2. 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. (Ord. 98-1053 § 1; 86-851)

RESPONSE: The Applicant is requesting land use approval for a three lot partition. This request will not preclude the lots from further partition in the future with up to 5 lots being allowed on a 20 foot private road section. The way the oversized lots and houses are configured, the remaining driveway could be expanded and include a Fire Department Turnaround. Subtracting out the driveway portion of the lot and an oversized lot based upon setbacks for the existing house would allow the development of 5.8 lots, so a repartitioning to create 5 lots is possible. All the underdeveloped lots to the north and west have direct access to SW Sunset Street.

Extending the private drive to the lots to the west would not enhance their developability due to the existing configuration of the lots and the homes on them. The lots to the north have access onto SW Sunset and their developability is not affected by potential use of this Private Drive. Requiring them to use this private Drive would require the Private Drive to become a Public road and they would actually lose lots potentially.

3. Required Setbacks

All required building setback lines as established by this Code, shall be shown in the subdivision plat or included in the deed restrictions. (Ord. 86-851 § 3)

4. Property Sales

No property shall be disposed of, transferred, or sold until required subdivision or partition approvals are obtained, pursuant to this Code. (Ord. 86-851 § 3)

RESPONSE: The Applicant is requesting land use approval for a three lot partition. Per Chapter 16.72 the approval requested is a Type II procedure. No future partitioning is contemplated on the site. A conceptual building setback line is shown on the preliminary plan set submitted with this application. The applicant is aware and understands that the individual parcel cannot be sold prior to final plat approval.

Chapter 16.122 PRELIMINARY PLATS*

16.122.010 GENERALLY

16.122.010 GENERALLY

1. Approval Required

All subdivisions and major partitions are subject to preliminary plat approval through the Type II or Type III review processes. Approval of the preliminary plat shall not constitute final acceptance of the plat for recording. Approval shall however, be binding upon the City for the purpose of preparation of the final plat or map, and the City may only require such changes in the plat or map as are necessary for compliance with the terms of preliminary plat approval.

2. Action

The City shall review preliminary plat applications submitted in accordance with Section 16.78.010 and approve, approve with conditions, or deny the application. Conditions may be imposed by the Hearing Authority if necessary to fulfill the requirements of the adopted Comprehensive Plan, Transportation System Plan or the Zoning and Community Development Code. The action of the City shall be noted on two (2) copies of the preliminary plat, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City along with other applicable records. (Ord. 98-1053 § 1; 86-851)

3. Required Findings

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.

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.

C. The plat complies with Comprehensive Plan and applicable zoning district regulations.

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

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

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

(Ord. 91-922 § 3; 86-851)

G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060. (Ord. 94-991 § 1)

RESPONSE: The Applicant is requesting type II approval for a three lot partition. The applicant has demonstrated that adequate public services exist to support the development of two new single family homes herein with this narrative and supporting documents. The applicant does not own any other contiguous lands adjacent the site. The applicant has not limited the abilities of any adjacent landowners to develop their properties. The trees on the site have been inventoried in accordance with Section 16.142.060, and are shown on the existing conditions plan.

Chapter 16.124 FINAL PLATS*

16.124.010 GENERALLY

16.124.020 FINAL PLAT REVIEW

16.124.030 CREATION OF STREETS

16.124.010 GENERALLY

1. Time Limits

Within two (2) years after approval of the preliminary plat, a final plat shall be submitted. The subdivider shall submit to the City the original drawings, the cloth, and fifteen (15) prints of the final plat, and all supplementary information required by or pursuant to this Code. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature. (Ord. 2003-1148 § 3; 98-1053)

2. Extensions

After the expiration of the two (2) year period following preliminary plat approval, the plat must be resubmitted for new approval. The City may, upon written request by the applicant, grant a single extension up to one (1) year upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant refiling of the preliminary plat and that no other development approval would be affected. (Ord. 98-1053 § 1; 86-851)

3. Staging

The City may authorize platting and development to proceed in stages that exceed two (2) years, but in no case shall the total time period for all stages be greater than five (5) years. Each stage shall conform to the applicable requirements of this Code. Portions platted or developed after the passage of two (2) years may be required to be modified in accordance with any change to the Comprehensive Plan or this Code. (Ord. 98-1053 § 1; 86-851)

4. Shown on Plat

The following information shall be shown on the final plat:

A. Date of approval, scale, north arrow, legend, and controlling topography such as creeks, highways, and railroads.

B. Legal description of the plat boundaries.

C. Existing surveys related to the plat by distances and bearings, and referenced as follows:

1. The location and description of all stakes, monuments, and other evidence used to determine the boundaries of the subdivision.

2. Adjoining corners of all contiguous subdivisions.

3. Section, township, range, donation land claim lines and boundaries of any lots within previously recorded subdivision plats within or adjacent to the plat.

4. Location and description of all monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this Code.

D. Tract, block and lot boundary lines, and street rights-of-way and centerlines, with dimensions, bearings, radii, arcs, delta angles, points of curvature and tangent bearings. Normal highwater lines for any creek or other body of water shall be shown. Error of closure shall be within the limits of one (1) foot in four thousand (4,000) feet. No ditto marks shall be used. Lots containing one (1) acre or more shall be shown to the nearest 0.01 feet. Bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.

E. The width of streets being dedicated, the width of any existing rights-of-way, and the widths on each side of the centerline. For streets on curvature, curve data shall be based on the

street centerline, and in addition to centerline dimensions shall indicate the radius and central angle. This data may be shown in a table.

F. Easements within or adjacent to the plat denoted by fine dotted lines, clearly identified, and, if already of record, a recorded reference. If any easement is not of record, a statement of the easement showing the widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, shall be properly referenced in the certificate of dedication.

G. Lot numbers beginning with the number “1” and numbered consecutively in each block. Block numbers, if used, should begin with the number “1” and continue consecutively without omission or duplication. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the plat last filed.

H. Land parcels to be dedicated for any purpose are to be distinguished from lots intended for sale, and titled to identify their intended use.

I. The following certificates, which may be combined where appropriate:

1. A certificate signed and acknowledged by all parties having any record title interest in and to the land subdivided, consenting to the preparation and recording of the map and dedicating all parcels of land shown on the final map and intended for public use.
2. An affidavit signed by the engineer or the surveyor responsible for the survey and final map, the signature of such engineer or surveyor to be accompanied by a professional seal.
3. Provisions for all other certifications required. (Ord. 86-851 § 3)

5. Submitted With Plat

The following information shall be submitted with the final plat:

A. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing the interest of all parties.

B. Sheets and drawings showing the following:

1. Traverse data showing the error of closure, including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners.
2. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.

C. Copies of any deed restrictions and dedications, including building setbacks.

D. Proof that all taxes and assessments on the tract are paid for the current year.

(Ord. 86-851 § 3)

16.124.020 FINAL PLAT REVIEW

1. 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. (Ord. 86-851 § 3)

2. Performance Security

The subdivider shall 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 percent (100%) of the estimated cost of the improvements. (Ord. 86-851 § 3)

3. Staff Review

If City review determines that the final plat is in full conformance with the preliminary plat and this Code, the final plat shall be referred to the City Manager or his/her designee for final approval. If the final plat is not in full conformance, the subdivider shall be advised of necessary changes or additions. (Ord. 98-1053 § 1; 86-851)

4. Plat Approval

When the City Manager or his/her designee determines that the plat conforms to all requirements, the plat shall be approved. Approval of the plat does not constitute an acceptance by the City of the responsibility for maintenance or development of any street or other easement shown on the plat. (Ord. 98-1053 § 1; 86-851)

5. County Approval

After approval, the City shall transmit the final map, tracing, and other data to Washington County, to determine that there has been compliance with all provisions of State and local statutes. The County may make such checks in the field as necessary to verify that the map is sufficiently correct on the ground. When the County finds the documents in full conformance and has been paid the statutory fee for such service, approval of the plat shall be given by applicable County officers. Approval of the final plat shall be null and void if the plat is not recorded within sixty (60) days after the date of the last required approving signatures have been obtained. (Ord. 98-1053 § 1; 86-851)

6. Effective Date

Subdivision approval shall become final upon the recording with the County of the approved subdivision plat or partition map together with any required documents. Development permits may be issued only after final approval, except for activities at the preliminary plat phase, specifically authorized by this Code. (Ord. 86-851 § 3)

7. Required Findings

No final subdivision plat shall be approved unless:

A. All required public streets and floodplain areas are dedicated without any reservation or restriction other than easements for public utilities and facilities.

B. Streets and roads held for private use have been approved by the City.

C. The plat complies with the standards of the underlying zoning district and other applicable standards of this Code and is in conformity with the approved preliminary plat.

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

E. Adequate water, sanitary sewer and other public facilities exist to support the proposed use of the subdivided land, as determined by the City and are in compliance with City standards. For the purposes of this section:

1. Adequate water service shall be deemed to be connection to the City water supply system.

2. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system.

3. The adequacy of other public facilities such as storm water and streets shall be determined by the City based on applicable City policies, plans, and standards for said facilities.

F. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code. (Ord. 98-1053 § 1; 94-991)

16.124.030 CREATION OF STREETS

1. Approval

The final plat shall provide for the dedication of all streets for which approval has been given by the City. Approval of the final plat shall constitute acceptance of street dedications. (Ord. 86-851 § 3)

2. Exceptions

The Council, upon recommendation by the City Manager, may approve the creation and dedication of a street without full compliance with this Code. The applicant may be required

to submit additional information and justification necessary to determine the proposal's acceptability. The City may attach such conditions as necessary to provide conformance to the standards of this Code. One or more of the following conditions must apply:

A. The street creation is required by the City and is essential to general traffic circulation.

B. The tract in which the road or street is to be dedicated is an isolated ownership of one (1) acre or less. (Ord. 86-851 § 3)

3. Easements

Any access which is created to allow partitioning for the purpose of development, or transfer of ownership shall be in the form of a dedicated street, provided however that easements may be allowed when:

A. The access is to a parcel exceeding five (5) acres in size, and used for agriculture, horticulture, grazing, or timber growing, or

B. The easement is the only reasonable method by which the rear portion of an unusually deep lot, large enough to warrant partitioning into two (2) or more parcels, may obtain access. Such easement shall conform to all other access provisions of this Code. (Ord. 86-851 § 3)

RESPONSE: This chapter outlines improvement and or requirements which must be made prior to recording a final plat. Upon approval of the tentative partition plat, all of the requirements of this chapter will be addressed and adhered to where applicable. This criterion will be met.

Chapter 16.126 DESIGN STANDARDS*

16.126.010 BLOCKS

16.126.020 EASEMENTS

16.126.030 PEDESTRIAN AND BICYCLE WAYS

16.126.040 LOTS

16.126.010 BLOCKS

CONNECTIVITY

A. 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. (Ord. 86-851 § 3)

B. Block Length. Block length standards shall be in accordance with Section 16.108.050. 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. (Ord. 2006-021; 2005-009 § 5; 2000-1103 § 3)

C. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.

(Ord. 2005-009 § 5)

RESPONSE: The site is located along SW Sunset St and bounded by public parklands on the Southwest and under-developed parcels to the West. To the east and North are existing houses on lands that cannot be further partitioned. No new blocks could be created as a result existing development on and around the site.

16.126.020 EASEMENTS

1. 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. (Ord. 86-851 § 3)

2. 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. (Ord. 86-851 § 3)

RESPONSE: All easements have been designed to meet the standards of this section of the code and are shown on the preliminary development plans submitted with this application. The applicant will continue to work with the City and other applicable agencies with regard to the provision and dedication of all utility easements necessary to provide full services to the site. Therefore, this criterion can be met.

16.126.030 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. (Ord. 86-851 § 3)

RESPONSE: Not applicable

16.126.040 LOTS

1. Size and Shape

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

a. Lots in areas not served by public sewer or water supply shall conform to any special Washington County Health Department standards. (Ord. 86-851 § 3)

2. Access

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

(Ord. 2006-021; 86-851 § 3)

3. 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. (Ord. 86-851 § 3)

4. 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. (Ord. 86-851 § 3)

5. Grading

Grading of building sites shall conform to the following standards, except when topography of physical conditions warrant special exceptions:

A. Cut slopes shall not exceed one and one-half (1 1/2) feet horizontally to one (1) foot vertically.

B. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically. (Ord. 86-851 § 3)

RESPONSE: The site is zoned LDR and the Applicant is proposing two new lot for the future development of new single family homes on the site. The existing home will be retained on Parcel 1. The lots or parcels will range in size from just under a half acre (21,853 square feet) to 7,000 square feet. The lot widths range from 66.85 feet to 131 feet and all lot depths will be at least 80 feet. All of the lots meet the minimum requirements with consideration of infill development. Parcel 1 abuts SW Sunset St a public street and

will provide an access and utility easement to Parcel 1, 2 and 3. No double frontage lots will be created as a result of this application. A preliminary grading plan which demonstrates compliance with private driveway improvements is submitted concurrently with this application. A final grading plan will be submitted and approved by the City prior to any future development or grading of the site. Therefore, the above criterion is met.

Chapter 16.128 LAND PARTITIONS*

16.128.010 GENERALLY

16.128.020 SUBDIVISION COMPLIANCE

16.128.030 DEDICATIONS

16.128.040 FILING REQUIREMENTS

16.128.010 GENERALLY

1. Approval Required

A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a minor partition application has been approved by the City Manager or his/her designee. (Ord. 98-1053 § 1; 86-851)

2. City Action

The City Manager or his/her designee shall review the minor partition applications submitted in accordance with Section 16.78.010 and shall approve, approve with conditions or deny the application. The action of the City Manager or his/her designee shall be noted on two (2) copies of the partition, including references to any attached documents describing any conditions or restrictions. One (1) copy shall be returned to the applicant with a notice of decision and one (1) retained by the City with other applicable records. (Ord. 98-1053 § 1; 86-851)

3. Required Findings

Minor partitions shall not be approved unless:

A. The partition complies with the standards of the underlying zoning district and other applicable standards of this Code.

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

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

1. Adequate water service shall be deemed to be connection to the City water supply system.
2. Adequate sanitary sewer service shall be deemed to be connection to the City sewer system if sewer lines are within one-hundred fifty (150) feet of the partition or if the lots created are less than 15,000 square feet in area. Installation of private sewage disposal facilities shall be deemed adequate on lots of 15,000 square feet or more if the private system is permitted by County Health and City sewer lines are not within one hundred fifty (150) feet.
3. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

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

(Ord. 2006-021; 91-922 § 3)

4. Future Development Ability

In addition to the findings required by Section 16.128.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property. (Ord. 91-922 § 3)

16.128.020 SUBDIVISION COMPLIANCE

1. Generally

If a partition exceeds two (2) acres and within one (1) year is re-partitioned into more than two (2) parcels, and any single parcel is less than one (1) acre in size, full compliance with the subdivision regulations of this Code may be required. (Ord. 86-851 § 3)

RESPONSE: The applicant has demonstrated that all of the proposed parcels comply with the standards of the underlying zoning district. A 52 foot street easement dedication is proposed.

16.128.030 DEDICATIONS

1. Generally

The City's requirements for dedication of public lands as per this Code, including road rights-of-way and greenways, shall apply to partitions. Actual public improvements may not be required at the time of partition, at the discretion of the City Manager or his/her designee. (Ord. 98-1053 § 1; 86-851)

2. Dedications Acceptance

The City Manager shall accept all public dedications by his or her signature on the partition plat prior to filing with the County. (Ord. 98-1053 § 1; 86-851)

3. Owner Declaration

If a property is being dedicated or donated for public use, the mortgage of trust deed holder of the property shall sign a declaration to that effect on the partition plat, or file an affidavit consenting to the plat. (Ord. 86-851 § 3)

RESPONSE: The applicant will have the consent affidavit on the Partition Plat.

16.128.040 FILING REQUIREMENTS

1. Generally

Within twelve (12) months after City approval of a minor land partition, a partition plat shall be submitted to Washington County in accordance with its final partition plat and recording requirements. (Ord. 86-851 § 3)

2. Extension

After expiration of the twelve (12) months period following partition approval, the partition must be resubmitted for new approval. The City Manager or his/her designee may upon written request by the applicant, grant an extension up to twelve (12) months upon a written finding that the facts have not changed to an extent sufficient to warrant refiling of the partition and that no other development approval would be affected. (Ord. 86-851 § 3)

RESPONSE: As required, the applicant will submit the final partition plat for recording within 1 year after City approval.

Chapter 16.134 SPECIAL RESOURCE ZONES*

16.134.010 GENERALLY

16.134.020 FLOOD PLAIN (FP) OVERLAY

16.134.010 GENERALLY

Special resource zones are established to provide for preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one (1) resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources. (Ord. 91-922 § 3)

16.134.020 FLOOD PLAIN (FP) OVERLAY

1. Purpose

A. The FP zoning district is an overlay district that controls and regulates flood hazard areas in order to protect the public health, safety and general welfare; to reduce potential flood damage losses; and to protect floodways and natural drainage ways from encroachment by uses which may adversely affect water quality and water flow and subsequent upstream or downstream flood levels. The FP zone shall be applied to all areas within the base flood, and shall supplement the regulations of the underlying zoning district.

B. FP zoning districts are defined as areas within the base flood as identified by the Federal Emergency Management Agency (FEMA) in a Flood Insurance Study (FIS) and in Flood Insurance Rate Maps (FIRM) published for the City and surrounding areas, or as otherwise identified in accordance with Section 16.134.020C. These FEMA documents are adopted by reference as part of this Code, and are on file in the office of the City Public Works Director.

C. When base flood elevation data is not available from the FIS or FIRM, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, and standards developed by the FEMA, in order to administer the provisions of this Code.

(Ord. 2000-1092 § 3; 88-870)

2. Greenways

The FP zoning districts overlaying the Rock Creek and Cedar Creek flood plains are designated greenways in accordance with Chapter 5 of the Community Development Plan. All development in these two flood plains shall be governed by the policies in Division V, Chapter 16.142 of this Code, in addition to the requirements of this Section and the Unified Sewerage Agency's Design and Construction Standards R&O 00-7, or its replacement. (Ord. 2000- 1092 § 3; 88-879)

3. Development Application

A. Provided land is not required to be dedicated as per this Section, Greenways, a conditional use permit (CUP) shall be approved before any use, construction, fill, or alteration of a flood

plain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in this Section, Permitted Uses.

B. Application for a CUP for development in a flood plain shall conform to the requirements of Chapter 16.82 and

may include, but is not limited to, plans and scale drawings showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, and drainage facilities.

C. The following specific information is required in a flood plain CUP application and shall be certified and verified by a Registered Civil Engineer or Architect. The City shall maintain such certifications as part of the public record.

All certifications shall be based on the as-built elevations of lowest building floors.

1. Elevations in relation to mean sea level of the lowest floor (including basement) of all structures;
2. Elevations in relation to mean sea level to which any structure has been flood proofed.
3. That the flood proofing methods for any structure meet the requirements of this Section, Flood Plain Structures.
4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
5. A base flood survey and impact study made by a Registered Civil Engineer.
6. Proof all necessary notifications have been sent to, and permits have been obtained from, those Federal, State, or other local government agencies for which prior approval of the proposed development is required.
7. Any other information required by this Section, by any applicable Federal regulations, or as otherwise determined by the City to be necessary for the full and proper review of the application.

D. Where elevation data is not available as per subsection B of this Section, or from other sources as per Section 16.40.010C, a flood plain CUP shall be reviewed using other relevant data, as determined by the City, such as historical information, high water marks, and other evidence of past flooding. The City may require utility structures and habitable building floor elevations, and building flood proofing, to be at least two (2) feet above the probable base flood elevation, in such circumstances where more definitive flood data is not available. (Ord. 91-922 § 3; 88-879)

RESPONSE: The proposed development does not contain any and will not encroach on or impact any 100 year flood plain.

Chapter 16.142 PARKS AND OPEN SPACE*

16.142.010 Purpose

16.142.020 Multi-Family Developments

16.142.030 Visual Corridors

16.142.040 Park Reservation

16.142.050 Trees Along Public Streets or on Other Public Property

16.142.060 Trees on Property Subject to Certain Land Use Applications

16.142.070 Trees on Private Property -- not subject to a land use action

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. (Ord. 2006-021; 91-922 § 3)

16.142.020 Multi-Family Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new multi-family residential developments to the following standards:

1. Open Space

A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.

2. Recreation Facilities

A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.

3. Minimum Standards

Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.

4. Terms of Conveyance

Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection. (Ord. 91-922 § 3).

RESPONSE: A multi family development is not proposed; therefore no additional open space is required for this development. The site is adjacent to Snyder Park so future residents will have a great opportunity to utilize a public park that is essentially within their back yard.

16.142.030 Visual Corridors

A. Corridors Required

New developments with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section 5 of the Community Development Plan Part 2, shall be required to establish a landscaped visual corridor according to the following standards.....:

Category Width

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. (Ord. 2006-021)

B. Landscape Materials

RESPONSE: The site does not have frontage along Highway 99, an arterial street or a collector street therefore a visual corridor is not required.

16.142.040 Park Reservation

Areas designated on the Natural Resources and Recreation Plan Map, attached as Appendix C, or 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. (Ord. 2006-021; 91-922 § 3)

RESPONSE: The site does not contain any areas designated on the Natural Resources or Recreation Plan map, therefore no additional park space is required for this application.

16.142.050 Trees Along Public Streets or on Other Public Property

A. Trees Along Public Streets

Trees are required to be planted by the land use applicant to the following specifications along public streets abutting or within any new 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.

1. Tree location: Trees shall be planted within the planter strip along 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. (Ord. 2006-021)
2. Tree size: A minimum trunk diameter of two (2) inches DBH and minimum height of six (6) feet.
3. Tree spacing: A minimum of one (1) tree for every twenty-five (25) feet of public street frontage, or two (2) trees for every buildable lot, whichever yields the greater number of trees. Double fronting lots shall have a minimum of one (1) street tree for every twenty-five (25) feet of frontage. Corner lots shall have a minimum of three (3) street trees.
4. For minor arterial and major collector streets, the City may require planted medians in lieu of paved twelve (12) foot wide center turning lanes, planted with trees to the specifications of this subsection.
5. Tree types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed

in Appendix J of this Code. (Ord. 2006-021)

B. Prohibited Trees and Shrubs

1. Poplar, conifer, cottonwood, willow, ailanthus, any other native tree species, and fruit and nut trees, are prohibited along public streets as such trees tend to grow in such manner as to

interfere with or damage public streets and utilities, or cause an unwarranted increase in the maintenance costs of same.

2. Poplar, cottonwood, and willow trees are prohibited on other public or private property not along public streets, when, in the City's determination, such trees may tend to interfere with or damage public streets and utilities, or cause an unwarranted increase in the maintenance costs of same. English ivy, holly and Himalayan blackberries are also prohibited on public property.

C. Removal and Cutting of Trees

1. For the purposes of this Section, "removal and cutting" shall be defined as the falling or removal of a tree, or any other deliberate action by any person, the natural result of which is to cause the death or substantial destruction of the tree. Prohibited removal and cutting activities do not include normal trimming or pruning when done in accordance with generally accepted arboricultural practices. The authorizations required by this subsection shall not apply to any removal or cutting associated with development activities authorized by the land use approvals contemplated by this Section 16.142.060. Subsection C of this Section shall only govern the removal or cutting of trees along public streets or of trees and woodlands on public property not part of a land use application.

2. Any tree located on public property or along public streets, as per this Section, shall not be subsequently removed or cut without the authorization of the Parks Advisory Board, unless removal or cutting is necessitated by the tree:

- a. Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or
- b. Obstructing public ways or sight distance so as to cause a safety hazard, or
- c. Interfering with or damaging public or private utilities, or
- d. Being defined as a nuisance as per City nuisance abatement ordinances, or
- e. Otherwise becoming a hazard to life or property, in the City's determination.

3. All requests for authorization to remove or cut trees or woodland shall be made in writing stating reasons and circumstances necessitating removal or cutting. The Parks Advisory Board shall consider the request in open session at any duly convened Board meeting. Any Board authorization for the removal and cutting of such trees or woodlands shall be made in writing, setting out the reasons for the removal or cutting, and any limitations or conditions attached thereto. Such written authorization shall be issued to the party requesting the removal or cutting, and maintained in City records, as per other Notices of Decision required by this Code. Any tree or woodland removed per this Section shall be replaced with a new tree or trees selected from Appendix J of this Code. The party initiating the request for tree or woodland removal is responsible for all costs of replacement, including installation. This

Section shall apply to any party requesting tree or woodland removal or cutting, including the City.

4. In the specific circumstances listed in subsection C2 of this Section only, the City Manager or his or her designee may administratively authorize the immediate removal of such trees or woodlands without Parks Advisory Board review. Any administrative authorization for the removal or cutting of such trees or woodlands shall be made in writing setting out the reasons for the removal or cutting, and any limitations or conditions attached thereto. Such written authorization shall be issued to the party requesting the removal or cutting, and maintained in City records as per other Notices of Decision required by this Code. Any tree or woodland removed as per this Section shall be replaced with a new tree or trees selected from Appendix J of this Code. The party initiating the request for tree or woodland removal shall be responsible for all costs of said replacement, including installation. This Section shall apply to any party requesting tree or woodland removal or cutting, including the City.

D. Trees on Private Property

Any tree, woodland or any other vegetation located on private property, regardless of species or size, that interferes with or damages public streets or utilities, or causes an unwarranted increase in the maintenance costs of same, may be ordered removed or cut by the City Manager or his or her designee without Parks Advisory Board review. Any order for the removal or cutting of such trees, woodlands or other vegetation, shall be made and processed as per applicable City nuisance abatement ordinances.

E. Penalties

The abuse, destruction, defacing, cutting, removal, mutilation or other misuse of any tree planted on public property or along a public street as per this Section, shall be subject to the penalties defined by Section 16.02.040, and other penalties defined by applicable ordinances and statutes, provided that each tree so abused shall be deemed a separate offense. (Ord. 91-922 § 3)

RESPONSE: Street trees will be planted as required, at the appropriate time of year to ensure long term survival. A street tree plan will be prepared with the final partition plat and public improvement plans to ensure trees are properly spaced with respect to existing trees, driveways and utilities. The developer will provide a species that is approved by the city, and is available in the market for first season planting. All trees will be planted in accordance with planting specification of the Parks and Recreation Department. The developer will pay the appropriate fee based on the above criteria and post the required financial security for scheduled maintenance, as required.

16.142.060 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. (Ord. 2006-021)

1. All Planned Unit Developments subject to Chapter 16.40, site developments subject to Section 16.92.020, and subdivisions subject to Chapter 16.122, 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 policies and standards of the City Comprehensive Plan, as determined by the City. This Section shall not apply to any PUD, site development or subdivision, or any subdivision phase of any PUD, having received an approval by the Commission prior to the effective date of Ordinance No. 94-991, except for Subsection C5 of this Section, which shall apply to all building permits issued after the effective date to that Ordinance.

2. For the inventory purposes of this Section, a tree is a living woody plant having a trunk diameter as specified below at four and one-half (4-1/2) feet above mean ground level at the base of the trunk, also known as Diameter 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 five (5) inches DBH. (Ord. 2006-021)

a. Douglas fir, ponderosa pine, western red cedar, white oak, big leaf maple, American chestnut, ten (10) inches or greater.

b. All other tree species, five (5) inches or greater.

In addition, any trees of any species of five (5) inches or greater DBH that are proposed for removal as per the minimally necessary development activities defined in subsection C3 of this Section shall be inventoried.

3. For the inventory purposes of this Section, 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 five (5) inches or greater 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. (Ord. 2006-021)

B. Tree and Woodland Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, the land use applications referenced in subsection A of this Section shall include a tree and woodland inventory and report, in both map and narrative form, addressing the standards in subsection C of this Section, and a written report by an arborist, forester, landscape architect, botanist, or other qualified professional, as determined by the City, that generally evaluates the nature and quality of the existing trees and woodlands on the site and also provides information as to the extent and methods by which trees and woodlands will be retained. The inventory shall include a resume detailing the qualified professional's applicable background and experience. The City may also require the submission of additional information as per Section 16.136.030. Trees removed on the property within one year prior to the submittal of the development application shall also be included in the inventory. In the event that adequate data is not available to address the specific inventory requirements below, an aerial photo may be utilized to determine the approximate number, size and type of trees on the property. (Ord. 2006-021)

2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and reports shall include, but are not limited to, the following specific information. Mapping shall include a composite map, illustrating as much required information as possible while retaining map readability.

a. The location of the property subject to the land use application and tree and woodland inventory, including street addresses, assessors' map and tax lot numbers, and a vicinity map.

b. Mapping indicating the location of trees and woodlands, as defined by subsections A2 through 3. Mapping shall include typical tree root zones, given tree species, size, condition and location. For any woodland, inventory data and mapping is required only for the group, rather than on a tree by tree basis.

c. Mapping and other inventory data shall include, but is not limited to, the boundaries and/or types of soils, wetlands, and floodplains underlying the tree or woodland; site hydrology, drainage, and slope characteristics; the condition, density, form, root zone and aspect of the tree or woodland, including in the case of a woodland, associated understory.

d. Mapping and other inventory data shall be of sufficient detail and specificity to allow for field location of trees and woodlands by the City, and shall include but is not limited to, existing and proposed property lines, topography at the intervals otherwise specified for the type of land use application being considered, and any significant man-made or natural features that would tend to aid in such field location.

e. The number, size, species, condition, and location of trees and woodlands proposed for removal, the timing and method of such removal, and the reason(s) for removal.

f. The number, size, species, condition, and location of trees and woodlands proposed for retention, and the methods by which such trees and woodlands shall be maintained in a healthy condition both during and subsequent to development activity.

g. Proposed mitigation and replacement efforts as per subsection D of this Section, including a description of how proposed replacement trees will be successfully replanted and maintained on the site.

C. Tree and Woodland Retention

1. The review authority shall make findings identifying all trees and woodlands, or additional trees not inventoried, that merit retention. Alternatively, the City may require planting of new trees in lieu of retention as per subsection D1 through D3 of this Section, or acquire said trees and woodlands as per subsection D4 of this Section. Prior to making any such determinations or recommendations, the review authority may seek the recommendations of the City Parks Advisory Board. Special consideration shall be given in making these determinations to the retention or replanting of trees native to the Willamette Valley and Western Oregon, except in areas where such trees are prohibited as per Section 16.142.050B. (Ord. 2006-021)

2. To require retention of trees or woodlands as per subsection B of this Section, the Commission or Council must make 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 drainage way, as per Unified Sewerage Agency stormwater management plans and standards or the City Comprehensive Plan, or

d. Necessary as buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or

e. Otherwise merit retention because of unusual size, historic association or species type, habitat or wildlife preservation considerations, or some combination thereof, as determined by the City.

3. In general, the City shall permit only the removal of trees, woodlands, and associated vegetation, regardless of size and/or density, minimally necessary to undertake the development activities contemplated by the land use application under consideration. For the development of PUDs and subdivisions, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets, and other

infrastructure, and minimally required site grading necessary to construct the development as approved. For site developments, minimally necessary activities will typically entail tree removal for the purposes of constructing City and private utilities, streets and other infrastructure, minimally required site grading necessary to construct the development as approved, construction of permitted buildings, and City required site improvements such as driveways and parking lots.

4. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per subsection C2 of this Section, which may be removed or shall be retained as per subsection B of this Section, and which shall be mitigated as per subsection D of this Section, and any limitations or conditions attached thereto. The applicant shall prepare and submit a Final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how identified trees and woodlands will be retained, removed or mitigated as per the Notice of Decision. Such Plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist. (Ord. 2006-021)

5. At the time of building permit issuance for any development of a site containing trees or woodlands identified as per subsection C of this Section, the Building Official shall permit only the removal of trees, woodlands and associated vegetation, regardless of size and/or density, minimally necessary to undertake the development activities contemplated by the building permit application under consideration. The permit shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. Minimally necessary activities will typically entail tree removal for the purposes of construction of City and private utilities, streets and other infrastructure, minimally required site grading necessary to construct the development as approved, construction of permitted buildings, and City required site improvements such as driveways and parking lots. A fee for this inspection shall be established as per Section 16.74.010, provided however that said inspection is not deemed to be a land use action.

6. When a tree or woodland within an approved site plan, subdivision or Planned Unit Development subsequently proves to be so located as to prohibit the otherwise lawful siting of a building or use, retention of said trees or woodlands may be deemed sufficient cause for the granting of a variance as per Chapter 16.84, subject to the satisfaction of all other applicable criteria in Chapter 16.84.

7. All trees, woodlands, and vegetation located on any private property accepted for dedication to the City for public parks and open space, greenways, Significant Natural Areas, wetlands, floodplains, or for storm water management or for other purposes, as a condition of a land use approval, shall be retained outright, irrespective of size, species, condition or other

factors. Removal of any such trees, woodlands, and vegetation prior to actual dedication of the property to the City shall be cause for reconsideration of the land use plan approval.

D. Mitigation

1. The City may require mitigation for the removal of any trees and woodlands identified as per subsection C of this Section if, in the City's determination, retention is not feasible or practical within the context of the proposed land use plan or relative to other policies and standards of the City Comprehensive Plan. Such mitigation shall not be required of the applicant when removal is necessitated by the installation of City utilities, streets and other infrastructure in accordance with adopted City standards and plans. Provided, however, that the City may grant exceptions to established City street utility and other infrastructure standards in order to retain trees or woodlands, if, in the City's determination, such exceptions will not significantly compromise the functioning of the street, utility or other infrastructure being considered. Mitigation shall be in the form of replacement by the planting of new trees.

2. Replacement trees required as part of mitigation as per this Section shall, as determined by the City, be generally of a substantially similar species, size and quantity to those trees proposed for removal, taking into account soils, slopes, hydrology, site area, and other relevant characteristics of the site on which the mitigation is proposed. In consideration of the foregoing factors the City may require replacement trees to be replanted at greater than a 1:1 caliper inch ratio. Exotic or non-native trees shall generally be replaced with species native to the Willamette Valley or Western Oregon, except where such native trees are prohibited by Section 16.142.050B2. Said replacement trees shall be in addition to trees along public streets required by Section 16.142.050A. Standards for trees along public streets may be different than those for trees required for retention or replacement under this Section. (Ord. 2006-021)

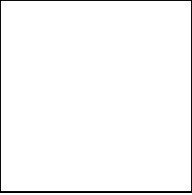
3. If replacement trees of the species, size or quantity being removed are not available, or cannot be successfully replanted due to soils, slopes, hydrology, site area, or other relevant characteristics of the site, the City may require:

a. Different species of trees to be submitted, or

b. Replacement trees to be planted on another, more suitable site within the City, or

c. Cash payments equivalent to the fair market value of the otherwise required replacement trees, including estimated installation costs, said payments to be set aside by the City in a dedicated fund for eventual purchase and planting of trees when suitable sites become available.

4. The Commission may also make recommendation to the Council, based on the recommendation of the Parks Advisory Board, that trees or woodlands identified as per this Section be purchased by the City, if such trees cannot otherwise be retained as part of the proposed land use plan, obtained as a parks and open space or other dedication to the City, or otherwise be mitigated as per subsection D of this Section.



E. Penalties

Violations of this Section shall be subject to the penalties defined by Section 16.02.040, provided that each designated tree or woodland unlawfully removed or cut shall be deemed a separate offense. (Ord. 91-922 § 3)

RESPONSE: Teragan and Associates, a certified arborist, has prepared a tree assessment for the site which has been included with the application. The arborist report indicated that there are a total of 42 trees on the site. Of the 42 total trees on the site only 37 were rated as healthy trees in “good” or “fair” condition, 4 are listed in poor condition and 1 is dead. No trees are proposed to be removed with this application. Virtually all developments will require the removal some of the existing vegetation onsite to comply with construction requirements, standards for streets, utilities, ensure proper grading for site drainage, and to build homes on individual lots. All of the above described activities contribute to the need to clear some of the vegetation on the site. The applicant will make every reasonable effort to protect as much existing vegetation on the site as possible.

CONCLUSION IN SUPPORT OF APPROVING THIS APPLICATION FOR PARTITION: The applicant has demonstrated this application complies with development standards and approval criteria specified within the City of Sherwood Community Development Code for infill developments. Therefore, the applicant requests approval of this two lot partition application.