City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, January 19, 2021

Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon

5:30 pm City Council Work Session

7:00 pm City Council Regular Meeting

City Council Executive Session
Following the Regular Council meeting
(Pursuant to ORS 192.660(2)(d), Labor Negotiations)

Pursuant to House Bill 4212 (2020), these meetings will be conducted electronically and will be live streamed at https://www.youtube.com/user/CityofSherwood

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Home of the Tualatin River National Wildlife Refuge

AGENDA

SHERWOOD CITY COUNCIL
January 19, 2021

5:30 pm City Council Work Session

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(ORS 192.660(2)(d), Labor Negotiations)
(following the Regular Meeting)

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5:30 PM WORK SESSION

1. **URA Plan Update** (Julia Hajduk, Community Development Director)
2. **2021 Council Liaison Assignments & Council Retreat Discussion** (Joe Gall, City Manager)

7:00 PM REGULAR SESSION

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. CONSENT AGENDA

A. **Approval of January 5, 2021 City Council meeting Minutes** (Sylvia Murphy, City Recorder)
B. **Resolution 2021-005 Approving the City Attorney's Request under the City's PTO Cash Out Policy** (David Bodway, Finance Director)
C. **Resolution 2021-006 Adopting Rules of Procedure for City Council** (Joe Gall, City Manager)

6. CITIZEN COMMENTS

Pursuant to House Bill 4212 (2020), citizen comments and testimony for public hearings must be submitted in writing to CityRecorder@Sherwoodoregon.gov. To be included in the record for this meeting, the email must clearly state either (1) that it is intended as a citizen comment for this meeting or (2) if it is intended as testimony for a public hearing, the specific public hearing topic for which it is intended, and in either case must be received at least 24 hours in advance of the scheduled meeting time. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their names and by their city of residence." Anonymous comments will not be accepted into the meeting record.

7. NEW BUSINESS

A. **Resolution 2021-007 Authorizing the City Manager to execute a contract with Angelo Planning Group to prepare an update to the Sherwood West Preliminary Concept Plan** (Erika Palmer, Planning Manager) ~~(Materials Forthcoming)~~

8. PUBLIC HEARINGS

A. **Ordinance 2020-012 approving a 41-lot Planned Unit Development (PUD) to be known as the Denali Summit Planned Unit Development** *(Second Reading)* (Eric Rutledge, Associate Planner)

9. CITY MANAGER REPORT

10. COUNCIL ANNOUNCEMENTS

11. ADJOURN to EXECUTIVE SESSION

12. EXECUTIVE SESSION

A. ORS 192.660(2)(d), Labor Negotiations

13. ADJOURN

How to Find out What's on the Council Schedule: City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.
To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or MurphyS@sherwoodoregon.gov. If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or MurphyS@sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time.

SHERWOOD CITY COUNCIL MEETING MINUTES

22560 SW Pine St., Sherwood, Or

Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at https://www.youtube.com/user/CityofSherwood

January 5, 2021

WORK SESSION

1. **CALL TO ORDER:** Mayor Mays called the work session to order at 6:01 pm.

2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin.

3. **STAFF PRESENT:** City Manager Joe Gall, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Finance Director David Bodway, Public Works Director Craig Sheldon, Planning Manager Erika Palmer, Community Services Director Kristen Switzer, Associate Planner Eric Rutledge, and City Recorder Sylvia Murphy.

   GUESTS: Lauren Schmitt, MIG consultant and Gwyn Ashcom, Tobacco Prevention Coordinator for Washington County Public Health.

4. **TOPICS**

A. Parks Master Plan Review

Community Services Director Kristen Switzer explained that there was an updated Parks Master Plan for discussion and presented the "Sherwood Parks and Recreation Master Plan" (PRMP) PowerPoint presentation (see record, Exhibit A) and introduced Lauren Schmitt with MIG. Ms. Schmitt recapped that MIG had incorporated the feedback from earlier in 2020 from the Parks and Recreation Advisory Board, Planning Commission, and City Council meetings, as well as City staff feedback. She stated that the overall updates included: revisions to reflect the change in School District agreement, updated maps to incorporate GIS changes (parcels, names), include more trails-related actions and recommendations in Chapters 3 and 4, include a specific mention of grade-separated crossings of Highway 99W as a priority, and move the discussion for a replacement Field House to the New Parks, Trails and Recreation Facilities section in Chapter 4. The updates provided by the Parks and Recreation Advisory Board included a new festival plaza which entailed the development of the City-owned parcel in downtown Sherwood into a Festival Plaza that could be used for parking when not used for events. The festival plaza would also incorporate green stormwater infrastructure, a materials palette that tied together Sherwood's downtown civic buildings and plazas, included lighting and upgraded power for events, and would be designed to accommodate several event layouts, including a

booth layout and a stage layout. A new recommendation under public art that integrated public art that expressed Sherwood's history and culture into Sherwood's parks, facilities, public spaces, and rights-of-way and would follow the guidance of the Cultural Arts Commission and the Public Art Master Plan. She reviewed the updated project list on pages 7-8 of the presentation. Council President Rosener asked if the pedestrian underpass at Meinecke or Cedar Creek was included in the project list? Ms. Schmitt replied that the underpass was not in the project list, but the pedestrian bridge was and explained it was not included because it was accounted for in the City's Transportation Plan. She commented that the underpass could be added to this list. Council President Rosener replied that he would like it included in the project list. Mayor Mays agreed that the underpass should be added to the list. Ms. Schmitt replied she would add the underpass as a line item on the project list. She reviewed the prioritization criteria and recapped next steps. She explained that the PRMP would go back to the Parks and Recreation Advisory Board, Planning Commission, and City Council for further review and adoption.

Councilor Griffin stated that he had emailed his comments to MIG earlier and recapped that he had asked that the Cedar Creek Trail be called out specifically on the project list since it was a significant project that would connect many trails in town and could lead to future parks and trails projects. He commented that the maps included in the PRMP be easier to understand and clearer in what the map was communicating. He referred to the map legend not matching up with what was on the map. Ms. Schmitt replied that she had sent Councilor Griffin's comments regarding the maps to their GIS staff for further review. City Manager Gall asked when the PRMP was going back to the Planning Commission for further review? Community Services Director Switzer replied that the PRMP would go back to the Parks Board for review on February 1st and the Planning Commission would review the PRMP on February 9th. Mr. Gall asked if that meant the PRMP would come to Council for adoption in late February or early March? Planning Manager Erika Palmer replied that was correct. Council thanked Ms. Schmitt for the presentation.

Mayor Mays addressed the next agenda item.

B. Tobacco Retail Licensing Proposal – Washington County

City Manager Gall introduced Gwyn Ashcom and explained that this proposal began prior to the start of the COVID-19 pandemic and reported that she had been providing a presentation on the Tobacco Retail Licensing Proposal to various city councils throughout Washington County. Ms. Ashcom presented the "Preventing Youth Access to Tobacco" PowerPoint presentation (see record, Exhibit B) and provided an overview of the youth prevention strategies that worked on page 3 of the presentation and stated strategies included: tobacco retail licensure, penalties for sales of tobacco or nicotine products to minors, regulation of flavors, determining zoning and setting restrictions on the amount of retailors near schools, establishing a vape tax, raising the price of tobacco products, and raising the purchasing age from 18 to 21. She explained that the legal age to purchase tobacco had been changed from 18 to 21 effective January 2018 to help delay access to tobacco/tobacco products and the county was working to update Ordinance 599 to reflect the change. She recapped the 2018 Tobacco and Alcohol Retail Assessment the county had participated in and reported that they surveyed 257 tobacco retailers in Washington County. She outlined that electronic cigarette use among Oregon youth was increasing with 8th grade usage going from 6% in 2017 to 12% in 2019 and 11th grade usage going from 13% in 2017 to 23% in 2019. Councilor Scott asked if there was more youth usage of flavored products versus non-flavored products? Ms. Ashcom replied that was correct and recapped the statistics of who

used flavored tobacco products on page 7 of the presentation. She outlined the Tobacco Retail Licensing program and explained that it would require businesses to purchase a license to sell tobacco and nicotine products, it would provide retailer education and support, there would be an annual license fee, there would be an enforcement system of regular inspections, and the program would strengthen the Indoor Clean Air Act. She stated that Oregon was one of only nine state that did not have a license program to sell tobacco products and a licensing program would decrease the illegal tobacco sales to youths. She recapped the potential components of a tobacco retail licensure program as: flavor restrictions, zoning/density, restriction on price discounts, and advertising guidelines. She explained that some cities were interested in pursuing zoning and density, but the county was not interested based on feedback received from cities. She explained that the Tobacco Retail Licensing (TRL) program would be run by the county on behalf of cities that chose to participate, and cities could add additional components to their TRL, like zoning/density. She recapped the predicted impacts of the TRL and reported that there was no significant adverse economic impact predicted per a study conducted by Portland State University's Northwest Economic Research Center. She explained that the study used the assumption of a $600-700 licensing fee, which would breakdown to $1.64-$1.92 a day for license holders. She explained that their assumptions had changed based on data from jurisdictions that had enacted the program. She reported that Benton, Klamath, Lane, Multnomah, and Clatsop counties had passed a TRL. She explained that based on the data received from those jurisdictions, the county's estimated $600-700 licensing fee was too low and a fee of $800-850 was more appropriate. She explained that the County was seeking to partner with cities to adopt a model ordinance that aligned with the County ordinance. There were two enforcement options: an IGA with Public Health or cities to enforce their own TRL ordinance. She explained that the County did not want to launch the program until they had a finalized list of cities that wished to join the program. She reported that the Washington County Board of Commissioners, Substance Use Prevention Collaborative, Public Health Advisory Council, and a community survey had all been supportive of the County's TRL program. She reported the TRL program would likely be up this legislative session and the County was hopeful the program would pass. She explained that the County wanted to pass the program ahead of the state so the County could control the program and have more say in how the County wanted to enforce the program.

Mayor Mays asked if the heated tobacco products that were available in Europe were covered by federal and state taxes and laws, should they become available in the U.S.? Ms. Ashcom replied that the Phillip-Morris heat-not-burn product was up for FDA approval and was likely to be treated as a tobacco product. Mayor Mays asked if the flavor restrictions would apply to all products, not just vaping products? Ms. Ashcom replied that they were targeting all flavors which would leave only traditional tobacco flavor on the shelves, with flavored products only being sold in 21 and over shops. Mayor Mays asked if they could ban a specific flavor? Ms. Ashcom replied they were not pursuing a full-out flavor ban, but individual cities could do so. Mayor Mays commented that convenience stores and grocery stores needed an OLCC license to sell alcohol, a lottery permit to sell lottery tickets, a business license from the city, and asked if there were any county permits that convenience or grocery stores needed? Ms. Ashcom replied this would be the TRL and would be the first required licensure from the county for such stores. Mayor Mays commented that he would be supportive if the state did pass a TRL, but he was not interested in an IGA with the County as he did not want local businesses to have to go out to Hillsboro or coordinate with Hillsboro for their licensure. Councilor Scott commented he felt that this type of program should be rolled out at the state level similar to marijuana or alcohol. Ms. Ashcom replied that ideally there would be a state license, and a state license had been proposed many times, but never got very far in the session because of the addition of other preventative strategies that the

tobacco and vaping industry heavily lobbied against. Discussion of a state versus county run program occurred. Council President Rosener commented that he wanted to keep tobacco products out of children's hands but was similarly concerned as Councilor Scott about a County-run program versus a state-run program. He asked if the state passed a TRL program as well as the county, would the county step back or would there be two licenses required for businesses? Ms. Ashcom replied that there would only be one licensing fee and explained that the County wanted to pass their TRL program before the state because it would allow the County to have a say in how to enforce the program. Council President Rosener asked if that meant if Counties had their own program when the state passed their TRL, would Counties be able to opt-out of the state program in favor of their own? Ms. Ashcom replied as she understood it, that was correct. Council President Rosener commented that creating more required points of contact for local businesses during and after the pandemic would be burdensome to local businesses. He asked if the state passed a TRL, would it allow the city to be grandfathered in if they decided to make their own ordinance for a TRL program? Ms. Ashcom replied that she would investigate that option and report back. Councilor Brouse thanked Ms. Ashcom for her work and commented that she was in favor of a more local program, not a state program. Mayor Mays asked if Washington County could pass this program immediately if they chose to? Ms. Ashcom replied that if the County passed the program it would only apply to unincorporated Washington County to begin with, with additional cities joining via IGAs. Mayor Mays asked if the state law allowed cities to pass their own ordinance to license tobacco and place restrictions as outlined in the presentation? Ms. Ashcom replied that was possible based on the current law. Mayor Mays commented that he did not wish to opt into the County's program and would instead follow a state program or create a local program, and he preferred to do a local program first. Councilor Garland thanked Ms. Ashcom for her work and asked if there were any concerns that restricting flavors could be viewed as discriminatory towards certain groups of people? Ms. Ashcom replied that had been brought up before and commented that the system was not equitable the way it was currently operating because certain groups were being targeted and preyed upon. Councilor Garland asked if there were other groups besides the tobacco industry that had pushed back on this type of program? Ms. Ashcom replied that Washington County's program had not received much negative feedback because they were only seeking to restrict flavored tobacco sales to 21 and over retail locations, and not outright flavor restrictions. She recapped the County's education and outreach program to educate local businesses about the TRL program. Councilor Scott commented that the City could run the licensing but could use an IGA for enforcement. Council President Rosener commented that instead of creating a whole new organization, the TRL program could be rolled into an existing organization, and added that he preferred local control. Ms. Ashcom replied that there were many similar questions the County was asking the state and the answers would not come until the state passed their program, which was likely to happen later in the legislative session. She asked if it would be helpful for her to come back another time when more information was available? Mayor Mays asked that as the County developed their draft ordinance, that they pass it along to City staff to share with Council.

5. ADJOURN:

Mayor Mays adjourned the work session at 7:02 pm and convened a regular session.

REGULAR SESSION

1. CALL TO ORDER: Mayor Mays called the meeting to order at 7:10 pm.

2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin.

3. **STAFF PRESENT:** City Manager Joe Gall, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Finance Director David Bodway, Public Works Director Craig Sheldon, Planning Manager Erika Palmer, Community Services Director Kristen Switzer, Associate Planner Eric Rutledge, Economic Development Manager Bruce Coleman, Municipal Judge Jack Morris, and City Recorder Sylvia Murphy.

4. **APPROVAL OF AGENDA:**

   MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR GRIFFIN. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

   Mayor Mays addressed the next agenda item.

5. **CONSENT AGENDA:**

   A. **Approval of December 15, 2020 City Council meeting Minutes**
   B. **Resolution 2021-001 Amending the Employment Contract between the City Attorney and the City of Sherwood**
   C. **Resolution 2021-002 Authorizing the Issuance of Gift Certificates to Members of the City's Boards and Commissions**
   D. **Resolution 2021-003 Amending the Employment Contract between the City Manager and the City of Sherwood**
   E. **Resolution 2021-004 Authorizing the City Manager to Execute an Intergovernmental Agreement (IGA) with Metro to Accept a 2040 Planning and Development Grant to Fund the Sherwood West Re-look Project**

   MOTION: FROM COUNCILOR BROUSE TO ADOPT THE CONSENT AGENDA. SECONDED BY COUNCIL PRESIDENT ROSENER. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

   Mayor Mays addressed the next agenda item.

6. **CITIZEN COMMENTS:**

   The City Recorder reported that Megan and Kylie Rose Walmsley had provided written comments regarding the Sherwood Ice Arena and read the comments aloud and stated that the email would be included in the meeting record. Mayor Mays thanked the Walmsleys for their letter and replied that he would speak on what Council and the City had been doing to advocate and support local businesses during the pandemic during Council Announcements.

   Mayor Mays addressed the next agenda item.

7. **PRESENTATIONS**

A. Swearing In of Elected Officials

Municipal Judge Jack Morris administered the Oath of Office to newly reelected Councilors Renee Brouse, Sean Garland, Kim Young, and Mayor Mays.

Mayor Mays addressed the next agenda item.

8. NEW BUSINESS

A. Selection of City Council President

Mayor Mays explained that it was time to elect a Council President for the new year and thanked current Council President Tim Rosener for his service over the past year. Mayor Mays asked for nominations. Councilor Griffin nominated current Council President Rosener and Councilor Young seconded the nomination. Councilor Rosener accepted the nomination. Councilor Scott nominated Councilor Brouse and Councilor Brouse declined the nomination. With no other nominations received, Mayor Mays called for a vote:

VOTE: ELECTING COUNCILOR TIM ROSENER AS COUNCIL PRESIDENT. VOTE PASSED WITH ALL MEMBERS VOTED IN FAVOR.

Record Note: See correspondence dated January 5, 2021 to City Council from City Attorney Josh Soper regarding the Council President Selection Process.

Mayor Mays addressed the next agenda item and the City Recorder read the public hearing statement and stated that no public comments had been received.

9. PUBLIC HEARINGS:

A. Ordinance 2020-008, Approving annexation of 10.90 acres to the City of Sherwood and 10.50 acres to Clean Water Services within the Tonquin Employment Area, comprised of one Tax Lot and the adjacent SW Oregon Street and SW Tonquin Road right-of-way

Associate Planner Eric Rutledge presented the “LU 2020-013 Denali Summit 41-Plot PUD & Subdivision” PowerPoint presentation (see record, Exhibit C) and explained that the property was located on the south side of Oregon Street and was contiguous to the city's boundary line. He stated that the property was comprised of 9.53 acres of private property and 1.37 acres of right-of-way for a total of 10.90 acres to be annexed into the City of Sherwood and 10.50 acres to be annexed into Clean Water Services. He reported that the applicant was requesting annexation by utilizing the procedures in SB 1573 which did not require a vote by the City electorate, but required certain approval criteria and required that the petition be signed by all affected property owners. He reported that public notice of the application was provided in accordance with local, regional, and state requirements and included mailed notices to property owners within 1,000 feet of the site and stated that as of this afternoon, no written public comments had been received on the application. He outlined that the property was a part of the Tonquin Employment Area (TEA) that was brought into the Urban Growth Boundary in 2004, and if approved, the annexed land would bring the total TEA acreage up to 173 acres. He reviewed the location and existing conditions of the property located on Oregon Street. He reported that the property

met the required Comprehensive Plan criteria and reported that land would be zoned as employment/industrial and would be subject to the employment/industrial development code standards. He reviewed the regional criteria for the site on pages 12-14 of the presentation. He reported that the property would be removed from the Washington County Enhanced Service Patrol District and will receive police services from the Sherwood Police Department and will continue to be served by TVF&R Station 33. He reviewed the state criteria for the property. Mr. Rutledge outlined the City Council alternatives as: adopt the ordinance with a unanimous vote during the first public hearing, hold the first public hearing at this meeting and issue a decision after the second reading on January 19th, or not adopt the ordinance and direct staff to prepare a Final Order with revised findings that denied the annexation request.

AKS Planning Project Manager Mimi Doukas spoke on behalf of the annexation applicants and stated that staff had completed a thorough overview of the criteria and stated that the criteria for annexation was straightforward and reported that they had met the requirements for annexation. She commented she hoped for Council approval for annexation at this meeting. With no further comments or questions, Mayor Mays closed the public hearing portion of the meeting and asked for discussion or questions from Council. Councilor Young commented that because the proposed ordinance had been on the agenda since September 2020, she felt that the public had had ample time to provide their feedback on the proposed annexation and she was therefore comfortable with voting on the annexation at this meeting. Council President Rosener commented he agreed with Councilor Young and that he was fine with one reading given the amount of time the public had had to provide their comments on the proposed ordinance. Councilor Garland stated he was in favor of voting on the ordinance at this meeting.

MOTION: FROM COUNCILOR BROUSE TO READ CAPTION AND ADOPT ORDINANCE 2020-008 APPROVING ANNEXATION OF 10.90 ACRES TO THE CITY OF SHERWOOD AND 10.50 ACRES TO CLEAN WATER SERVICES WITHIN THE TONQUIN EMPLOYMENT AREA, COMPRISED OF ONE TAX LOT AND THE ADJACENT SW OREGON STREET AND SW TONQUIN ROAD RIGHT-OF-WAY. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Mays addressed the next agenda item.

10. CITY MANAGER REPORT:

City Manager Joe Gall provided an explanation to residents as to why he continued to extend the state of emergency on a weekly basis and what that meant. He explained that state of emergencies existed when two criteria were met. He explained that the first criteria was when there was a situation that required a coordinated response beyond that which occurred routinely and commented that he felt that the City was still in that situation because the City was not operating in a routine manner and was still coordinating with County and State officials. The second requirement was that the response could not be achieved solely with the added resources acquired through mutual aid or cooperative assistance agreements and commented that that was also still ongoing. He explained that the reason cities in Oregon continued to operate in a state of emergency was to allow the cities to have access to state and federal disaster funds that would not be accessible if the city was not in a state of emergency. He explained that the City's code required that a weekly extension be made after the initial two-week period of the state of emergency was declared. He explained that if he was to lift the state of emergency, the

restrictions that the governor had made in her executive orders that restricted business activities would still be in effect.

Mayor Mays asked Municipal Judge Morris for a status report on the Sherwood Municipal Court. Judge Morris reported that the court was processing a large amount of mail as many people were opting to take care of their tickets through mail. He explained that court would resume on January 15th. Mayor Mays asked if court would be held at the Art Center. Judge Morris replied that he understood that court would be held at City Hall and commented that he felt it would be safer to hold court at the Art Center given the larger area for proper spacing and also was struggling to understand the decision to reopen court at the height of the pandemic. Councilor Young asked City Manager Gall who had decided to hold court at City Hall instead of the Art Center? City Manager Gall replied the decision to hold court at City Hall was based on the feedback received from Court staff in terms of efficiency and lack of printers, and commented that he wished to get Court back up and running as the City had been before the freeze on December 1st. Councilor Griffin asked if the City had plexiglass, gloves, and other PPE for staff? Mr. Gall replied that was correct. Councilor Young asked if the City limited the number of cases Court heard a day or if people had to wait outside until they were called? Mr. Gall replied that Court limited the number of cases heard and complied with OHA guidelines. Councilor Griffin asked what that meant specifically (e.g. having people take a questionnaire or taking their temperature at the doorway)? Mr. Gall replied that he did not have the OHA guidelines in front of him, but he would send that information to Council after the meeting and commented that the City did not take people's temperatures and believed there was a questionnaire. Councilor Brouse asked if the doors to the community room where court was held were opened to allow for better ventilation. Mr. Gall replied that they had not been opened but they could be. Judge Morris commented that the circuit courts in Oregon were vastly doing things remotely. Mayor Mays asked if virtual municipal court was possible? Judge Morris replied that it would be difficult and outlined a typical court day that saw roughly 15 people in person. He commented that the number of cases he heard a day was concerning to him given the pandemic.

Mayor Mays asked City Manager Gall to speak on the business grants that had been given out in the past month. Community Development Director Julia Hajduk explained that in December the City had completed a grant program with funds from the County where they solicited applications from businesses that were affected by the two-week freeze. She reported that the City was able to send grants to roughly 60 local businesses. She reported that the City had found out that an additional $30,000 was available to distribute before the end of 2020. She explained that the City had notified the restaurants and drinking establishments that had been awarded grants in December that additional grants were available and to let the City know what their needs were. She reported that the needs exceeded the money that was available, but the City was able to give $1,667 to roughly 20 local businesses. Mayor Mays thanked Ms. Hajduk and her team for their work. City Manager Gall commented that the City was able to move quickly to distribute grant funds to local businesses by being in a state of emergency. He explained that if the City was not in a state of emergency, the City would need Council approval to distribute funds. Council President Rosener thanked Ms. Hajduk and her team for their work since the beginning of the pandemic and remarked that Sherwood had given out over $600,000 in funds to local businesses. He commented he wanted to do more to continue to support local businesses and explained that he, the Mayor, and other Council members had been lobbying in Salem, OHA, and the County to advocate for careful review of the closures and what businesses were closed and when they could reopen. He explained that one of the reasons the Sherwood Ice Arena was able to reopen in November was due to the lobbying efforts done by Council and others in the region. He reported that he was in direct contact with the owners of the ice skating rink and were working with

them, the OHA, and the governor's office to figure out ways to allow the rink to safely reopen. He explained that they were also focusing on other local businesses as well, which included gyms, entertainment centers, and restaurants.

Mayor Mays asked Chief Groth regarding public safety over the long holiday. Chief Groth reported that it was a relatively safe and quiet holiday weekend. Mr. Gall spoke on the recent water main break and explained that a 26-year old saddle connection had broken on December 30th and the Public Works crew quickly responded and fixed the issue and thanked the Public Works crew members for their hard work. Councilor Young asked about the recent brief Sherwood Broadband outage. IT Director Brad Crawford explained that on the evening of December 22nd a piece of equipment locked up and stopped allowing passing traffic and IT was able to fix it within three and a half hours. He reported that he sent out updates to affected customers and received mostly positive feedback on their communications regarding the outage. Public Works Director Craig Sheldon spoke on the water main leak and explained that it was the third or fourth leak in that subdivision in the last four years and he expected the area would need improvements within the next ten years.

Mayor Mays addressed the next agenda item.

11. COUNCIL ANNOUNCEMENTS:

Councilor Young reported on the Police Advisory Board and Community Development Block Grant meetings. She gave her kudos to Community Development Director Julia Hajduk and Community Services Director Kristen Switzer and their staff for their work on the holiday lights around town.

Councilor Griffin reported on the Parks and Recreation Advisory Board meeting where they heard an update on the Cedar Creek Trail Project.

Councilor Brouse gave her thanks to those who volunteered at the Senior Center over the holidays as well as library staff for continuing to serve the community.

Councilor Garland stated he was glad to be back as a City Councilor and thanked the voters of Sherwood.

Councilor Scott reported there would be a Planning Commission work session on January 12th where they would work on Comprehensive Plan Updates and residential cohousing code updates.

Council President Rosener reported there would be a Sherwood School Board work session on January 6th to discuss reopening plans. He congratulated Mayor Mays on becoming the President of the League of Oregon Cities. He thanked City staff for their work on the holiday light displays.

Mayor Mays thanked the volunteer members of the City's boards and commissions for their hard work supporting the community and City. Mayor Mays thanked City staff for their hard work throughout the past year and through the pandemic. He announced that the informational video that the Sherwood Chamber of Commerce had created to help businesses understand what aid was available to them was available on their website and would also be posted on the City's Economic Development webpage.

12. ADJOURN:

Mayor Mays adjourned the meeting at 8:22 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor

City Council Meeting Date: January 19, 2021

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: David Bodway, Finance Director
Through: Joseph Gall, ICMA-CM, City Manager

SUBJECT: **Resolution 2021-005, Approving the City Attorney's Request under the City's PTO Cash Out Policy**

Issue:
Shall the City Council approve the City Attorney's request to cash out PTO under the City's PTO Cash Out Policy?

Background:
In 2019, the City Council approved amendments to the City's Employee Handbook which included a revised PTO Cash-Out Policy applicable to non-union City Employees. Under that policy, employees are eligible to cash out up to 40 hours of PTO per fiscal year, provided that they have used at least 80 hours of PTO in the past 12 months and will maintain a balance of at least 80 hours of PTO after the cash out. These requests must be made in November, December, or January of each year. Pursuant to the City Attorney's employment contract, these requests must be approved in writing by City Council. The City Attorney meets the requirements of the policy and has requested to cash out 40 hours of PTO.

Financial Impacts:
The approximate total cost for the cash out, including salary, taxes, and benefits, is $4,000.

Recommendation:
Staff respectfully recommends adoption of Resolution 2021-005, Approving the City Attorney's Request under the City's PTO Cash Out Policy.



RESOLUTION 2021-005

APPROVING THE CITY ATTORNEY'S REQUEST UNDER THE CITY'S PTO CASH OUT POLICY

WHEREAS, in 2019, the City Council approved amendments to the City's Employee Handbook which included a revised PTO Cash-Out Policy applicable to non-union City Employees; and

WHEREAS, the City Attorney qualifies under that policy and has submitted a request to cash out 40 hours of PTO; and

WHEREAS, pursuant to the City Attorney's employment contract, such requests are to be submitted to City Council for approval.

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

Section 1. The City Attorney's request to convert 40 hours of PTO into cash at his current rate of pay is hereby approved.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 19th of January, 2021.

_____
Keith Mays, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

City Council Meeting Date: January 19, 2021

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager
Through: Josh Soper, City Attorney

SUBJECT: **Resolution 2021-006, Adopting Rules of Procedure for City Council**

Issue:
Shall the City Council adopt Rules of Procedure?

Background:
One of the requirements of the Sherwood City Charter is for the City Council to adopt rules by resolution each January after a general election. Since November 2020 was a general election, the City Council is currently required to adopt rules by resolution by the end of this month. I discussed the need for any revisions to the rules with individual Council members and there were no suggestions for any changes to the current version of the Rules of Procedure for City Council. The current version was previously adopted by Resolution 2019-009 on January 29, 2019.

Financial Impacts:
There are no additional financial impacts as a result of approval of this resolution.

Recommendation:
Staff respectfully recommends City Council approval of Resolution 2021-006, Adopting Rules of Procedure for City Council.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2021-006

ADOPTING RULES OF PROCEDURE FOR CITY COUNCIL

WHEREAS, Section 10 of the Sherwood City Charter requires that the City Council adopt rules by resolution each January after a general election; and

WHEREAS, the current version of the Rules of Procedure for City Council were adopted by Resolution 2019-009 on January 29, 2019; and

WHEREAS, the City Council has reviewed the current version of the Rules of Procedure for City Council and no revisions were recommended;

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

Section 1. The Rules of Procedure for City Council attached as Attachment A are hereby approved, and all prior Council Rules are hereby repealed.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 19th of January, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

CITY OF SHERWOOD

Rules of Procedure for City Council

JANUARY 2021

Rules of Procedure for City Council

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CHAPTER 1 - Councilor Code of Conduct

The individual attitudes, words and actions of Council members should demonstrate, support and reflect the qualities and characteristics of our great city Sherwood and the community it contains. While the Code of Conduct is not intended to be a set of rules that all councilors are compelled to follow, they do set aspirational goals and Council members should strive to meet the spirit of the following code of conduct:

I. Do the right thing, in doing the right thing, I will:

A. Be honest with fellow Council members, the public and others.

B. Credit others' contributions to moving our community's interest forward.

C. Make independent, objective, fair and impartial judgments by avoiding relationships and transactions that give the appearance of compromising objectivity, independence, and honesty.

D. Reject gifts, services or other special considerations, given with the intent to influence your decisions.

E. Protect confidential information concerning litigation, personnel, property or other affairs of the City.

F. Use Public resources such as staff time, equipment, supplies or facilities, only for City related business.

II. Get It Done, in getting it done I will:

A. Review materials provided in advance of the meeting.

B. Make every effort to attend meetings.

C. Be prepared to make difficult decisions when necessary.

D. Make decisions after prudent consideration of the financial impact, taking into account the long-term financial needs of the City.

III. Respect and Care, in respecting and caring, I will:

A. Promote meaningful public involvement in the decisions making process.

B. Treat Council members, board members, staff and the public with patience, courtesy, and civility, even when we disagree on what is best for the community.

C. Share substantive information that is relevant to a matter under consideration from sources outside the public decisions-making process with my fellow Council members and staff.

D. Respect the distinction between Council and staff

E. Encourage participation of all persons and groups

CHAPTER 2 – General Governance

I. Rules of Procedure.

A. Unless otherwise provided by charter, ordinance, or these rules, the procedure for city council meetings, and any subcommittee of Sherwood City Council, shall be guided by Robert's Rules of Order, as it may be amended from time to time.

B. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the Council and confuse members of the public.

C. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

II. Quorum.

A. A quorum is required to conduct official city business.

B. The members of the Sherwood City Council are the City Councilors and Mayor. Fifty-percent plus one of the currently serving members of the Council shall constitute a quorum.

C. In the event a quorum is not present, the members of Council present shall adjourn the meeting.

III. Presiding Officer.

A. The Mayor shall preside over all meetings. The Mayor shall have all rights and privileges of the office of Mayor as set out in the City charter when acting in this capacity.

B. In the Mayor's absence the Council President shall preside over the meeting. The Council President shall have all rights and privileges of the office of Mayor as set out in the City charter when acting in this capacity.

C. If both the Mayor and the Council President are absent from the meeting, the following procedures shall be utilized to determine who is the presiding officer:

1. The City Recorder shall call the council meeting to order and call the roll of the members.
2. Those members of Council present shall elect, by majority vote, a temporary presiding officer for the meeting.
3. The presiding officer shall have all rights and privileges of the office of Mayor as set out in the City charter when acting in this capacity.

4. Should either the Mayor or the Council President arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

IV. Agendas. The City Manager shall prepare an agenda for every regular meeting, and, if requested by the presiding officer, for every special meeting.

A. Agendas and informational material for meetings shall generally be distributed to the council at least three (3) days preceding the meeting.

B. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The presiding officer shall announce such removal under Approval of Agenda.

C. A member of the Council who wishes to have an item placed on the agenda shall advise the City Manager at least two weeks prior to the meeting.

D. Notwithstanding, Chapter one section IV agendas, three members of City Council may request an item be placed on the agenda by advising the City Manager. Such requests shall be made in writing. The City Manager may not remove an agenda items placed on that agenda in accordance with this provision.

V. Order of Business. The order of business for all regular meetings shall be as follows, however when it appears to be in the best interest of the City, the order of business may be changed for any single meeting by the City Manager prior to the meeting agenda being made available to the public, except that the Citizen Comments portion of the meeting shall be held prior to any regular agenda items requiring a vote by City Council:

- Call to order
- Pledge of Allegiance
- Roll call
- Approval of Agenda
- Consent Agenda
- Citizen Comments
- New Business
- Public Hearings
- City Manager Report
- Council Announcements
- Adjournment

A. Call to Order. The presiding chair shall call all meetings of the Council to order.

B. Roll Call. The City Recorder shall conduct a roll call to determine which members of the Council are present and which are absent.

   1. The attendance shall be properly reflected in the minutes.

   2. If roll call determines that a quorum is not present, a public meeting may not occur and those members present shall adjourn.

C. Consent Agenda. In order to expedite the Council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.

   1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.

   2. Any item on the consent agenda may be removed for separate consideration by any member of the Council. This action should take place during the Approval of Agenda portion of the agenda.

D. Citizen Comment

   1. An opportunity for citizen comment will be reserved for every regular, special and emergency meeting of the Council. This period shall not exceed a maximum of 30 minutes, unless a majority of Councilors present vote to extend the time.

   2. Citizen comment is a time for comment; it is not a time for debate, nor is it a time for members of the public to ask questions of and receives answers from the Council or City staff.

   3. Persons wishing to speak during citizen comments must sign and submit a Request to Speak form provided by the City, which must include the person's name and address and the topic upon which the person wishes to speak, not later than the Call to Order.

   4. Except as otherwise provided herein, the public shall be entitled to comment during citizen comments on all matters before the Council that require a vote, including ordinances and resolutions. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Citizen comments shall not be used to testify about a quasi-judicial land use matter.

   5. Speakers are limited to four minutes. The speakers will be called upon in the order in which they have submitted Request to Speak forms, until the time allotted for citizen comments has expired. Speakers shall identify

themselves by their names and by their city of residence. All remarks shall be addressed to the presiding officer.

E. Public Hearings Generally

1. A public hearing will be held when required by law, and may be held on any matter upon majority vote of the Council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.
2. Persons wishing to speak must sign and submit a Request to Speak form provided by the City, which must include the person's name and address and the topic upon which the person wishes to speak, prior to the commencement of the public hearing at which the person wishes to speak.
3. The City Recorder shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda, and shall read a statement setting forth the procedures for the hearing and the applicable time limits. The presiding officer shall then declare the hearing open.
4. Speakers shall identify themselves by their names and by their city of residence. All remarks shall be addressed to the presiding officer.

   Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by Councilors should be to provide clarification or additional information on testimony provided.

   Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a Councilor is violating the spirit of this guideline.
5. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by City Councilors should be to provide clarification or additional information on testimony provided.
6. The presiding officer may exclude immaterial matter. The presiding officer, with the approval of the council, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony.
7. During deliberations, each member of the Council shall have the opportunity to comment on or discuss testimony given during the public hearing.
8. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be

submitted to the City Recorder at the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex parte contacts, and a Councilor receiving any such communication must disclose the fact that such a communication has been received, and the content of the communication.

F. A Public Hearing Procedures and Time Limits

1. For **Quasi-Judicial hearings**, the following procedures and time limits shall apply:
    a. Staff will present the staff report – 15 min.
    b. Questions (if any) by the City Council for staff.
    c. Receive any written testimony.
    d. Open the public hearing for testimony, and time will be limited as follows:
        1. Applicant(s) – 30 min (split between presentation and rebuttal).
        2. Person(s) in favor of the application – 4 min each.
        3. Person(s) opposed to the application – 4 min each.
        4. Person(s) neutral with regard to the application – 4 min each.
        5. Rebuttal from the Applicant(s) – remainder of 30 min.
    e. Close the public hearing (no other comments will be heard from the public or the Applicant(s)).
    f. Final comments by staff – 15 min.
    g. Question of staff, if any, by the Council.
    h. Discussion by the Council.
2. For **Legislative hearings with an applicant**, the following procedures and time limits shall apply:
    a. Staff will present the staff report.
    b. Questions (if any) by the City Council for staff.
    c. Receive any written testimony.
    d. Open the public hearing for testimony, and time will be limited as follows:
        1. Applicant(s) – 30 min (split between presentation and rebuttal).

2. Person(s) in favor of the application – 4 min each.
3. Person(s) opposed to the application – 4 min each.
4. Person(s) neutral with regard to the application – 4 min each.
5. Rebuttal from the Applicant(s) – remainder of 30 min.
6. Close the public hearing (no other comments will be heard from the public or the Applicant(s)).
7. Final comments by staff.
8. Questions of staff, if any, by the Council.
9. Discussion by the Council.

3. For all **other Legislative or Administrative hearings**, the following procedures and time limits shall apply:
    a. For all other Legislative or Administrative hearings, the following procedures and time limits shall apply:
    b. Staff will present the staff report.
    c. Questions (if any) by the City Council for staff.
    d. Receive any written testimony.
    e. Open the public hearing for testimony, and time will be limited to 4 minutes per person. Any interested person may present testimony.
    f. Close the public hearing (no other comments will be heard from the public).
    g. Final comments by staff.
    h. Questions of staff, if any, by the Council.
    i. Discussion by the Council.
4. For **Appeals**, the following procedures and time limits shall apply:
    a. Staff will present the staff report – 15 min.
    b. Questions (if any) by the City Council for staff.
    c. Receive any written testimony.
    d. Open the public hearing for testimony. Only those who previously went on the written or verbal record in connection with the decision being appealed may appear before Council on appeal. Time will be limited as follows:
    e. Applicant(s) – 30 min (split between presentation and rebuttal).

f. Person(s) in favor of the application – 4 min each.

g. Person(s) opposed to the application – 4 min each.

h. Person(s) neutral with regard to the application – 4 min each.

i. Opposing party on appeal - 30 mins (to be divided equally if there are opposing parties).

j. Rebuttal from the Applicant(s) – remainder of 30 min.

k. Close the public hearing (no other comments will be heard from the public or the Applicant(s)).

1. Final comments by staff – 15 min.

2. Questions of staff, if any, by the Council.

3. Discussion by the Council.

G. Written Communications to Council

1. Unsolicited communications received by staff and addressed to the Council as a whole concerning matters on the agenda shall be provided to the Council prior to the meeting or at the meeting, and shall be included into the meeting record.

2. Unsolicited communications received by staff and addressed to the Council as a whole concerning matters that are not on an agenda shall be forwarded to the council.

CHAPTER 3 – Meeting Time, Location and Frequency

I. **Regular meetings**. The Council shall meet every first and third Tuesday evening of each month, with the exception of designated holidays and/or Council recesses.

A. Meetings shall begin at 7:00 p.m.

B. Meetings shall adjourn at 9:30 p.m., allowing incremental extensions upon a majority vote of the Council.

II. **Special meetings**. Special meetings may be called by the presiding officer, by request of three members of the Council, or by the City Manager.

A. Notice of the special meeting shall be given to all members of the Council and the City Manager via email.

B. Special meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.

III. **Emergency meetings**. Emergency meetings may be called by the presiding officer, by the request of three members of the Council, or by the City Manager.

A. Notice of the emergency meeting shall be given to all members of Council and the City Manager via telephone and email.

B. Emergency meetings are those meetings called with less than 24 hours' notice and the Council shall identify why the meeting could not be delayed in order to allow 24 hours' notice immediately after calling the meeting to order.

C. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

D. Emergency meetings shall be noticed in accordance with Oregon's public meetings law.

IV. **Executive Sessions**. Executive sessions may be called by the presiding officer, by the request of three members of Council, by the City Manager or by the City Attorney.

A. Only members of the Council and persons specifically invited by the Council shall be allowed to attend executive sessions.

B. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.

V. **Work Sessions**. Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.

A. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.

B. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.

C. Work sessions may be called by the presiding officer, by the request of three members of council, or by the City Manager.

D. The City Manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

VI. **Holidays**. In the event a regular meeting falls on a holiday recognized by the City, the regular meeting for that week shall be cancelled.

VII. **Location**. Council meetings shall be held in the Community Room located at Sherwood City Hall.

A. In the event that the Community Room at City Hall is not available for a meeting, or is not suitable for a particular meeting as determined by the City Manager, the Council shall meet at a venue open to the public which is located within the jurisdictional limits of the city.

B. Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.

C. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings shall be located within the jurisdictional boundaries of one of the participating government entities.

VIII. **Notice**. The City Recorder shall provide notice of all meetings in accordance with Oregon's public meeting law.

IX. **Attendance**. Members of the Council shall advise the City Manager if they will be unable to attend any meetings. Vacancies for City Councilor positions are defined under Section 31 of the City charter.

CHAPTER 4 – Motions, Debate, Public Comment and Voting

I. **Motions**. All motions shall be distinctly worded.

A. The following rules shall apply to motions:

1. If a motion does not receive a second, it dies.
2. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
3. Any motion shall be reduced to writing if requested by a member of the Council.
4. A motion to amend can be made to a motion that is on the floor and has been seconded.
5. No new motion shall be received when a question is under debate except for the following:
    a. To lay the matter on the table;
    b. To call for the question;
    c. To postpone;
    d. To refer; or
    e. To amend.
6. A motion may be withdrawn by the mover at any time without the consent of the Council.
7. Amendments are voted on first, then the main motion is voted on as amended.
8. A member of the Council may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
9. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
    a. A call for the question is not permitted until all councilors have been given the floor and at least one full opportunity to speak on the main motion.
    b. A call for the question fails without a majority vote.
    c. Debate on the main subject resumes if the motion fails.

10. A motion that receives a tie vote fails.
11. The presiding officer shall repeat the motion prior to a vote.
12. A motion to adjourn cannot be amended.

B. Motion to Reconsider**.** A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion. In the case of a tie vote, neither side is the prevailing side, and a motion to reconsider is therefore not permitted.

1. No motion, once decided, shall be made more than once in the same meeting.
2. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the Council.

II. Debate. The following rules shall govern the debate of any item being discussed by the Council:

A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.

B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

C. The member of the Council moving the adoption of any ordinance or resolution shall have the privilege of closing the debate.

CHAPTER 5 – Minutes

I. Generally.

A. All minutes shall be in written form, with an electronic copy maintained by the City Recorder in accordance with the appropriate record retention schedule.

B. The minutes shall contain the following information:

1. The date, time and place of the meeting;
2. The members present;
3. The motions, resolutions, orders, ordinances, and measures proposed and their disposition;
4. The results of all votes and the vote of each member by name;
5. The substance of any discussion on any matter; and
6. A reference to any document discussed at the meeting.

II. Approval. The Council shall approve all meeting minutes.

A. All minutes shall be approved within ninety days of the meeting having occurred, or at the next available meeting thereafter.

B. The draft minutes shall be submitted to the Council as part of the Council's packet prior to the meeting where they will be considered.

C. Any member of the Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

CHAPTER 6 – Appointments

I. Appointments of City Staff. The Council appoints and can remove those positions identified in the City's charter. All appointments require a majority vote of the currently serving members of the Council.

A. Reviews. Any person appointed by the Council shall be subject to an annual review by the Council.

B. Removals. All appointed persons may be removed by a majority vote of the currently serving members of the Council.

C. Interference. If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance shall the Council be permitted to interfere with the judge's exercise of judicial authority or discretion.

D. Formal Complaints. If Council receives a formal complaint directed against any appointed staff, the Mayor will call an executive session of the Council and the appointed staff that the complaint was directed against, unless that staff member requests an open meeting. Council shall comply with City HR policy on these matters.

II. Appointments of Members to Boards, Commissions and/or Committees.

A. Boards and Commissions Appointments

1. The Mayor, in consultation with the applicable Council liaison, will make a recommendation to Council regarding appointments to City commissions, boards and committees, including ad-hoc committees (hereinafter "committees"). All such appointments are subject to the approval of City Council by resolution.

2. A citizen may not serve on more than one City committee simultaneously without approval of the City Council by resolution. A citizen serving on two City committees may not be the chairperson of both City committees simultaneously.

3. The Mayor or any three members of Council may remove a citizen from a City committee prior to the expiration of the term of office subject to the consent of the City Council by resolution.

4. Council members shall encourage City committee member participation.

B. Councilor Liaisons

1. The Mayor, in collaboration with Council members, will appoint Councilors to liaison positions to City committees, as the Mayor deems necessary, and

subject to the consent of the City Council by resolution. The Mayor will consider Council liaison appointments in January of every year or at the Council's annual Goal Setting sessions.

2. The Mayor, in collaboration with council members, will appoint Councilors as liaisons to all non-City commissions, boards and committees as the Mayor deems necessary, subject to the consent of the City Council by resolution.
3. The role of the liaison member is to convey information from the Council to the commission or committee and from the commission or committee to the Council. The member is not to provide direction to the commission or committee, but rather to encourage work plans and recommendations for Council approval.
4. Council members as liaisons will not vote on any issue before the committee.

CHAPTER 7 – Ethics, Decorum, Outside Statements

I. Ethics. All members of the Council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the Council shall refrain from:

A. Disclosing confidential information.

B. Taking action which benefits special interest groups or persons at the expense of the City as a whole.

C. Expressing an opinion contrary to the official position of the Council without so saying.

D. Conducting themselves in a manner so as to bring discredit upon the government of the City.

II. Decorum.

A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal to the full Council.

B. Members of the Council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.

C. Members of the City staff and all other persons attending meetings shall observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.

III. Statements to the Media and Other Organizations

A. Representing City. If a member of the Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the City, as approved by a majority of the Council.

B. Personal Opinions. If a member of the Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the City before giving their statement.

CHAPTER 8 – Interactions with Staff & City Attorney

I. **Staff.** All members of the Council shall respect the separation between the Council's role and the City's Manager's responsibility by:

A. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.

B. Refraining from actions that would undermine the authority of the City Manager or a Department Head.

C. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager.

1. Questions from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.

2. Members of the Council shall normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of the Council acting in their individual capacities rather than as members of the Council, nor to questions regarding conflict of interest or similar issues particular to a member of the Council.

II. **City Attorney.** Council members may make requests to the City Attorney for advice related to City business, so long as the request does not require more than two hours per month of the attorney's time. A Councilor may make a request that exceeds two hours per month of attorney time with the concurrence of the majority of the Council.

CHAPTER 9 – Training, Expenses, and Reimbursement

I. **Training.** The Council is encouraged to attend training sessions throughout the year in order to gain knowledge and understanding of their roles as local elected officials in Oregon. These sessions are largely provided through the League of Oregon Cities, Oregon Association of Mayors, and other similar organizations.

A. Requests to attend training should be coordinated through the City Manager. The City Manager's office shall make all necessary arrangements for any training (e.g. registration, accommodations, etc.)

B. The training budget for City Council will be prepared each year by the City Manager and approved by City Council through the annual budget adoption process.

II. **Expenses.** City Councilors will follow the same rules and procedures for expense reimbursement as apply to City employees, as set forth in the policy manual.

A. Councilor expenditures for non-routine reimbursable expenses in excess of $500 will require advance Council approval. Routine reimbursable expenses are defined as conference registrations, meeting attendance, mileage, and other similar expenses.

B. The City Manager shall provide a monthly report to the City Council of all expenses related to City Councilors.

CHAPTER 10 – Censure and Removal

I. The Council may enforce these rules and ensure compliance with City ordinances, charter and state laws applicable to governing bodies. lf a member of Council violates these rules, City ordinances, the City charter or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand or removal as provided for in the City charter.

II. The Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

CHAPTER 11 – Amendment and Repeal

I. **Amendment.** These rules of procedure are subject to amendment by the Council in accordance with the rules noted herein.

A. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.

B. All amendments to these rules requires a majority vote.

C. Amended rules shall not go into effect until the meeting after the rule was approved.

II. **Repeal.** These rules of procedure are subject to repeal and replacement by the Council in accordance with the rules noted herein.

A. Any proposed repeal of these rules shall be accompanied by a proposed replacement.

B. Any proposed repeal and replacement of these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.

C. Any repeal and replacement of these rules requires a majority vote.

A. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved.

City Council Meeting Date: January 19, 2021

Agenda Item: New Business

TO: Sherwood City Council

FROM: Erika Palmer, Planning Manager
Through: Julia Hajduk, Community Development Director, and Joseph Gall, ICMA-CM, City Manager

SUBJECT: **Resolution 2021-007, Authorizing the City Manager to execute a contract with Angelo Planning Group to prepare an update to the Sherwood West Preliminary Concept Plan**

Issue:
Shall the City Council authorize the City Manager to execute a contract with Angelo Planning Group to prepare an update to the Sherwood West Preliminary Concept Plan?

Background:
The City received a $130,000 Construction Excise Tax (CET) grant from Metro in 2020. The grant funds a re-look of the Sherwood West Preliminary concept plan. The City issued a request for proposals (RFP) from qualified firms to assist City staff in performing the work, and five planning firms submitted proposals. Angelo Planning Group, along with a small sub-consultant team, submitted an RFP that met the criteria laid out in that request. After interviewing the top three firms, members of the planning staff, Planning Commission, and City Council agreed that Angelo Planning Group would be the best team for the job.

As the City embarks on this planning effort, it is important to remember that this concept area has not been brought into the urban growth boundary. The proposed work will help inform future urban growth boundary decisions by identifying the community's vision and aspirations for the area rather than simply responding to conditions imposed as part of the growth boundary decision.

The project schedule from the start of this project to the final adoption of an updated Concept Plan for Sherwood West is anticipated to take a maximum of sixteen months. Metro's deadline for a mid-cycle urban growth boundary request is currently June 13, 2021; however, the Cities of Tigard and Sherwood have asked Metro for a 6-month extension to this date. If Metro extends this deadline by six months (December 2021), staff anticipates that there would be sufficient analysis and information developed through this update to support a mid-cycle urban growth boundary request within this timeframe.

Approval of the resolution will authorize the City Manager to enter into a final contract with Angelo Planning Group. The scope of work for this project and schedule are attached for Council reference and the final contract amount will not exceed $136,000.

Financials:
The Metro Planning Grant allocates $130,000 in reimbursement for this project. The scope and budget, including the contingency is for $136,000 which is within the amount budgeted for professional services this fiscal year. Any necessary carry over into next fiscal year will be included in the budget for FY2021-22.

Recommendation:
Staff respectfully requests City Council adoption of Resolution 2021-007, authorizing the City Manager to execute a contract with Angelo Planning Group to prepare an update to the Sherwood West Preliminary Concept Plan.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2021-007

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ANGELO PLANNING GROUP TO PREPARE AN UPDATE TO THE SHERWOOD WEST PRELIMINARY CONCEPT PLAN

WHEREAS, Metro has established a Construction Excise Tax (CET) which imposes an excise tax throughout the Metro region to help fund regional and local planning necessary to make land ready for development after inclusion into the Urban Growth Boundary (UGB); and

WHEREAS, the City of Sherwood applied for a Community Planning and Development Grant from Metro to prepare an update to the Sherwood West Preliminary Concept Plan and Metro awarded the City of Sherwood the requested grant in the amount of $130,000; and

WHEREAS, in January of 2021, the City of Sherwood and Metro entered into an Intergovernmental Agreement (IGA) that outlines each party's responsibility and commitments related to this grant and project, and the scope of work identified in the professional services contract will become exhibit C to the IGA; and

WHEREAS, on September 28, 2020, the City issued a Request for Proposal (RFP) for interested firms to submit their qualifications to work on the project; and

WHEREAS, after reviewing proposals and interviewing the top three firms, the selection committee determined that Angelo Planning Group is best qualified to complete the work, and their proposal reflected the best understanding of the project and community needs, and the selection committee has therefore recommended that City Council award the contract to Angelo Planning Group.

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

Section 1. The Sherwood City Council hereby authorizes the City Manager to execute a contract with Angelo Planning Group to perform the work necessary to prepare an update to the Sherwood West Preliminary Concept Plan in an amount not to exceed $136,000, in a form substantially similar to the attached Exhibit A.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 19th day of January 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Community Development Department
Planning
22560 SW Pine St.
Sherwood, OR 97140
503-925-2308

CONTRACT FOR PROFESSIONAL SERVICES

PROJECT NAME:	**Sherwood West Preliminary Concept Plan Re-Look Project**
CONTRACT PARTIES:	**City of Sherwood** [hereafter called City] and Angelo Planning Group [hereafter called Consultant]
C.O.S. PROJECT MANAGER:	

ACCOUNT #:		**FUND #:**		**DEPT:**	**JOB #:**
VENDOR #:		**URA RES:**			**PHASE:**

SCOPE of WORK:	Attached as Exhibit A ☒ **FEE SCHEDULE:** Attached as Exhibit B ☒
SCHEDULE of WORK:	effective date: January 20, 2021 expiration date:
PAYMENT:	City agrees to pay Consultant based on the Fee Schedule an amount not to exceed **$136,000** for the Scope of Work.

A performance bond in the amount of the maximum contract payment amount set forth immediately above, and a payment bond in the amount of 50% of the performance bond amount, ☐ are ☒ are not required for this Contract.

CONSULTANT DATA, REGISTRATION, and SIGNATURE

CONSULTANT FIRM:	Angelo Planning Group	**LIC #:**	
ADDRESS:	921 SW Washington Street Suite 468		
VOICE:	503.224.6974	**FAX:**	
CONTACT:	Joe Dills	**TITLE:**	Senior Project Manager

I, the undersigned, agree to perform the work outlined in this Contract in accordance with the terms and conditions listed on pages 2-6 and made part of this Contract, and in accordance with the exhibits attached and made part of this Contract. I certify, under penalty of perjury, that I/my business is not in violation of any Oregon tax laws; and certify that I am an independent contractor as defined in ORS 670.600.

CONSULTANT:	signature	date

CITY OF SHERWOOD APPROVALS (consult the City's Delegation of Contracting Authority policy for requirements)

PROJECT MANAGER:	signature	date
DEPARTMENT DIRECTOR:	signature	date
FINANCE DIRECTOR:	signature	date
CITY MANAGER:	signature	date
CITY ATTORNEY ***Approved as to Form*:**	signature	date

STANDARD CONTRACT PROVISIONS

(These provisions not to be altered without approval of the City Attorney.)

1. Access to Records

The Consultant shall maintain, and the City of Sherwood ("City") and its duly authorized representatives shall have access during normal business hours to the books, documents, papers, and records of the Consultant which are directly pertinent to the specific Contract for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon reasonable request. Payment for cost of copies is reimbursable by the City.

2. Audits

(a) The City, either directly or through a designated representative, at City's expense except as provided in subsection 2(b), may conduct financial and performance audits of the billings and services specified in this Contract at any time in the course of the Contract and during the three (3) year period established by section 1, **Access to Records**. Audits will be conducted in accordance with generally accepted auditing standards as promulgated in Government Auditing Standards by the Comptroller General of the United States General Accounting Office.

(b) If an audit discloses that payments to the Consultant were in excess of the amount to which the Consultant was entitled, then the Consultant shall repay the amount of the excess to the City. If the payments to the Consultant were in excess of the amount to which the Consultant was entitled by five percent (5%) or more, then Consultant shall additionally repay to the City the reasonable costs of the audit performed under subsection 2(a).

(c) If any audit shows performance of services is not efficient in accordance with Government Auditing Standards, or that the program is not effective in accordance with Government Auditing Standards, the City may pursue remedies provided under section 5, **Early Termination of Contract** and section 7, **Remedies**.

3. Effective Date and Duration

The passage of the Contract expiration date, or early termination of this Contract, shall not extinguish, prejudice, or limit either party's right to enforce this Contract with respect to any default or defect in performance that has not been cured.

4. Payments

City agrees to pay Consultant based on the fee schedule in Exhibit B, attached hereto and incorporated herein by reference, in a total sum not to exceed the amount indicated on the cover page of this Contract, for the scope of work identified in Exhibit A, attached hereto and incorporated herein by reference. Consultant shall submit detailed written invoices to City for work performed, referencing the work performed and the fee schedule in Exhibit B, at a frequency not to exceed one invoice per calendar month, and no later than sixty (60) calendar days after performance of the work referenced in the invoice. Within thirty (30) calendar days of receipt of each invoice, City shall submit payment to Consultant or shall notify Consultant in writing of any dispute with regard to such invoice.

5. Early Termination of Contract

(a) The City and the Consultant, by mutual written agreement, may terminate this Contract at any time.

(b) The City, by written notice to the Consultant, may terminate this Contract for any reason deemed appropriate in its sole discretion, such termination to be effective thirty (30) calendar days after the effective date of such notice or at such later date as specified in such notice.

(c) City may terminate this Contract by written notice to Consultant, such termination to be effective immediately upon the effective date of such notice or at such later date as specified in such notice, upon the occurrence of any of the following events:

(1) City fails to receive funding, or appropriations, limitations, or other expenditure authority at levels sufficient to pay for Consultant's work;

(2) Federal or state laws, regulations, or guidelines are modified or interpreted in such a way that either the work under this Contract is prohibited or City is prohibited from paying for such work from the planned funding source;

(3) Consultant no longer holds any license or certificate that is required to perform the work, or any license or certificate required by statute, rule, regulation, or other law to be held by the Consultant to provide the services required by this Contract is for any reason denied, revoked, suspended, not renewed, or changed in such a way that Consultant no longer meets requirements for such license or certificate.

(4) City determines, in its sole discretion, that Consultant has violated section 25, **Information Technology**.

(d) Either the City or the Consultant may terminate this Contract in the event of a breach of the Contract by the other. Prior to such termination, however, the party seeking the termination shall give to the other party written notice of the breach and of the party's intent to terminate. If the party has not entirely cured the breach within

fifteen (15) calendar days of the notice, then the party giving the notice may terminate the Contract at any time thereafter by giving a written notice of termination.

(e) Upon receiving a written notice of termination of this Contract, Consultant shall immediately cease all activities under this Contract, unless City expressly directs otherwise in such notice. Upon termination of this Contract, Consultant shall deliver to City all documents, information, works in progress, and other property that are or would be deliverables had the Contract been completed.

6. Payment on Early Termination

(a) In the event of termination under subsection 5(a) or 5(b), **Early Termination of Contract** hereof, the City shall pay the Consultant for work performed in accordance with the Contract prior to the termination date.

(b) In the event of termination under subsection 5(d), **Early Termination of Contract** hereof, by the Consultant due to a breach by the City, the City shall pay the Consultant as provided in subsection (a) of this section.

(c) In the event of termination under subsection 5(d), **Early Termination of Contract** hereof, by the City due to a breach by the Consultant, the City shall pay the Consultant as provided in subsection (a) of this section, subject to set off of excess costs, as provided for in section 7(a), **Remedies**.

(d) In the event of early termination, all of the Consultant's work product will become and remain property of the City.

7. Remedies

(a) In the event of termination under subsection 5(d), **Early Termination of Contract,** hereof, by the City due to a breach by the Consultant, the City may complete the work itself, by contract with another consultant, or by a combination thereof. In the event the cost of completing the work exceeds the remaining unpaid balance of the total compensation provided under this Contract, then the Consultant shall pay to the City the amount of the reasonable excess.

(b) The remedies provided to the City under section 5, **Early Termination of Contract** and section 7, **Remedies** for a breach by the Consultant shall not be exclusive. The City also shall be entitled to any other equitable and legal remedies that are available.

(c) In the event of breach of this Contract by the City, the Consultant's remedy shall be limited to termination of the Contract and receipt of payment as provided in section 5(d), **Early Termination of Contract** and section 6(b), **Payment on Early Termination** hereof.

8. Subcontracts and Assignment

Consultant shall not subcontract, assign or transfer any of the work scheduled under this Contract, without the prior written consent of the City. Notwithstanding City approval of a sub-consultant, the Consultant shall remain obligated for full performance hereunder, and the City shall incur no obligation other than its obligations to the Consultant hereunder. The Consultant agrees that if sub-consultants are employed in the performance of this Contract, the Consultant and its sub-consultants are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation. Consultant further agrees that Consultant will be solely responsible for ensuring any sub-consultants fully comply with the terms of this Contract, and that Consultant will be solely liable for actions or omissions of sub-consultants under this Contract.

9. Compliance with Applicable Law

In connection with its activities under this Contract, Consultant shall use the standard of care in its profession to comply with all applicable federal, state and local laws and regulations.

10. Indemnity - Standard of Care

If Consultant's services involve engineering or planning consulting, the standard of care applicable to Consultant's service will be the degree of skill and diligence normally employed by professional engineers or planning consultants performing the same or similar services at the time such services are performed. Consultant will re-perform any services not meeting this standard without additional compensation. City has relied upon the professional ability and training of Consultant as a material inducement to enter into this Contract. Consultant represents that all of its work will be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state, and local laws, it being understood that acceptance of Consultant's work by City will not operate as a waiver or release.

Consultant acknowledges responsibility for liability arising out of the performance of this Contract and shall defend, indemnify, and hold harmless City and its officers, agents, volunteers, and employees against any and all liability, settlements, loss, damage, costs, and expenses (including attorney's fees and witness costs at both trial and on appeal, whether or not a trial or appeal ever takes place, including any hearing before federal or state administrative agencies) arising from or in connection with any action, suit, demand, or claim resulting or allegedly resulting from, attributable in whole or in part to, or in any way connected with Consultant's and Consultant's officers', agents', volunteers', and employees' acts, omissions, activities, or services in the course of performing this Contract, to the fullest extent permitted by law, and except to the extent otherwise void or unenforceable under ORS 30.140. Consultant's activities are deemed to include those of subcontractors. The City may, at any time at its election assume its own defense and settlement in the event that it determines that Consultant is not adequately defending

the City's interests, or that an important governmental principle is at issue, or that it is in the best interests of the City to do so. If any aspect of this indemnity is found to be illegal or invalid for any reason whatsoever, such illegality or invalidity does not affect the validity of the remainder of this indemnification.

This section will survive the termination or revocation of this Contract, regardless of cause.

11. Insurance

Consultant shall obtain at its expense, and maintain for the term of this contract, occurrence form commercial general liability and commercial automobile liability insurance, including coverage for all owned, hired, and non-owned automobiles, for the protection of Consultant, the City, its Councilors, officers, agents, volunteers, and employees. Such coverage shall be primary and non-contributory. Coverage shall include personal injury, bodily injury, including death, and broad form property damage, including loss of use of property, occurring in the course of or in any way related to Consultant's operations, in an amount not less than $2,000,000 combined single limit per occurrence and $2,000,000 aggregate. Such insurance shall name the City as an additional insured. Consultant, its subcontractors, if any, and all employers providing work, labor, or materials under this Contract, who are subject employers under the Oregon Workers' Compensation Law, shall comply with ORS 656.017, which requires them to provide workers compensation coverage that satisfies Oregon law for all their subject workers. Out-of-state employers must provide workers' compensation coverage for their workers that complies with ORS 656.126. Employers' Liability Insurance with coverage limits of not less than $1,000,000 each accident shall be included. Consultant shall obtain at its expense and maintain for the term of this contract, professional errors and omissions liability insurance for the protection of Consultant and its employees, insuring against bodily injury and property damage and arising out of or resulting from Consultant's errors, negligent acts, omissions, activities or services, in an amount not less than $2,000,000 combined single limit per occurrence, with an annual aggregate limit not less than $2,000,000. Such insurance shall be endorsed to include contractual liability. If Consultant obtains professional errors and omissions liabliity insurance on a claims made form, Consultant shall maintain three (3) years of tail coverage for the three (3) years after the accepted completion of the Contract by the City. All policies will provide for not less than thirty (30) calendar days' written notice to the City before they may be canceled. Prior to commencing work under this Contract, and thereafter upon request, Consultant shall furnish the City certificates of insurance and necessary endorsements evidencing the effective dates, amounts, and types of insurance required by this Contract. Additionally, if Consultant is subject to the professional errors and omissions liability insurance tail coverage requirement under this section, Consultant shall furnish the City, upon the accepted completion of the Contract by the City, a certificate of insurance and necessary endorsements evidencing the effective dates, amounts, and types of insurance meeting said requirement.

12. Ownership of Work Product

All work products of the Consultant, which result from this Contract, are the exclusive property of the City; provided, that Consultant is hereby granted an irrevocable, royalty free, worldwide, perpetual license to use, reproduce, copy, distribute and make derivatives of its work product, regardless of whether Consultant has resigned, this Contract has been terminated, Consultant's scope of services has been modified, or Consultant's services under this Contract have been completed.

13. Nondiscrimination

Consultant agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. Consultant also shall comply with the Americans With Disabilities Act of 1990 (Pub I. No. 101-336) including Title II of that Act, ORS 659A.142, and all regulations and administrative rules established pursuant to those laws.

14. Successors in Interest

The provisions of this Contract shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and approved assigns.

15. Severability

The parties agree that if any term or provision of this Contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Contract did not contain the particular term or provision held to be invalid.

16. Waiver

The failure of the City to enforce any provision of this Contract shall not constitute a waiver by the City of that or any other provision.

17. Errors

The Consultant shall perform such additional work as may be necessary to correct errors in the work required under this Contract without undue delays and without additional cost.

18. Governing Law; Forum

The provisions of this Contract shall be construed in accordance with the provisions of the laws of the State of Oregon, without regard to conflicts of law principles. Any action or suits involving any question arising under this Contract must be brought in the appropriate court in Washington County, Oregon or, only if there is no Oregon state court jurisdiction, the United States District Court for the District of Oregon, and each party hereby submits to the exclusive jurisdiction of those courts for purposes of any such proceeding. Any trial will be to the court without a jury.

19. Amendments

The City and the Consultant may amend this Contract at any time only by written amendment executed by the City and the Consultant.

20. License

Prior to beginning work under this Contract, the Consultant shall provide a professional registration number in the space provided on page one of this Contract, if required by the City.

21. Payment to Vendors and Sub-consultants

Consultant must promptly pay any persons supplying services, material, or equipment to Consultant in its performance of the work under this Contract. Consultant shall not take or fail to take any action in a manner that causes the City or any materials that the Consultant provides hereunder to be subject to any claim or lien of any person without the City's prior written consent.

22. Exhibits

Each document that is attached to this Contract as an Exhibit shall be labeled with an Exhibit letter and listed below. Provisions and covenants contained in Exhibits are hereby incorporated by reference and shall become a part of this Contract as if fully set forth herein. If any item in an Exhibit contradicts this Contract, this Contract shall take precedence over the conflicting item in the Exhibit.

List of Exhibits
Exhibit A – Scope of Work
Exhibit B – Fee Schedule

23. Merger Clause

This Contract and attached exhibits constitutes the entire agreement between the parties. No waiver, consent, modification, or change of terms of this Contract shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in specific instances and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Contract. Consultant, by the signature of its authorized representative, hereby acknowledges that he or she has read this Contract, understands it and agrees to be bound by its terms and conditions.

24. Mediation

(a) Should any dispute arise between the parties to this Contract it is agreed that such dispute will be submitted to a mediator prior to any litigation and the parties hereby expressly agree that no claim or dispute arising under the terms of this Contract shall be resolved other than first through mediation and only in the event said mediation efforts fail, through litigation.

(b) The parties shall exercise good faith efforts to select a mediator who shall be compensated equally by both parties. Mediation will be conducted in Portland, Oregon, unless both parties agree in writing otherwise. Both parties agree to exercise good faith efforts to resolve disputes covered by this section through this mediation process. If a party requests mediation and the other party fails to respond within ten (10) calendar days, or if the parties fail to agree on a mediator within ten (10) calendar days, a mediator shall be appointed by the presiding judge of the Washington County Circuit Court upon the request of either party. The parties shall have any rights at law or in equity with respect to any dispute not covered by this Section.

25. **Information Technology**

If Consultant access to City's information technology systems is necessary for the performance of this Contract:

(a) Consultant agrees to sign and be bound by the terms of the City's then-current Contractor Security Policy, as it may be amended by City from time to time during the course of this Contract.

(b) Consultant shall use the standard of care in its profession to safeguard any and all usernames, passwords, and other confidential information relating to accessing said systems; will limit access to such information to the smallest number of Consultant's employees and/or subcontractors as is reasonably practical; and will provide City with the names of all such employees and/or subcontractors who will be provided such information;

(c) Consultant will not attempt to access any City information technology resources beyond those necessary for performance of this Contract; and

(d) Consultant will be solely liable for any damages to City's information technology systems, data breaches, and any other losses or damages relating to Consultant's access to City's information technology systems.

26. **Notice**

Any notice required to be provided to City under this Contract shall be provided to the City Project Manager specified on the cover page of this Contract at the address for the City specified on the cover page of this Contract. Any notices required to be provided to Consultant under this Contract shall be provided to the Consultant Contact specified on the cover page of this Contract at the address for the Consultant specified on the cover page of this Contract. Notices shall be made by personal service, in which case they are effective on the date of service, or by certified mail, in which case they are effective on the date of delivery, or if delivery is refused, upon the date of delivery refusal. Either party may alter the person designated for receipt of notices under this Contract by written notice to the other party.

27. **Miscellaneous Terms**

(a) Consultant Identification. Consultant shall furnish to City Consultant's employer identification number, as designated by the Internal Revenue Service, or, if the Internal Revenue Service has designated no employer identification number, Consultant's Social Security number.

(b) Duty to Inform. Consultant shall give prompt written notice to City if, at any time during the performance of this Contract, Consultant becomes aware of actual or potential problems, faults, or defects in the project, any nonconformance with the Contract, or with any federal, state, or local law, rule, or regulation, or has any objection to any decision or order made by City. Any delay or failure on the part of City to provide a written response to Consultant shall constitute neither agreement with nor acquiescence in Consultant's statement or claim, and shall not constitute a waiver of any of City's rights.

(c) Independent Contractor. Consultant is an independent contractor for all purposes and shall be entitled to no compensation other than the compensation expressly provided by this Contract.

(d) Time is of the Essence. Time is of the essence under this Contract.

(e) Authority. The parties signing this Contract are authorized to sign and to bind their respective contracting parties to the terms of the Contract.

(f) Conflict of Interest. Except with City's prior written consent, Consultant shall not engage in any activity, or accept any employment, interest or contribution that would, or would reasonably appear, to compromise Consultant's professional judgment with respect to this Contract, including, without limitation, concurrent employment on any project in direct competition with the subject of this Contract.

(g) No Third-Party Beneficiaries. City and Consultant are the only parties to this Contract and are the only parties entitled to enforce its terms. Nothing in this Contract gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Contract.

28. **Statutory Provisions**

(a) As provided by ORS 279B.220, Consultant shall:

(1) Make payment promptly, as due, to all persons supplying to Consultant labor or material for the performance of the work provided for in this Contract.

(2) Pay all contributions or amounts due the Industrial Accident Fund from the Consultant or subcontractor incurred in the performance of this Contract.

(3) Not permit any lien or claim to be filed or prosecuted against the state or a county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.

(4) Pay to the Department of Revenue all sums withheld from employees under ORS 316.167.

(b) As provided by ORS 279B.230, Consultant shall promptly, as due, make payment to any person, copartnership, association, or corporation furnishing medical, surgical, and hospital care services or other needed care and attention, incident to sickness or injury, to the employees of Consultant, of all sums that Consultant agrees to pay for the services and all moneys and sums that Consultant collected or deducted from the wages of employees under any law, contract, or agreement for the purpose of providing or paying for the services. It is a condition of this Contract that all employers working under this Contract are either subject employers that will comply with ORS 656.017 or employers that are exempt under ORS 656.126.

(c) As provided by ORS 279A.110, Consultant may not discriminate against a subcontractor in the awarding of a subcontract because the subcontractor is a minority, women, or an emerging small business enterprise certified under ORS 200.055 or a business enterprise that is owned or controlled by or that employs a disabled veteran, as defined in ORS 408.225. If Consultant violates this subsection, City may regard the violation as a breach of contract that permits the City to: (1) terminate this Contract; or (2) exercise any remedies for breach of contract that are reserved in this Contract.

(d) As required by ORS 279B.235:

i. Consultant's employees shall be paid at least time and a half for all overtime worked, except for individuals under personal services contracts who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. 201 to 209 from receiving overtime. Consultant must give notice in writing to employees who work on this Contract, either at the time of hire or before commencement of work on this Contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work.

ii. Consultant must comply with ORS 652.220 and shall not unlawfully discriminate against any of Consultant's employees in the payment of wages or other compensation for work of comparable character on the basis of an employee's membership in a protected class. Consultant's compliance with this section constitutes a material element of this Contract and a failure to comply constitutes a breach that entitles City to terminate this Contract for cause.

iii. Consultant may not prohibit any of Consultant's employees from discussing the employee's rate of wage, salary, benefits, or other compensation with another employee or another person. Consultant may not retaliate against an employee who discusses the employee's rate of wage, salary, benefits, or other compensation with another employee or another person.

[SIGNATURES ON COVER PAGE TO CONTRACT]

Sherwood West Re-Look Scope of Work

1/14/2021

The purpose of the Sherwood West Re-Look project is to prepare the Sherwood West Concept Plan, by updating the 2016 Sherwood West Preliminary Concept Plan.

Task 1: Project Initiation

Task 1 will initiate the project, refresh the vision, goals, and evaluation criteria, and, update the policy implications for the plan. The Task 1 work will span four main topics: **(a) policy drivers** in Sherwood's updated Comprehensive Plan and Middle Housing project (City lead); **(b) development**, both recent and trends; **(c) transportation issues**; and **(d) economic issues and opportunities**.

Start-up activities by APG will include: a team kick-off meeting, set-up of the SharePoint site, project templates, base map organization and refresh the project web page. Start-up activities by the City will include: provision of background documents in digital format, provision of GIS files, and City responsibilities listed in Task 2. The GIS data will include the official study area boundary for the project.

APG and LCG will prepare a Development Trends and Implications for Policy memo. This memo will provide informational updates related to the Housing Needs Analysis and Economic Opportunities Analysis. It will also summarize our evaluation of recent land use, transportation, and development conditions that impact Sherwood West, including: the new Sherwood High School; development in the Brookman Concept Plan area; and new/ pending developments in King City West, River Terrace, and Cooper Mountain.

The City will prepare a summary of housing needs for Sherwood West that is consistent with requirements of Metro 3.07.1110(b)(1)(C). This work will bring together information from Sherwood's HNA, HB 2001 process, and HB 2003 requirements. It will describe Sherwood's housing "needs" to be used for discussion and identification of the housing mix (amount of single family detached, single family attached/middle housing, and multi-family percentages) for Sherwood West to be used in Task 3, Alternatives.

DKS will prepare a Transportation Issues memo to summarize key transportation issues and projects to be addressed in the Plan. At minimum, this will include updated transportation infrastructure and plans for the Kruger/Elwert intersection, Brookman Road, the expansion of SW Roy Rogers Road, and intersection improvements at SW Scholls Ferry and Roy Rogers Road. The memo will address active, as well as vehicular, modes of transportation.

LCG will prepare an Economic Opportunities and Challenges memo that will evaluate plan area assets and constraints, summarize input from interviews with developers and leading economists, and, provide insights on the economic future of Sherwood West as a part of a growing Sherwood. The memo will identify economic development strategies and non-residential land uses that could produce jobs and tax base as part of the overall mix of land uses in Sherwood West. It will explore creative options for long-

term job creation that reflect Sherwood West's location at the urban edge and that optimize its ability to evolve over time as the region matures and economic changes occur.

In preparing the memo, LCG will conduct 5 interviews with local and regional economic development officials to explore how technology, , health care, office, hospitality including farm to table concepts, retail, and other employment uses might evolve in Sherwood West's unique location. Rather than attempt to compete against other employment centers that may have better locational attributes such as proximity to I-5 or existing clusters of technology employment, we will seek out opportunities that play to Sherwood West's unique attributes. These opportunities may build upon the proximity to the wine country, long-term changes to office dynamics as a result of COVID-19, evolving changes to the retail landscape, and other factors. The memo will result in a short list of employment land uses that could realistically be supported in Sherwood West, with projections for development over time.

Informed by the above-listed memos and the CAC's input and insights after their review, APG will prepare proposed language for the vision, goals, and evaluation criteria. This work will be prepared for discussion and refinement by the CAC. The evaluation criteria will be integrated with evaluation topics and metrics that can be produced by the Urban Footprint scenario model during the alternatives process in Task 3. Following CAC meetings 1 and 2, APG will prepare an outline for the Plan Document and the Plan's chapters that describe Implications for Policy and Vision-Goals-Evaluation Criteria.

Steps and Deliverables

a. Project team kick off meeting, set up SharePoint site, acquire background information
b. Acquire/prepare project templates and base maps
c. Memo summarizing policy implications from the updated Comprehensive Plan and Middle Housing project (City lead)
d. Development Trends and Implications for Policy memo
e. Transportation Issues memo
f. Economic Opportunities and Challenges memo
g. Prepare Plan Outline and updated Concept Plan chapters: Vision, Goals, and Evaluation Criteria; and, Implications for Policy

Task 1 Timeline: Months 1-5

Note: Timelines cited in the scope are generalized and subject to change per direction from the City.

Task 2: Community Engagement

APG's community engagement role will be to: (a) facilitate and support the TAC and CAC at seven sets of meetings (see below for preliminary agendas); (b) plan and provide materials and staff support to two Community Open Houses (online, and if allowed, in-person); (c) prepare materials for, and support the City's ongoing provision of public information, and (d) seek opportunities to meaningfully engage marginalized communities and involve communities of color in the planning process (City to provide contacts and be a liaison to local representatives and organizations).

APG will prepare a Public Engagement Plan to define and schedule engagement activities. The plan will be coordinated and refined with City staff, and is expected to include: articles in local

community newsletters; e-newsletters to an interested parties list; social media online presence (e.g., project page on City website, City Facebook & Twitter project updates); public meeting notices online and flyers; 'pop-up' engagement at local community events (consistent with COVID-19 protocols); online surveys (part of the Community Open Houses); mailings to property owners; and engage with students and families of Sherwood High School (the high school located in the middle of the urban reserve area (city lead for student/school family engagement); and Frequently Asked Questions sheets. Public information will be made available in English and Spanish. APG will prepare and update the project web site, hosted by the City through a city web page.

City staff will be the primary interface with property owners and the public, with APG team participation and facilitation at public meetings. The City will also be the lead for notifications, emailing lists, media contact and event logistics (e.g., acquiring venues). Before or during Task 1, the City will send a post-card type mailing to all property owners within the study area, informing of them of the project and opportunities for information. A similar mailing will be sent prior to the conclusion of the CAC process.

Steps and Deliverables

a. Prepare Public Engagement Plan
b. TAC & CAC committees established (city lead)
c. TAC/CAC meetings and Community Open Houses (agendas are preliminary):
    - **TAC/CAC #1**
        - Kick-off
        - Issues and policy implications (part 1): Comprehensive Plan updates, development trends, transportation
    - **TAC/CAC #2**
        - Issues and policy implications (part 2): economic development opportunities and challenges
        - Vision-goals-evaluation criteria discussion
    - **TAC/CAC #3**
        - Preliminary Concept Plan review: existing plan concepts to retain, elements for potential change
        - Ideas, options, and assumptions for the Plan alternatives
    - **Community Open House #1** (online and/ or in-person)
    - **TAC/CAC #4**
        - Plan alternatives
    - **TAC/CAC #5**
        - Evaluation of Plan alternatives
        - Direction for preferred alternative
        - Funding strategies discussion (part 1)
    - **Community Open House #2** (online and/ or in-person)
    - **TAC/CAC #6**
        - Preferred alternative
        - Draft Summary Report

- Funding strategies discussion (part 2)

- **TAC/CAC #7**
  - Approve Summary Report and Recommendations

d. Public information and website updates as defined in the Public Engagement Plan

Task 2 Timeline:

CAC Meetings 1-3 and Open House #1 – Months 1-7

CAC Meetings 4-5 and Open House #2 – Months 8-11

CAC Meetings 6-7 and Adoption – Months 12-16

Task 3: Alternatives

This task will review, evaluate, and refresh the Concept Plan's Development Alternatives, creating up to 3 Sherwood West Plan alternatives (one of which may be the Preliminary Concept Plan). The alternatives will be based on Task 1 information and outcomes, and direction from the CAC. APG will use the Urban Footprint scenario modeling tool to display and evaluate alternatives. Task 3 has three steps, described below.

Step 1 – Create the Plan Concepts. APG will begin this task by facilitating a discussion with the CAC regarding areas of the Concept Plan to retain, refine, and potentially revise. Building from previous work and the updates identified in Task 1, APG will prepare a memo with annotated graphics showing draft plan concepts and assumptions to be considered for the alternatives. One of the plan concepts will address the housing mix (city lead for needs to fulfilled in compliance with Metro Title 11). These materials will be discussed in CAC Meeting 3 and Community Open House 1. Open House participants will have the opportunity to comment on the plan concepts (land use, economic development, transportation, natural resource, etc.) and suggest ideas and general locations for uses.

Step 2 – Craft the Alternatives. Feedback from Step 1 will provide direction for the alternatives and enable the team to prepare up to three alternatives for discussion and direction at CAC Meeting 4. APG will prepare alternatives, with map notes and brief narratives describing each one. Sherwood's Buildable Land Inventory will be used as the database for constrained and buildable lands. The Urban Footprint scenario model will provide flexible GIS data sets for the plan that will enable plan evaluation, and also potentially provide the data sets that can be used in future community planning when the area is added to the UGB. APG will work closely with City staff to calibrate the model to reflect the evaluation criteria.

Step 3 – Evaluate the Alternatives. The team will evaluate the three alternatives using: (a) the Urban Footprint scenario model; (b) "reality check" feedback from brokers and developers in the region to assess the short, medium and long term feasibility of the alternatives; and, (c) transportation analysis (see below). The team will review the evaluation and organize it into a Scenario Evaluation and Plan Direction memo for review at CAC meeting 5. We anticipate that the "plan direction" will draw the best elements from the alternatives to construct a hybrid. The Scenario Evaluation and Plan Direction memo will be flexible and set the stage for CAC discussion; we will facilitate review by the CAC so they can articulate their ideas and preferences for the actual preferred alternative.

Transportation Analysis – DKS will prepare a transportation analysis to: (1) evaluate the feasibility of the transportation system so it meets City standards when future annexations occur; and, (2) identify the

priority solutions needed to serve future growth in Sherwood West. Building on the Urban Reserve Transportation Study (URTS), Brookman Road Refinement Plan, and other recent studies, DKS will:

1. Use the analysis in the URTS as a point of comparison to the Sherwood West alternatives.

2. Apply the Washington County Westside travel demand model, currently being used in nearby studies, to Sherwood West to identify/verify segment level congestion and key intersections.

3. Select priority locations that have a high share of Sherwood West traffic for: more detailed analysis; identification of specific mitigations for key locations; and, project costs and funding solutions to those locations.

Steps and deliverables

a. Plan concepts and assumptions memo
b. Up to 3 Concept Plan update alternatives
c. Scenario evaluation and plan direction memo
    - Urban Footprint evaluation outputs
    - Reality check feedback from brokers and developers (LCG lead)
    - Transportation analysis memo (DKS lead)

Task 3 Timeline: Months 6-11

Task 4: Plan and Re-Look Reports

APG will prepare a draft and final updated Concept Plan map and description based on the outcomes from Task 3 and CAC and community input. The Concept Plan graphic will be supported by images and concise narratives that describe the key characteristics of the plan, such as land uses, districts, community design, transportation elements, and natural resources. An illustrative version of the plan will be drawn. The City will write the section addressing housing needs, consistent with Metro provisions 3.07.1105 (c)(4)

An Infrastructure Funding Strategy and Action plan will be prepared. We will prepare a high level funding strategy that builds upon the funding tools identified in the Preliminary Concept Plan and identifies new ones that may be available. The strategy will identify which tools are most appropriate for use in Sherwood West , with a focus on those that enable near-term catalyst projects and lay the foundation for the long-term evolution of Sherwood West. The strategy will largely focus on the role that the City of Sherwood can play in shaping Sherwood West's future. Where appropriate, It will also identify intergovernmental and public-private partnerships where City efforts can be leveraged with capital or programmatic support by others. Infrastructure costs for water, sanitary sewer, storm water, and parks will be prepared by the City. Transportation facility costs that will be prepared by DKS.

APG will prepare a draft and final Summary Report, based on the outline prepared in Task 1. The report is intended to be the Sherwood West Concept Plan, compliant with Title 11 of the Metro Urban Growth Management Functional Plan. The city will provide narrative and information addressing housing needs, consistent with Metro and State requirements, including Metro code 3.07.1110(c)(4), HB 2001,and HB 2003. The report will include a section describing a Title 11 sequencing strategy addressing: supplemental work the City should consider; timeframes for re-engaging decision makers about UGB

expansion; and, a graphic timeframe for a Title 11 report to Metro. Memos and technical deliverables from the project will be compiled into a Technical Appendix.

Steps and Deliverables

a. Sherwood West Concept Plan map, images, descriptions, and illustration
b. Infrastructure funding strategy and action plan
c. Infrastructure costs: Water, sanitary sewer, stormwater and parks (city lead); transportation (DKS lead)
d. Draft and final Summary Report and Technical Appendix

Task 4 Timeline: Months 11-14

Task 5: Adoption

APG will participate in the steps and deliverables listed below.

Steps and Deliverables

a. Metro Title 11 findings (City lead, consultant review)
b. Participation in Planning Commission and City Council meetings (2 meetings, City as lead staff)

Task Timeline: Months 15-16

Sherwood West Re-Look
APG Team
Project Summary
Updated: 1/11/21

	Deliverables	Assumptions & Task Leads	Angelo Planning Group		DKS		Leland Consulting Group		Walker Macy		Total Hours	Labor Total by Task	Expenses by Task	Total Budget by Task
			Hrs.	Labor	Hrs.	Budget	Hrs.	Budget						
Task 1	**Policy, Code and Master Plan Memo**		**77**	**$ 10,635**	**20**	**$ 3,440**	**68**	**$ 11,395**	**2**	**$ 190**	**167**	**$ 25,660**	**$ 100**	**$ 25,760**
a.	Project team kick off meeting, set up SharePoint site, acquire background information	APG	12	$ 1,545	3	$ 705	6	$ 1,095	2	$ 190	**23**	**$ 3,535**	**$ 50**	**$ 3,585**
b.	Acquire/prepare project templates and base maps	APG	7	$ 765	-	$ -	-	$ -	-	$ -	**7**	**$ 765**	**$ 50**	**$ 815**
c.	Memo summarizing policy implications from the updated Comprehensive Plan and Middle Housing project (City lead)	City	2	$ 315	-	$ -	-	$ -	-	$ -	**2**	**$ 315**	**$ -**	**$ 315**
d.	Development Trends and Implications for Policy memo.	APG, LCG	18	$ 2,430	-	$ -	24	$ 3,940	-	$ -	**42**	**$ 6,370**	**$ -**	**$ 6,370**
e.	Transportation Issues memo	DKS	4	$ 630	16	$ 2,500	-	$ -	-	$ -	**20**	**$ 3,130**	**$ -**	**$ 3,130**
f.	Economic Opportunities and Challenges memo	LCG	10	$ 1,710	-	$ -	36	$ 5,910	-	$ -	**46**	**$ 7,620**	**$ -**	**$ 7,620**
g.	Prepare updated Concept Plan chapters: Vision, Goals, and Evaluation Criteria; and, Implications for Policy.	APG	24	$ 3,240	1	$ 235	2	$ 450	-	$ -	**27**	**$ 3,925**	**$ -**	**$ 3,925**
Task 2	**Community Engagement**		**200**	**$ 25,830**	**6**	**$ 1,410**	**24**	**$ 4,560**	**14**	**$ 1,330**	**244**	**$ 33,130**	**$ 150**	**$ 33,280**
a.	Prepare public engagement plan	APG	8	$ 990	-	$ -	-	$ -	-	$ -	**8**	**$ 990**	**$ -**	**$ 990**
b.	TAC-CAC 1	APG, LCG, DKS	18	$ 2,430	3	$ 705	6	$ 1,095	-	$ -	**27**	**$ 4,230**	**$ -**	**$ 4,230**
c.	TAC-CAC 2	APG, LCG	17	$ 2,205	-	$ -	6	$ 1,095	-	$ -	**23**	**$ 3,300**	**$ -**	**$ 3,300**
d.	TAC-CAC 3	APG	17	$ 2,205	-	$ -	-	$ -	-	$ -	**17**	**$ 2,205**	**$ -**	**$ 2,205**
	Communtiy Open House 1	APG	26	$ 3,150	-	$ -	-	$ -	6	$ 570	**32**	**$ 3,720**	**$ 50**	**$ 3,770**
e.	TAC-CAC 4	APG	18	$ 2,430	-	$ -	-	$ -	-	$ -	**18**	**$ 2,430**	**$ -**	**$ 2,430**
f.	TAC-CAC 5	APG, LCG, DKS	18	$ 2,430	3	$ 705	6	$ 1,095	-	$ -	**27**	**$ 4,230**	**$ -**	**$ 4,230**
	Community Open House 2	APG	26	$ 3,150	-	$ -	-	$ -	8	$ 760	**34**	**$ 3,910**	**$ 50**	**$ 3,960**
g.	TAC-CAC 6	APG, LCG	17	$ 2,205	-	$ -	6	$ 1,275	-	$ -	**23**	**$ 3,480**	**$ -**	**$ 3,480**
e.	TAC-CAC 7	APG	17	$ 2,205	-	$ -	-	$ -	-	$ -	**17**	**$ 2,205**	**$ -**	**$ 2,205**
f.	Public information and web site updates	APG	18	$ 2,430	-	$ -	-	$ -	-	$ -	**18**	**$ 2,430**	**$ 50**	**$ 2,480**
Task 3	**Concept Plan Alternatives**		**128**	**$ 16,750**	**83**	**$ 12,725**	**24**	**$ 4,180**	**42**	**$ 4,380**	**277**	**$ 38,035**	**$ -**	**$ 38,035**
a.	Plan Concepts and Assumptions memo	APG, LCG, DKS	48	$ 5,830	4	$ 940	8	$ 1,410	42	$ 4,380	**102**	**$ 12,560**	**$ -**	**$ 12,560**
b.	Up to three Concept Plan Alternatives	APG	40	$ 5,460	4	$ 940	-	$ -	-	$ -	**44**	**$ 6,400**	**$ -**	**$ 6,400**
c.	Scenario Evaluation and Plan Direction	APG	-	$ -	-	$ -	8	$ 1,410	-	$ -	**8**	**$ 1,410**	**$ -**	**$ 1,410**
c.1	Urban Footprint evaluation outputs	APG	32	$ 4,200	-	$ -	-	$ -	-	$ -	**32**	**$ 4,200**	**$ -**	**$ 4,200**
c.2	Reality check from brokers and developers	LCG	4	$ 630	-	$ -	8	$ 1,360	-	$ -	**12**	**$ 1,990**	**$ -**	**$ 1,990**
c.3	Transportation analysis	DKS	4	$ 630	75	$ 10,845	-	$ -	-	$ -	**79**	**$ 11,475**	**$ -**	**$ 11,475**
			-	$ -	-	$ -	-	$ -			**-**	**$ -**	**$ -**	**$ -**
			-	$ -	-	$ -	-	$ -			**-**	**$ -**	**$ -**	**$ -**
			-	$ -	-	$ -	-	$ -			**-**	**$ -**	**$ -**	**$ -**
Task 4	**Concept Plan, Funding Strategy, and Plan Report**		**88**	**$ 11,780**	**20**	**$ 3,020**	**38**	**$ 6,945**	**46**	**$ 4,760**	**192**	**$ 26,505**	**$ 125**	**$ 26,630**
a.	Concept plan map, images, and descriptions	APG	26	$ 3,460	2	$ 470	-	$ -	46	$ 4,760	**74**	**$ 8,690**	**$ -**	**$ 8,690**
b.	Infrastructure funding strategy and action plan	LCG, DKS for priority cost estimates	8	$ 1,800	18	$ 2,550	35	$ 6,525	-	$ -	**61**	**$ 10,875**	**$ -**	**$ 10,875**
c.	Concept plan report and technical appendix	APG	54	$ 6,520	-	$ -	3	$ 420	-	$ -	**57**	**$ 6,940**	**$ 125**	**$ 7,065**
Task 5	**Adoption**		**15**	**$ 2,295**	**-**	**$ -**	**-**	**$ -**	**-**	**$ -**	**15**	**$ 2,295**	**$ -**	**$ 2,295**
a.	Metro Title 11 findings (with City)		10	$ 1,170	-	$ -	-	$ -	-	$ -	**10**	**$ 1,170**	**$ -**	**$ 1,170**
b.	PC and CC meetings		5	$ 1,125	-	$ -	-	$ -	-	$ -	**5**	**$ 1,125**	**$ -**	**$ 1,125**
	TOTAL PROJECT BASIC HOURS		***508***		***129***		***154***		***104***		***895***			
	TOTAL PROJECT BASIC LABOR			**$ 67,290**		**$ 20,595**		**$ 27,080**		**$ 10,660**		**$ 125,625**		
	TOTAL BASIC DIRECT EXPENSES			**$ 375**		**$ -**		**$ -**		**$ -**			**$ 375**	
	PROJECT TOTAL BASE BUDGET			**$ 67,665**		**$ 20,595**		**$ 27,080**		**$ 10,660**				**$ 126,000**
	CONTINGENCY RESERVE													**$10,000**
	TOTAL PROJECT BUDGET													**$136,000**

City Council Meeting Date: January 19, 2021

Agenda Item: Public Hearing *(Second Reading)*

TO: Sherwood City Council

FROM: Eric Rutledge, Associate Planner
Through: Erika Palmer, Planning Manager, Julia Hajduk, Community Development Director, Josh Soper, City Attorney, and Joseph Gall, ICMA-CM, City Manager

SUBJECT: Ordinance 2020-012, Approving a 41-lot Planned Unit Development to be known as the Denali Summit Planned Unit Development

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Issue:
Shall the City Council adopt Ordinance 2020-012 approving the Denali Summit Planned Unit Development?

Application Schedule

- Application deemed complete — September 28, 2020
- Planning Commission Hearing — November 10, 2020
- City Council First Reading and Hearing — December 15, 2020
- City Council Second Reading and Hearing — January 19, 2021
- 120-day rule deadline — January 26, 2021

Background Discussion:
During the first City Council hearing, council raised concerns and provided feedback to staff and the applicant on the following items:

- Design and connectivity of Tracts E and F
- Reduced curve radii for the public street (2 locations)
- Open space design and accessibility
- Rear setbacks for Lots 11 and 12
- Public benefit and the PUD approval criteria

City Council directed staff to provide alternative findings and potential conditions of approval intended to address the specific concerns raised on each issue. Attachment 1 provides a summary of alternatives for consideration and Attachment 2 provides full draft findings and conditions of approval.

The applicant has also provided a supplemental memo and supporting documents dated January 5, 2021 (Attachment 4), which responds to the council feedback and, in some cases, proposes changes to the development. Staff has reviewed the supplemental material and incorporated it into the alternatives for council consideration in Attachment 2.

Public Testimony
The following written public testimony has been submitted on the application:

- Testimony from Dennis Yuzon dated 12/31/2020 (Attachment 7)
- Testimoney from Marcus Lopez dated 11/10/2020 (Attachment 8)

Financial Impacts:
The application fee is expected to cover the costs associated with processing this request.

Alternatives:
Approve, modify, or deny the application based on the Planning Commission Recommendation to City Council (Attachment 6) and any of the alternative findings and conditions provided in the supplemental material (Attachments 1 – 4).

Recommendation:
Staff recommends the Council hold a second hearing considering applicant testimony, public testimony and the attachments provided and determine whether to approve, approve with modifications or deny Ordinance 2020-012.

Exhibits / Attachments:
Attachment 1: Summary of Alternative Findings and Conditions of Approval
Attachment 2: Full Alternative Findings and Conditions of Approval – Text and Figures
Attachment 3: City Engineering Comments on Connectivity of Tracts E and F and Prelim Parking Plan
Attachment 4: Supplemental Memo and Supporting Documents Submitted by the Applicant on 1-5-21
Attachment 5: Revised Plat Submitted by the Applicant on 12-7-20
Attachment 6: Planning Commission Recommendation to City Council
Attachment 7: Public Testimony from Marcus Lopez dated 11-10-20
Attachment 8: Public Testimony from Dennis Yuzon dated 12-31-20

Summary of Alternatives

A. Connectivity and Design of Tracts E and F

Alternative A1: Approve the design as proposed in the Planning Commission Recommendation, with two 20 ft. wide private street tracts and an 8 ft. wide pedestrian easement connecting the two.

Alternative A2: Approve the revised design submitted by the applicant which provides a 5 ft. wide sidewalk along the north side of Tract F and south side of Tract E, with a connection between the two (Figure 2). The sidewalk connection between the tracts is provided within an 8 ft. wide pedestrian easement.

Alternative A3: Require a 15 ft. wide pedestrian walkway along and between Tracts E and F that matches the new "Pedestrian Pathway" cross section proposed by the applicant for the open space pathways. The design includes a 15 ft. wide easement with a 5 ft. paved path and two 5 ft. landscape strips (Figure 7).

Alternative A4: Require a 20 ft. wide pedestrian walkway along and between Tracts E and F that meet the City's "Feeder Trail" standard in the Transportation System Plan. The design includes a 20 ft. wide easement with an 8 ft. paved path and two 6 ft. landscaping strips (Figure 9)

Alternative A5: Do not grant an exception to the block length standards and require a full public or private street connection.

B. Reduced Speed and Curve Radii for Public Street

Alternative B1:	Approve the public street as proposed in the Planning Commission Recommendation, with the conditions required by the Engineering Design Modification.
Alternative B2:	Require bulb outs / chokers prior to entering the curved portion of the street in each direction (e.g. two bulb outs total - one between Lots 17 / 21 and one between Lots 10 / 28).
Alternative B3:	Do not approve the speed reduction request and require a 25-mph speed limit with centerline curve radii meeting the standards of Table IIa in Section 210.3(B) of the Engineering Design Manual.

C. Open Space Design and Accessibility

Alternative C1:	Approve the open space and pedestrian pathways with no changes, as described in the Planning Commission Recommendation.
Alternative C2:	Approve the revised Pedestrian Walkway proposed by the applicant including a 15 ft. wide corridor with 5 ft. sidewalk and two 5 ft. landscaped strips for the access points to open space Tracts A and C. The additional space for the pedestrian pathway is provided in easements over the adjacent private lots.
Alternative C3:	Require a pedestrian corridor that meets the City's "Feeder Trail" standard for the access points within Tracts A and C. The design shall include an 8 ft. wide hard surface path and two 6 ft. wide landscaped strips within a 20 ft. wide right-of-way. The corridors shall be provided as part of the open space tracts and not through easements over private lots.
Alternative C4:	Do not approve the open space design and deny the application.

D. Connectivity and Design of Tracts E and F

Alternative D1: Approve the exception as described in the Planning Commission Recommendation and grant a 5 ft. reduction to the rear setback requirements for Lots 11 and 12.

Alternative D2: Approve the revised proposal from the applicant and grant an exception to the uncovered deck standards in SZCDC § 16.50.060. The exception will allow uncovered decks over 30 inches in grade to encroach up to 5 ft. into the required 20 ft. rear setback. The final deck setback would be 15 ft. from the rear property line.

Alternative D3: Do not grant an exception to the rear setback for the primary residence and uncovered decks for Lots 11 and 12.

E. PUD Approval Criteria and Public Benefit

Alternative E1: Approve the application as proposed in the Planning Commission Recommendation, including supplemental arguments provided on pages 5-6 of the applicant's memo dated January 5, 2021 (Attachment 4).

Alternative E2: Require additional public benefit through a placemaking project within the designated open space. Examples include nature play equipment, traditional play equipment, interpretive signage related to the natural or human history, native plant garden with educational signage, elevation or mile markers at key points.

Alternative E3: Deny the application based on findings that the proposal does not meet the PUD approval criteria required by SZCDC §16.40.020(C)(3).

Figure 1: Standard residential street cross section in Figure 16D of the City's Transportation System Plan

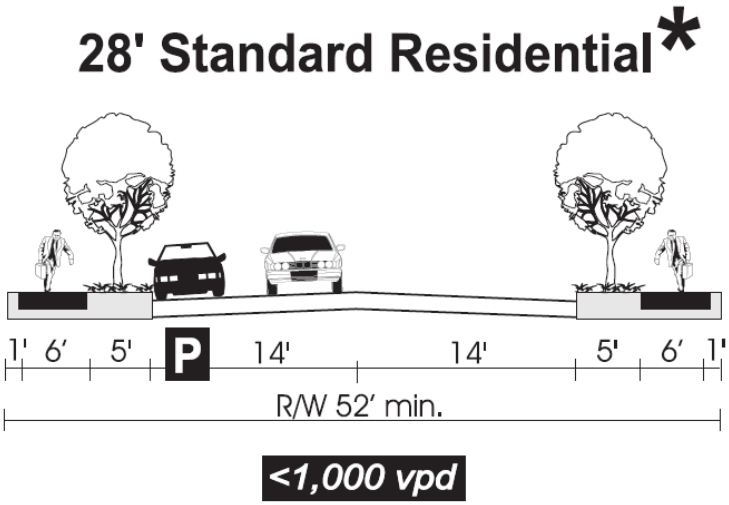


Figure 2: A snip of revised Utility Plan provided by the applicant. The applicant is proposing to add a 5 ft. wide sidewalk on the north side of Tract F and the south side of Tract E, with a connection between the two.

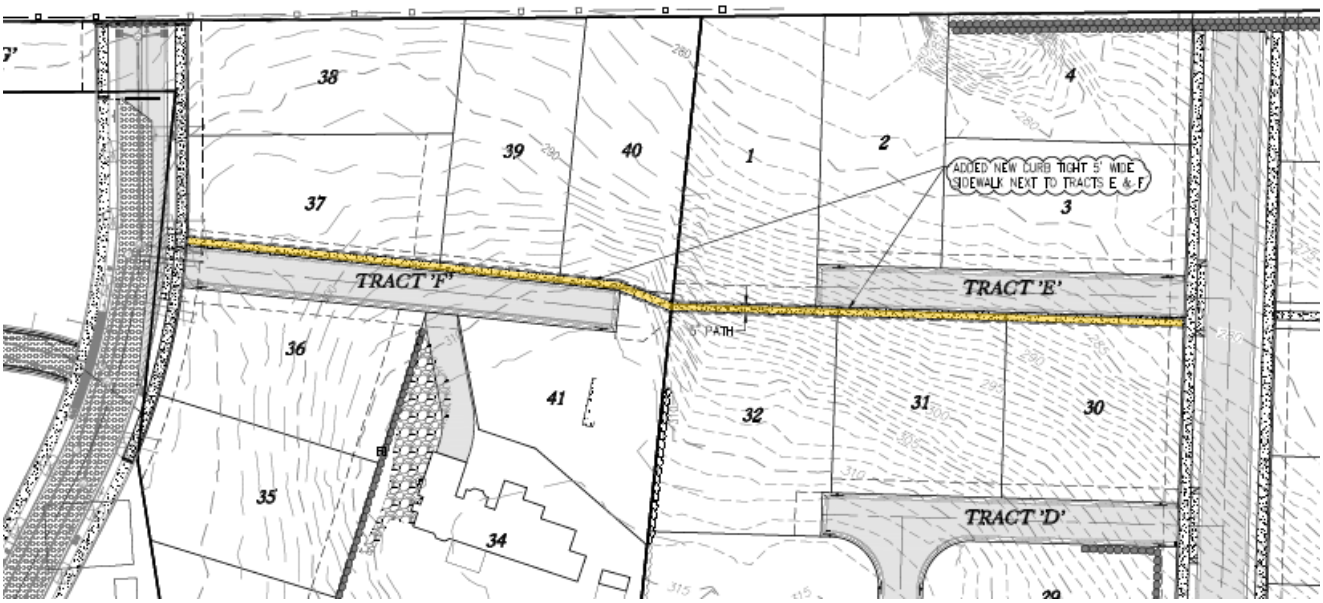


Figure 3: Typical design of a mid-block choker. Chokers are a horizontal extension of the curb into the street resulting in a narrower roadway section that can be used at a corner or midblock.

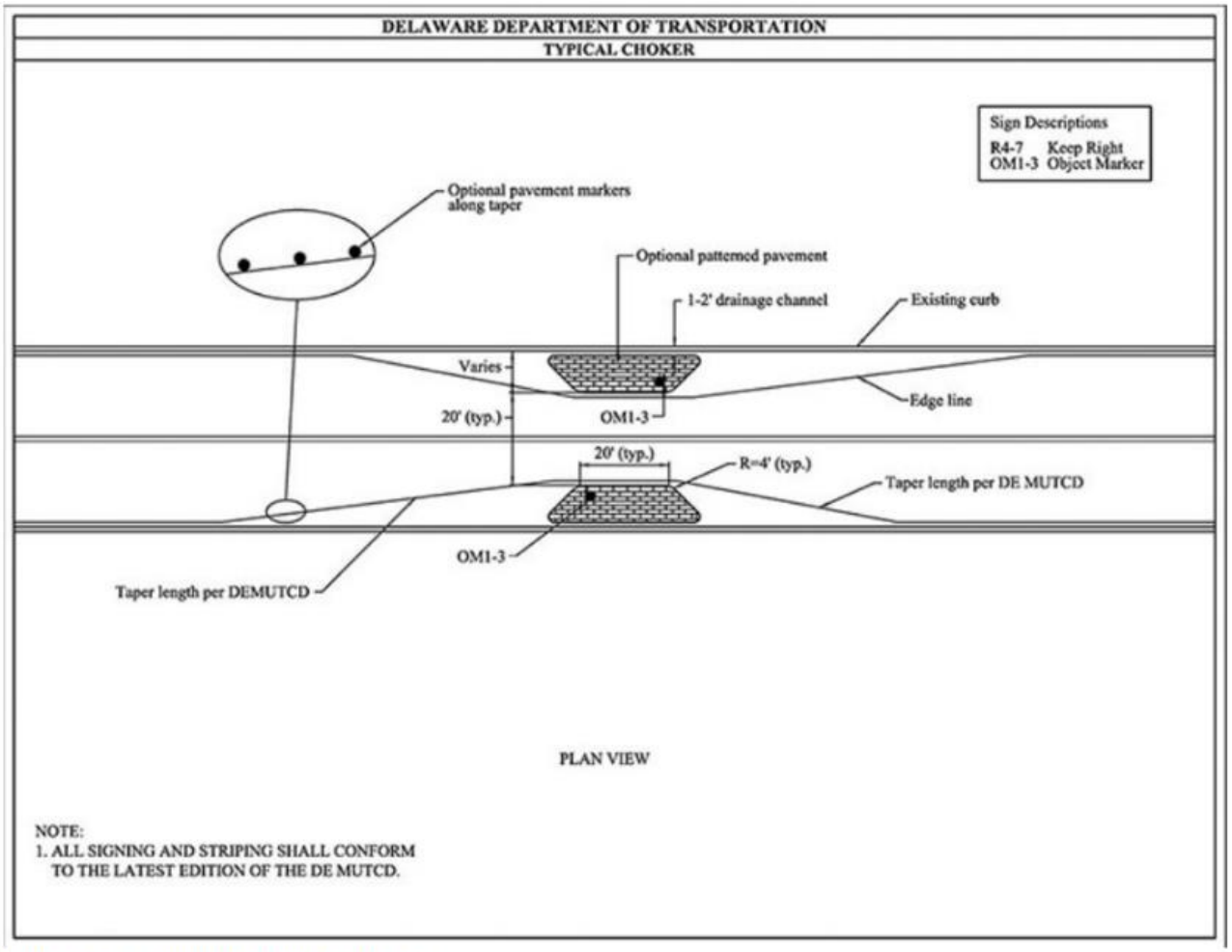


Figure 3.17.8. Sample Design for Choker
(Source: Delaware Department of Transportation)

Figure 4: Plan view of mid-block chokers on a residential street

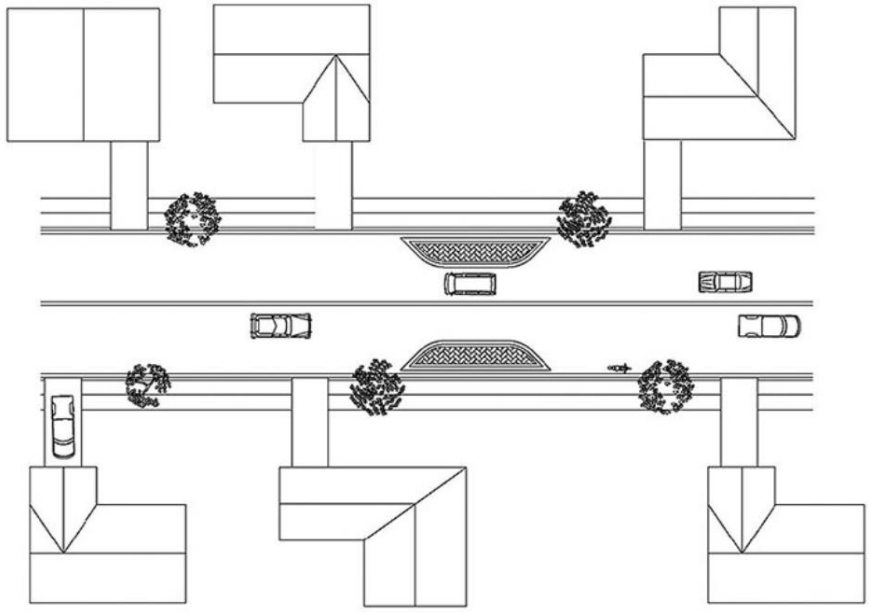


Figure 3.17.1. Choker Schematic
(Source: Delaware Department of Transportation)

Figure 5: Example image of mid-block chokers on a residential street



Figure 3.17.4. Choker in Suburban Residential Setting
(Source: Scott Wainwright)

Figure 6 – A snip of the Preliminary Parking Plan for the public street that shows “No Parking” areas in red and required sight distance easement in blue.

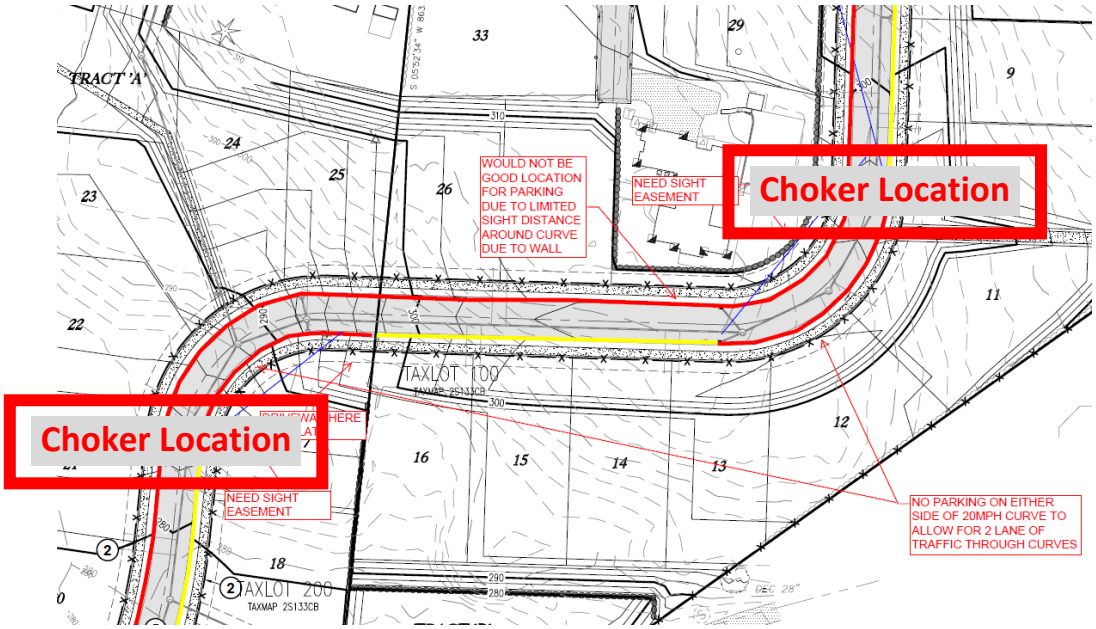


Figure 7: The revised “Pedestrian Walkway” proposed by the applicant for the access points to Tract A and C.

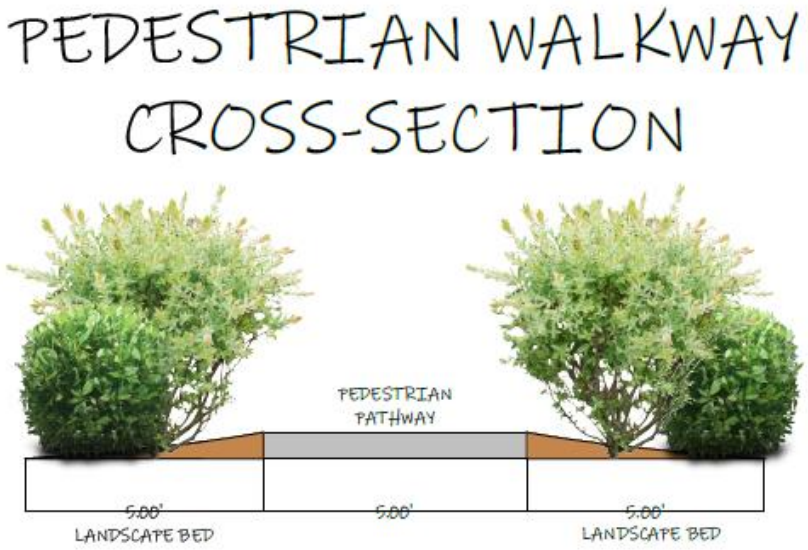


Figure 8: An example 15 ft. walkway in Sherwood connecting SW Sunset Blvd. to SW Galewood Drive. The view is from SW Sunset Drive heading south to SW Galewood Drive. The pathway is provided in a separate tract and is planted with an evergreen hedge.

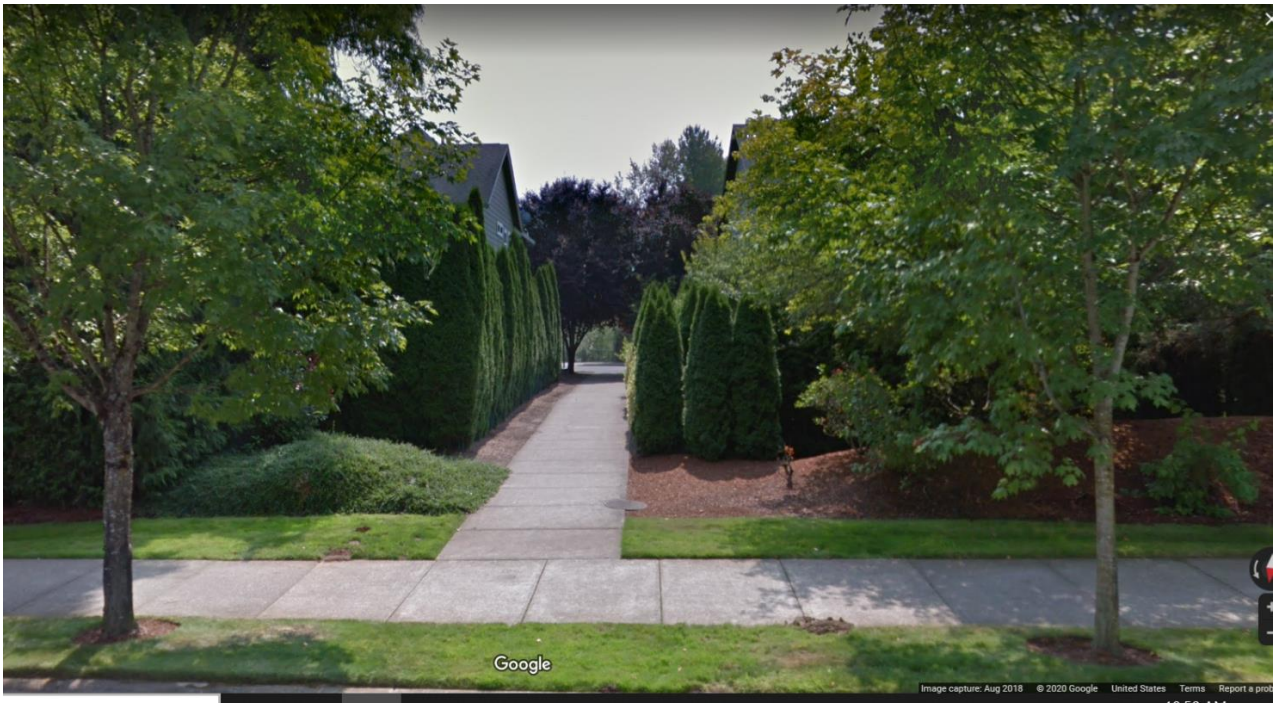


Figure 9: The Feeder Trail cross section in Figure 16F of the City's Transportation System Plan

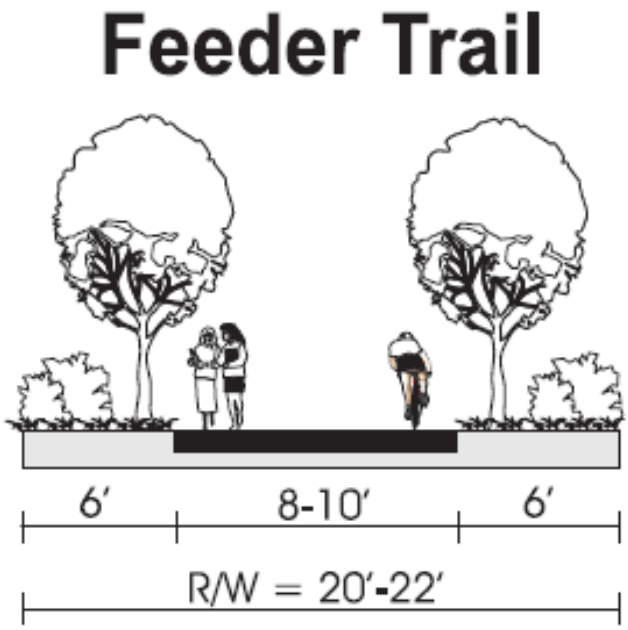


Figure 10: Snip of the Aerial Map provided on Sheet 15 / 17 of the applicant's submittal. The aerial shows Lots 11 and 12, the evergreen hedge proposed to remain, and the adjacent existing homes that will be impacted by the setback reduction.



Figure 11: Example nature themed play equipment. Equipment can generally be purchased and installed as separate items providing flexibility in design.



Figure 12: Example interpretive sign and seating area within an open space



Source: Tom Ouelette

A. Connectivity and Design of Tracts E and F

Proposed	In lieu of a connected east-west running public or private street at the north end of the site, the applicant is proposing two shorter stubbed private streets with an 8 ft. wide pedestrian easement connecting the two (Tracts E and F). Tract E would serve 4 lots and Tract F would serve 4 lots. Under this proposal, the new block length created by the development will exceed 530 ft. and private streets will be used to serve more than 2 lots.
Code Standard	Transportation Facilities Modifications (SZCDC § 16.106.020(E)(4)(a)) *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.* Block length – block lengths shall not exceed 530 ft. in length (SZCDC § 16.128.010(A)(2)) Private streets – private streets serving a single-family residential development is prohibited unless it provides principal access to two or fewer lots (SZCDC § 16.128.010(A)(2)) Residential street design (public) – the City's standard residential street cross section shown in below in Figure 1. The design requires 28 ft. of paved asphalt roadway with parking on one side, two 5 ft. landscaped strips, two 6 ft. wide sidewalks, and two 1 ft. buffers between the property line and sidewalk. The improvements are contained within a 52 ft. public right-of-way. (SZCDC § 16.106.020) Vertical grade (street) – the maximum vertical grade for a street of the proposed length is 15%. Any grade over 12% requires review and approval on a case by case basis from the City Engineer (Engineering Design Manual Section 210.4 Vertical Alignment) and (SZCDC § 16.106.040(F)) Vertical grade (private driveway) – the maximum vertical grade for a private single-family residential driveway is 14% (SZCDC § 16.96.020(A))
Council Feedback	Council expressed concern that a full public street connection is not provided; the block length allowed by code is exceeded; the pedestrian easement connecting Tracts E and F is narrow creating tunnel effect; council expressed concern that the propose design does not adequately mitigate the requested transportation facilities modifications

Staff Discussion	Full Street Connection In response to the council feedback, the applicant has submitted a revised plan and profile view of Tracts E and F, accompanied with a discussion on the challenges of providing a full public or private street connection (Attachment 4). The write-up is provided in the box below and states the primary challenge to connecting Tracts E and F is topography and the retention of the existing home on Lot 34. The two private streets provide greater flexibility in street and lot configuration that allow the existing home(s) to remain and be served by private driveways that are not prohibitively steep. City engineering staff has reviewed the revised material and provided additional analysis and conclusions (Attachment 3). Because an interconnected street would serve up to 8 lots and may be used as a cut-through street, the vertical alignment of the street would be required to meet public standards with a maximum grade of 15%. The revised Tract E and F profile drawing show it is possible connect the tracts to City Engineering Design Standards with additional rock excavation. However, the drawing also shows that construction of the street interconnection will result in a slope of 21 percent for the new driveway serving the existing house on Lot 34. This 21 percent slope exceeds the 14 percent maximum driveway slope as stated in SZCDC § 16.96.020(A). As a result, City engineering staff has recommended approval of the streets within Tracts E and F as separate streets. Despite these design and code challenges, council may determine that a full public or private street connection will achieve the best overall outcome for the development. Council can require a street connection that meets the City's residential street cross section with a 52 ft. right-of-way, or an alternative private street cross section. At a minimum, engineering staff is recommending a paved width of 22 ft. or 11 ft. per vehicle travel lane for a connected street. The council can then determine the appropriate "back of curb" improvements (sidewalks, landscape strips, etc.). These improvements can follow the public residential street standards or an alternative design (e.g. sidewalk and planter strip on one side only). Alternative A5 below includes findings and a variety of draft conditions of approval requiring a public or private street connection in lieu of Tracts E and F. Pedestrian Connectivity To address pedestrian connectivity concerns, the applicant is proposing to add a 5 ft. wide sidewalk along the north side of Tract F and south side of Tract E with a connection between. The 5 ft. wide sidewalk connecting the two tracts would be provided within an 8 ft. wide pedestrian easement as shown in below in Figure 2 below and in Attachment 4 – Sheet 14 / 17.

	The proposed sidewalk will be available for general public use but will be maintained by the HOA. While the City's standard residential sidewalk width for public streets is 6 ft., the council can choose to approve a narrower width as part of the PUD approval. While the proposed sidewalk will provide an off-street pedestrian connection along and between the private streets, the design does not address council concerns related to the width of the pedestrian pathway and overall pedestrian experience (e.g. aesthetic and landscaping). In order to address these concerns, council can consider requiring a pedestrian walkway that matches the new design proposed by the applicant for the open space pathways (15 ft. easement with a 5 ft. paved path and two 5 ft. landscape strips – see Figure 7 below). A 15 ft. wide water easement is currently proposed between Tracts E and F. Trees are generally not permitted in utility easements creating a potential conflict. Shrubs and groundcover are acceptable plantings within utility easements. As a final alternative, council can consider a wider overall pedestrian pathway, sidewalk, and landscaped area. The City's Transportation System Plan provides standards for public off-street trails that can be applied to the pedestrian corridors within the development. The City's "Feeder Trail" standard requires a minimum overall corridor width of 20 ft. containing a minimum pavement width of 8 ft. with two 6 ft. wide landscaped strips (see Figure 9 below).
Applicant's Written Response to First Hearing (original document Attachment 4)	*"The proposed Denali Summit PUD was designed after performing extensive reviews of all applicable City of Sherwood land-use regulations, adopted Transportation System Plans, and meeting with City staff in a pre-application meeting so we could make an informed decision on how to develop the subject site.* *After reviewing the City's zoning and transportation plans and meeting with staff, it became clear that existing and recently approved streets, site topography, and retention of the existing homes would impact the design of the site. Some of the existing limitations include the retention of the existing homes on both properties, recently approved Denali Meadows PUD with the new public street along the entire western boundary of the subject site, and topographical challenges of the site. Another limiting factor affecting street locations and lot layout was the configuration of the property. Both subject properties are long north to south and narrow east to west, which when combined with the other limiting factors listed above, severely restricts the ability of the property to be designed to achieve a rectangular grid pattern as opportunities for connectivity to the north, west and east are restricted. Because we had limited ability to extend streets to the north, west, and east for the above noted reasons, alternatives to the street layout, lotting pattern, and access points had to be considered.*

	The primary challenge to connecting Tracts E and F is topography and the retention of the existing Miller home. With the development of the Denali Meadows PUD, the new public street serving the PUD abuts the Miller property along the western property boundary. The elevation of the new public street in the Denali Meadows PUD is at approximately 285 feet. The proposed elevation for the new public street serving the Denali Summit PUD at the northeast end of the site is 295 feet. The elevation in between these two streets is approximately 307 feet. Thus, the elevation of the new public street serving the Denali Meadows PUD, the sites steep topography in the northern portion of the site, as well as the existing elevation of SW Ironwood Ln., create an existing street pattern and built environment that dictates how the proposed PUD is designed. *With the northwest side of the site being significantly lower in elevation that the northeast side of the site and the retention of the existing Miller family home, it has created a situation that requires two (2) private streets to serve the project. Tract F has been located on the south side of the slope (low side) to help minimize grading and to provide driveways for Lots 34 (Miller Family home lot), 39, 40, and 41 that will not be unreasonably steep. This situation is illustrated in the "Tract F Plan and Profile" sheet. Similar to Tract F, Tract E has been located on the north side or low side of the slope on the Yuzon property to help minimize grading and to provide driveways for Lots 1 – 4 that are not unreasonably steep. It has been the experience of the development team that when you have unreasonably steep driveways serving a home, then the garages and driveways on these lots tend to not be utilized for off-street parking purposes and cars overflow into the street. By minimizing the number of lots served by the private streets, the project is able to provide highly desirable driveways for all lots along the private streets.* *It is the position of the Applicant that connecting the two (2) private streets would create an unsafe street, create unusable driveways for some of the lots, and place an unnecessary burden on the HOA to maintain the private street as it would likely become a cut through street. Additionally, Tract F improvements have already been permitted and are currently being installed (sewer, water and public street) as proposed as part of the Denali Meadows improvements. Also, to help facilitate a full street improvement with the development of the Denali Meadows, the Miller's recently dedicated the remaining right-of-way from their property to get a full public street improvement. The improvements that are occurring with the construction of the Denali Meadows PUD will prevent the need to patch together the remaining portion of the street, eliminate saw cuts to access the utilities, and allows the Miller property continued access until the Denali Summit PUD is constructed.*

	Responding to the City Council comments and in order to adequately address out of distance pedestrian travel and help reduce block lengths, the development team has added a new curb tight 5-foot wide pedestrian sidewalk along tracts E and F. The proposed pedestrian sidewalk will connect the two public streets for pedestrian travel and will align with the northern pedestrian walkway serving the open space in Tract C. This provides excellent walking experience and is safe for pedestrians and the traffic serving the lots along the private streets. Finally, all proposed private streets will be maintained by a Homeowners Association (HOA), which reserve funds will be created and maintained, to ensure long-term future maintenance activities are adequately funded and performed and will not be a public burden. Construction of a public street simply is not feasible as it will create steep driveways, eliminate a large number of lots and effectively terminate the viability of the project."
Impact on Development	The applicant's response states a public street connection to full residential standards is not feasible as it will create steep driveways, eliminate a large number of lots and effectively terminate the viability of the project. Requiring a pedestrian walkway with a minimum corridor width of between 15-20 ft. will likely impact the size and shape of adjacent private lots. The applicant may be required to reconfigure the lots in order to accommodate the additional common space.
Alternatives	
A1	Alternative A1: Approve the design as proposed in the Planning Commission Recommendation, with two private street tracts and an 8 ft. wide pedestrian easement. Findings: Planning Commission Recommendation to City Council Draft Condition of Approval: Not required
A2	Alternative A2: Approve the revised design submitted by the applicant which provides a 5 ft. wide sidewalk along the north side of Tract F and the south side of Tract E, with a connection between the two (see Attachment 4 – Sheet 14 / 17). The sidewalk connection between the tracts is provided within an 8 ft. wide pedestrian easement. Findings: As described on pp. 2-3 of the applicant's memo dated January 5, 2021 (Attachment 4). (Revised findings apply to SZCDC § 16.40.020(C)(3)) and 16.106.020(E)(4)(b); pp. 18 and 78-80 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.)

	Draft Condition of Approval: Prior to Final Development Plan approval, revise the plans to include the 5 ft. wide sidewalk along Tracts E and F as shown on the "Site Exhibit Sheet 14/17" and "Denali Summit Open Space Concept Plan" of the applicant's submittal dated January 5, 2021.
A3	Alternative A3: Require a 15 ft. wide pedestrian walkway along and between Tracts E and F that matches the new "Pedestrian Pathway" cross section proposed by the applicant for the open space access points. The design includes a 15 ft. corridor with a 5 ft. paved path and two 5 ft. landscape strips – see "Pedestrian Walkway Cross Section" – Attachment 4 Open Space Concept Plan and Figure 7 below. Findings: The site faces an unusual hardship that warrants a modification to the underlying standards based on the physical conditions of the site including topography, hard subsurface bedrock, and soil contamination. In addition, the two existing homes on the site will be retained, creating a unique challenge for overall site design. In lieu of a full public street connection, the applicant is proposing two 20 ft. wide private streets with a 5 ft. wide sidewalk on one side of each street. The transportation facility modification criteria require "*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."* The final width of the proposed private street and sidewalk will be 25 ft. While the application indicates a street connection to public standards is not feasible, the application has not demonstrated that the proposed design is "minimum necessary to alleviate the hardship or disproportionate impact." The combined width of the private street and sidewalk of 25 ft. is less than half the width of a standard public residential street of 52 ft. Therefore, a wider sidewalk or off-street pedestrian facility may be feasible and can provide a safer transportation system while allowing use of the stubbed private streets to overcome the site constraints. In addition, the PUD approval criteria require that the "*exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan*". The proposed design does not meet this standard because the underlying standard would require a full public street connection with two 6 ft. wide public sidewalks. The proposed 5 ft. wide sidewalk does not warrant an exception to the standard. However, a designated off-street pedestrian corridor that matches the "Pedestrian Walkway" design proposed for the open space tracts can be used to improve the pedestrian experience along and between Tracts E and F. Since the

	walkway design will match those provided in the open space, the result will be a cohesive and enhanced pedestrian experience through the entire development. The result will be a better overall walking experience that warrants an exception to the underlying standards. (Revised findings apply to SZCDC § 16.40.020(C)(3)) and 16.106.020(E)(4)(b); pp. 18 and 78-80 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.) Draft Condition of Approval: Prior to Final Development Plan approval, revise the plans to include a continuous pedestrian walkway along and between Tracts E and F that matches the "Pedestrian Walkway" cross section shown on the "Denali Summit Open Space Concept Plan". Trees shall be provided within the landscaped areas unless restricted by a public or private utility easement.
A4	Alternative A4: Require a pedestrian connection along and between Tracts E and F that meet the City's "Feeder Trail" standard in the Transportation System Plan. Findings: The site faces an unusual hardship that warrants a modification to the underlying standards based on the physical conditions of the site including topography, hard subsurface bedrock, and soil contamination. In addition, the two existing homes on the site will be retained, creating a unique challenge for overall site design. In lieu of a full public street connection, the applicant is proposing two 20 ft. wide private streets with a 5 ft. wide sidewalk on one side of each street. The transportation facility modification criteria require "*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."* The final width of the proposed private street and sidewalk will be 25 ft. While the application indicates a street connection to public standards is not feasible, the application has not demonstrated that the proposed design is "minimum necessary to alleviate the hardship or disproportionate impact." The combined width of the private street and sidewalk of 25 ft. is less than half the width of a standard public residential street of 52 ft. Therefore, a wider sidewalk or off-street pedestrian facility may be feasible and can provide a safer transportation system while allowing use of the stubbed private streets to overcome the site constraints. In addition, the PUD approval criteria require that the "*exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan*". The proposed design

	does not meet this standard because the underlying standard would require a full public street connection with two 6 ft. wide public sidewalks. The proposed 5 ft. wide sidewalk does not warrant an exception to the standard. However, the City Transportation System Plan (TSP) contains various off-street trail standards that provide safe and attractive pedestrian facilities. The City's "Feeder Trail" standard requires a minimum 20 ft. wide easement containing an 8 ft. wide paved walking path and two 6 ft. wide landscaped strips. The wider walking path and landscape strips will result in an adequate alternative for the pedestrian in lieu of a standard public street. When combined with the 15 ft. open space pedestrian walkways, the result will be a cohesive and enhanced pedestrian experience through the entire development. (Revised findings apply to SZCDC § 16.40.020(C)(3)) and 16.106.020(E)(4)(b); pp. 18 and 78-80 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.) Draft Condition of Approval: Prior to Final Development Plan approval, revise the plans to include a continuous pedestrian walkway along and between Tracts E and F that matches the "Feeder Trail" cross section shown in the City's Transportation System Plan. Trees shall be provided within the landscaped areas unless restricted by a public or private utility easement.
A5	Alternative A5: Do not grant an exception to the block length standards and require a full public or private street connection. Findings: The subject site is constrained based on the physical conditions including topography, hard subsurface bedrock, and soil contamination. In addition, the two existing homes on the site will be retained, creating a unique challenge for overall site design. In lieu of a full public street connection, the applicant is proposing two 20 ft. wide private streets with a 5 ft. wide sidewalk on one side of each street. The transportation facility modification criteria require "*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."* While the site faces multiple constraints, it is feasible make a connection between the proposed public street in the east and the approved public street within Denali Meadows PUD to the west. Therefore, the modification requested is not the minimum necessary to alleviate the hardship. A connected public or private street is required in lieu of two stubbed private streets (Tracts E and F).

	In addition, the PUD approval criteria require that the "*exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan*". The proposed design does not meet this standard because the underlying standard would require a full public street connection with two 6 ft. wide public sidewalks. Therefore, the proposed 5 ft. wide sidewalk does not warrant an exception to the standard. Because the proposal does not meet the approval criteria for a transportation modification, a connected public or private street is required in lieu of two stubbed private streets (Tracts E and F). (Revised findings apply to SZCDC § 16.40.020(C)(3)) and 16.106.020(E)(4)(b); pp. 18 and 78-80 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.) <u>Council can choose to adopt one of the following conditions:</u> Draft Condition of Approval: Prior to Final Development Plan Approval, revise the plans to provide a connected public street meeting the City's "standard residential" street cross section with a 52 ft. right-of-way. The new public street shall be in lieu of proposed Tracts E and F. Draft Condition of Approval: Prior to Final Development Plan Approval, revise the plans to provide a connected private street meeting the City's "standard residential" street cross section with a 52 ft. right-of-way. The new private street shall be in lieu of proposed Tracts E and F. Draft Condition of Approval**: Prior to Final Development Plan Approval, revise the plans to provide a connected private street with a minimum pavement width of 22 ft. The new private street shall be in lieu of proposed Tracts E and F. **Staff recommends adding language to this condition regarding the "back of curb" requirements along the connected private street.

Figure 1: Standard residential street cross section in Figure 16D of the City's Transportation System Plan

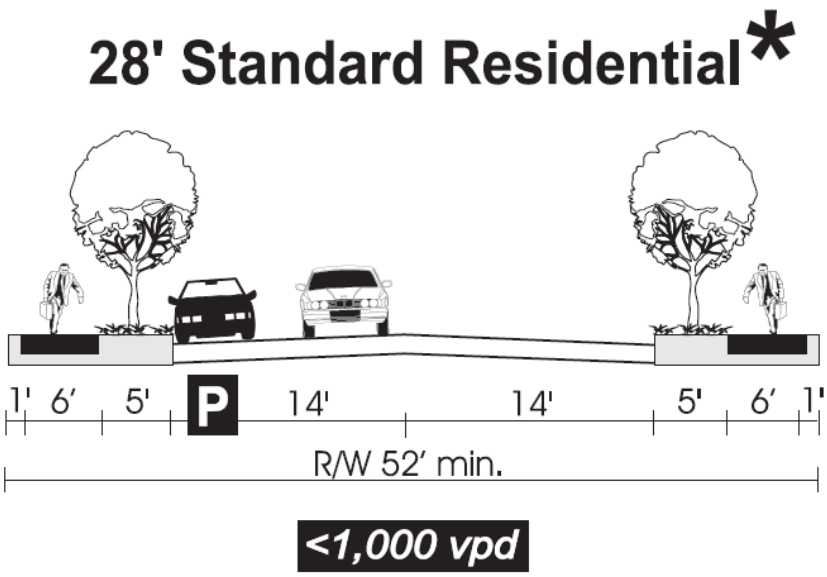
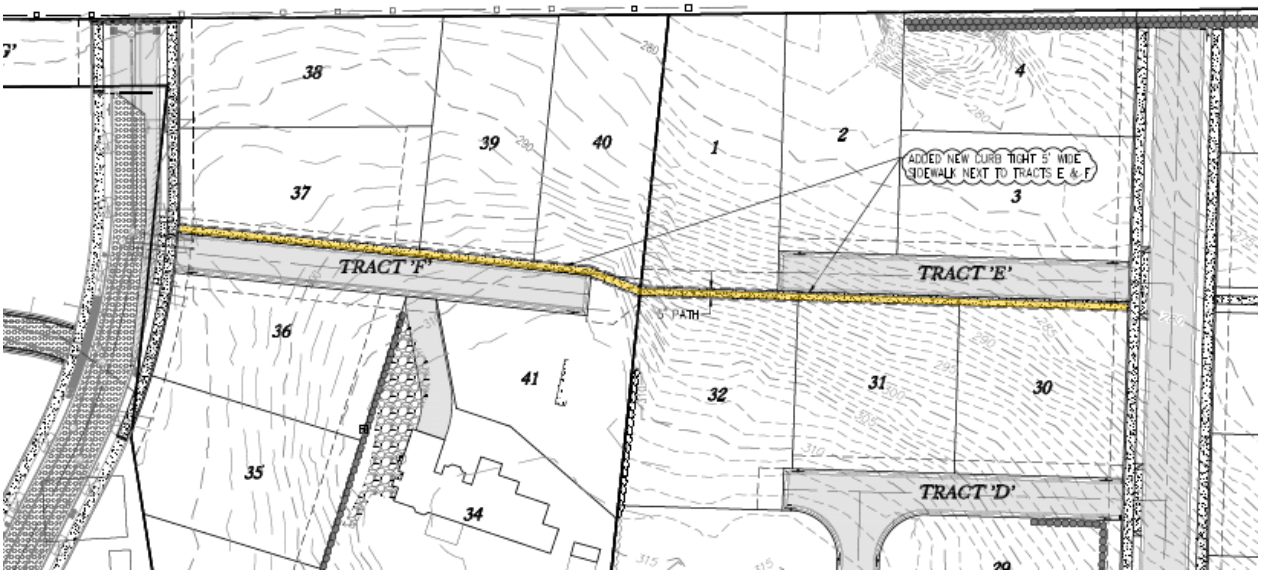


Figure 2: A snip of revised Utility Plan provided by the applicant. The applicant is proposing to add a 5 ft. wide sidewalk on the north side of Tract F and the south side of Tract E, with a connection between the two.



B. Reduced Speed and Curve Radii for Public Street (2 locations)

Proposed	A new public street containing two curves with a centerline radius of 100 ft.
Code Standard	Transportation Facilities Modifications (SZCDC § 16.106.020(E)(4)) *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.* Transportation Facilities – Grades and Curves (SZCDC § 16.106.040(F)) *Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual.* City of Sherwood Engineering Design and Standard Details Section 210.3.B: *Design Speed of 25MPH with e = -2.5% requires a centerline radius of 185 feet*. City of Sherwood Engineering Design and Standard Details Section 210.3.D: *On local streets, requests for design speeds less than 25 miles per hour shall be based on topography, right-of-way, or geographic conditions, which impose an economic hardship on the applicant. Requests will be reviewed at the discretion of the City Engineer on a case-by-case basis. Requests must show that a reduction in centerline radius will not compromise safety. There will be posting requirements associated with designs below 25 miles per hour.*
Council Feedback	Council expressed concern about the driving sight lines at curves and that drivers may not obey the reduced speed limit (20mph) leading to safety concerns under the proposed design; council also inquired about on-street parking location and signage for the proposed curves
Staff Discussion	The standard centerline curve radius for 25 mph roads is 185 ft. and the applicant has requested an exception to this standard through the Engineering Design Modification process. The original recommendation from the Engineering Department was approval of the request with the following conditions: - Streets to be constructed with typical city local street section. No bulb out. - Curves will be signed for “No Parking” on both sides of the street in the areas of the curves.

	- Curves will require advanced signage with "20 MPH Curve" signs. - Lots 17 and 28 to have Sight Vision Easements on the inside of the curves to accommodate stopping sight distance. - Lot 17 to have driveway near the southern property line for the lot. During the hearing on December 15, 2020, council expressed concern that the proposed street design would create a situation similar to SW Dewey Drive. Staff clarifies SW Dewey Drive is identified as a Neighborhood Route in the City's Street Functional Classification Map and currently contains a 60 ft. right-of-way width. Neighborhood Routes are used when the average daily trips for the roadway exceeds 1,000. The public street proposed for the subject application is a local residential street with a 52 ft. wide right-of-way. Local streets are used when the average daily trips for the roadway are less than 1,000. If council determines the proposed conditions in the design modification do not adequately address safety concerns, additional traffic safety measured can be required. Staff proposes requiring bulb outs or "chokers" prior to entering each turn. Chokers are a horizontal extension of the curb into the street resulting in a narrower roadway section that can be used at a corner or midblock. A preliminary parking plan has also been provided to show details for on-street parking at the curves and along the entire proposed public street (Attachment 3).
Applicant's Written Response to First Hearing (original document Attachment 4)	*"Residential streets are multifaceted places that serve numerous and, at times, competing needs. Local residents anticipate a place that is relatively quiet, that connects rather than divides their neighborhoods, where they can walk along and cross the street fairly easily and safely, and where vehicles move slowly. Other street users, such as emergency service providers, solid waste collectors, and delivery trucks, expect a place that they can safely and efficiently access and maneuver in order to perform their jobs. Obviously, balancing the needs of these different users is not an easy task.* *In November of 2000 the State of Oregon published the "Neighborhood Street Design Guidelines" guidebook. The guidebook was prepared in a "workbook style" and street design, particularly street width, was a primary focus of the book. A copy of the guidebook has been submitted to the City as part of the Applicant's response to the City Councils concerns regarding the new proposed public street to provide additional information to the Council on local residential street design and safety.* *On page 4 of the Neighborhood Street Design Guidelines", it notes that in 1999, planner Peter Swift studied approximately 20,000 police accident reports in*

	Longmont, Colorado to determine which of 13 physical characteristics at each accident location (e.g., width, curvature, sidewalk type, etc.) accounts for the crash. The results were not entirely surprising: the highest correlation was between collisions and the width of the street. A typical 36-foot wide residential street has 1.21 collisions/mile/year as opposed to 0.32 for a 24-foot-wide street. The safest streets were narrow, slow, and 24-foot wide streets. *During the hearing on December 15, 20202, the City Council compared SW Dewey Drive on the west side of town to the design of the Applicant's proposed new local residential public street. The comparison between how SW Dewey Drive functions/operates and the design and operating characteristics our proposed local residential street is simply an unfair comparison. To demonstrate this, the Applicant has provided an exhibit (i.e. Dewey Exhibit) showing an aerial view of the Woodhaven neighborhood and the relationship SW Dewey Drive has with the surrounding transportation system. When viewing the aerial photo one thing that quickly jumps out is that SW Meinecke Rd., SW Dewey Drive, and SW Woodhaven Dr. create a connected link to the surrounding neighborhoods and transportation system via the roundabout. Whether your driving from west to east from the Cedarbrook neighborhood, or from southeast to northwest from the Woodhaven neighborhood, the most convenient route is to drive SW Meinecke Rd. to SW Dewey Drive to SW Woodhaven Dr. to gain access to the SW part of downtown when driving from the west. Conversely, when driving from the south/southeast portion of the Woodhaven neighborhood, the most expeditious route to get back to Hwy. 99 is to travel SW Woodhaven Dr. to SW Dewey Dr. to SW Meinecke Rd. via the roundabout to reach Hwy. 99. As such, SW Dewey Dr. operates like a funnel to disperse traffic to the greater surrounding transportation system, which results in higher traffic speeds and cut-through traffic on SW Dewey Drive. The increase traffic speeds can be attributed to a soft corner that can accommodate higher speeds, ingress/egress to a roundabout, and poor driving. Additionally, SW Dewey Dr. has almost direct Hwy. 99w access, is used for access to the old High School parking area, and as a cut thru to Sunset Blvd. to gain access to the skatepark and community park to the south.* *Conversely, the new local residential public street proposed by the Applicant will be a 24-foot wide street with parking on one side, have two (2) 90 degree turns, and serving approximately 40 homes. The two 90-degree turns have been designed to be slow traffic and increase safety for pedestrians walking through the neighborhood. Additionally, the subject site is located on the extreme eastern edge of the City limits, so there is no ability to extend SW Ironwood Ln. to the east and the proposed street will not be extended north beyond the Mosier property due to existing residential development. As such, the proposed local residential street will not operate similarly to SW Dewey Dr. because it will not provide "cut-thru" opportunities to shorten out of distance travel, only severs a*

	limited number of lots, and has two 90-degree curves to help keep speeds slow. As a matter of fact, the Applicant's proposed street design is exactly the type of street design identified in the "Neighborhood Street Design Guidelines" published by the State of Oregon in November of 2000 as being the safest neighborhood street design. *For the above described reasons, it is the Applicant's believe that the proposed street, as designed, is safe, serves only a limited number of lots, and provides no cut-thru opportunities like SW Dewey Dr. because it does not connect with the greater surrounding transportation system in a manner that would benefit a driver. The Applicant worked very closely with the City's Engineering Department to derive the design of this street and obtained design modifications due to existing grade, rock, and need to shift the access for these lots to the west along SW Ironwood Dr. due to conflict with the SW Ironwood Ln./SW Denali Ln. intersection.* *Should the City Council not agree with the Applicant that the proposed street design is safe and will reduce speeds for cars traveling though the subdivision then, as a last resort, the Applicant is agreeable to installing traffic calming in the form of "choker" points. These are not preferred by the developers as it will take away some of the driveway locations for some lots, eliminate some on-street parking spaces, and they are not welcomed by emergency service providers, solid waste collectors, and delivery trucks as it impedes their vehicles."*
Impact on Development	Chokers required along the public street will need to be coordinated with driveway locations. The chokers may result in less desirable locations for driveways in the impacted area. The Institute for Transportation Engineers estimates a choker cost between $1,500 to $20,000 depending on the size and location. The Engineering Design Modification request filled out by the applicant states if a standard centerline radius of 185 ft. was provided at these two curves, the layout of the subdivision would be greatly impacted. The westernmost corner would eliminate the lot located inside the radius if the longer radius was required. At the easternmost corner would require demolition of the existing home.
Alternatives	
B1	Alternative B1: Approve the public street as proposed, with the conditions required by the Engineering Design Modification. Findings: Planning Commission Recommendation to City Council; Applicant's memo dated January 5, 2021 (Attachment 4 – pp. 3-4)

	(Revised findings apply SZCDC § 16.106.020(E)(4)) and 16.106.040(F)); pp. 78-80 and 88 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.) Draft Condition of Approval: Not required
B2	Alternative B2: Require bulb outs / chokers prior to entering the curved portion of the street in each direction (e.g. two bulb outs total - one between Lots 17 / 21 and one between Lots 10 / 28). Findings: The applicant is proposing a new public street which contains two 90 degree turns with a centerline radius of approximately 100 ft. When combined with the slope of the street (e = -2.5%), the maximum centerline radius for 25 mph speed limit roadway is 185 ft (Table IIa in Section 210.3(B) Engineering Design Manual). The applicant has therefore requested a Design Modification to reduce the speed limit to 20 mph which would allow a centerline turn radius of 100 ft. The design of the proposed subdivision is constrained by several factors including topography, hard basalt bedrock, retention of the existing homes, and intersection / driveway spacing along SW Ironwood Lane. The constraints warrant the use of a tighter turn at two locations in order to allow full and efficient development of the site. In order to mitigate the traffic safety risks associated with two 90 degree turns, the following conditions are required: - Streets to be constructed with typical city local street section. No bulb out. - Curves will be signed for “No Parking” on both sides of the street in the areas of the curves. - Curves will require advanced signage with “20 MPH Curve” signs. - Lots 17 and 28 to have Sight Vision Easements on the inside of the curves to accommodate stopping sight distance. - Lot 17 to have driveway near the southern property line for the lot. - Bulb outs or “chokers” shall be provided prior to entering the curved portion of the public street in each direction. E.g. one choker between Lots 17 and 21 and one choker between Lots 10 and 28. (Revised findings apply SZCDC § 16.106.020(E)(4)) and 16.106.040(F)); pp. 78-80 and 88 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.) Draft Condition of Approval: Prior to Final Development Plan approval, revise the plans to provide a bulb out or “choker” prior to entering the curved portion of the public street in each direction. E.g. one choker between Lots 17 and 21 and one choker between Lots 10 and 28.

	Draft Condition of Approval: Prior to Engineering Approval of the Public Improvement Plans, the applicant shall design to provide a bulb out or choker prior to entering the curved portion of the public street in each direction. E.g. one choker between Lots 17 and 21 and one choker between Lots 10 and 28. The final location and design shall be approved by the City Engineer.
B3	Alternative B3: Do not approve the speed reduction request and require a 25-mph speed limit with centerline curve radii meeting the standards of Table IIa in Section 210.3(B) of the Engineering Design Manual. Findings: The applicant is proposing a new public street which contains two 90 degree turns with a centerline radius of approximately 100 ft. When combined when the slope of the street (e = -2.5%), the maximum centerline radius for 25 mph streets is 185 ft (Table IIa in Section 210.3(B) Engineering Design Manual). The applicant has therefore requested a Design Modification to reduce the speed limit to 20 mph which would allow a centerline turn radius of 100 ft. While the design of the proposed subdivision is constrained by several factors including topography, hard basalt bedrock, retention of the existing homes, and intersection / driveway spacing along SW Ironwood Lane, the proposed street design may create a public safety hazard due to proximity of the two street curves to each other and their proposed centerline radius of 100 ft. In addition, the application has not adequately demonstrated that the proposed modification is the minimum necessary to alleviate the hardship created by the site constraints because a discussion of alternative street and subdivision designs has not been provided. Therefore, the public street shall have a 25-mph speed limit with centerline curve radii meeting the standards of Table IIa in Section 210.3(B) of the Engineering Design Manual. (Revised findings apply SZCDC § 16.106.020(E)(4)) and 16.106.040(F)); pp. 78-80 and 88 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.) Draft Condition of Approval: Prior to Final Development Plan approval, revise the plans and design for a 25 mph street with centerline curve radii meeting the standards of Table IIa in Section 210.3(B) of the Engineering Design Manual.

Figure 3: Typical design of a mid-block choker. Chokers are a horizontal extension of the curb into the street resulting in a narrower roadway section that can be used at a corner or midblock.

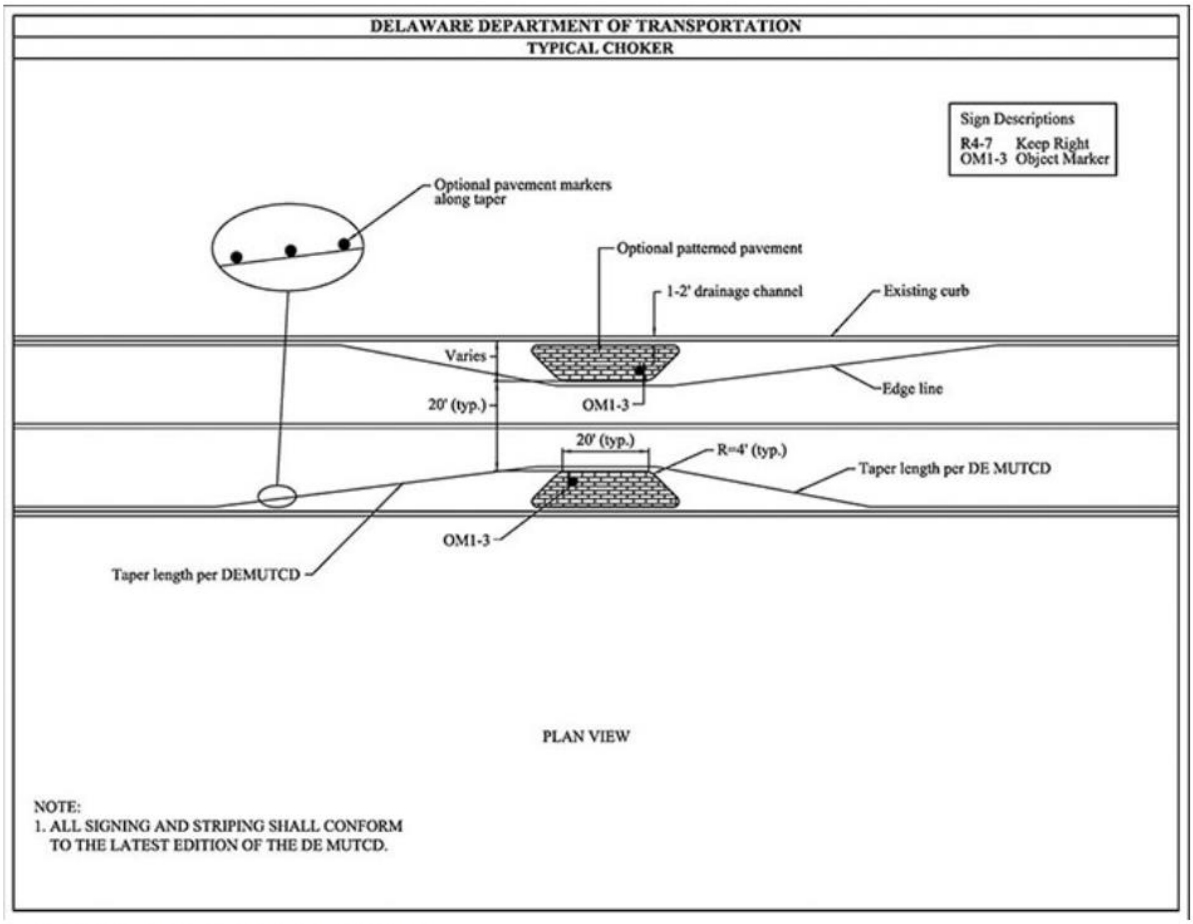


Figure 3.17.8. Sample Design for Choker
(Source: Delaware Department of Transportation)

Figure 4: Plan view of mid-block chokers on a residential street

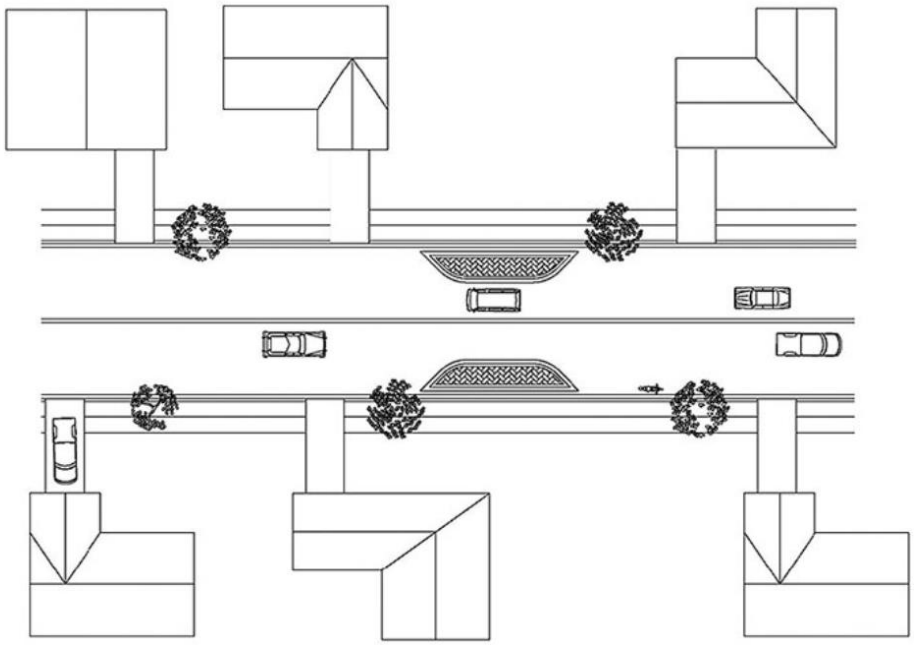


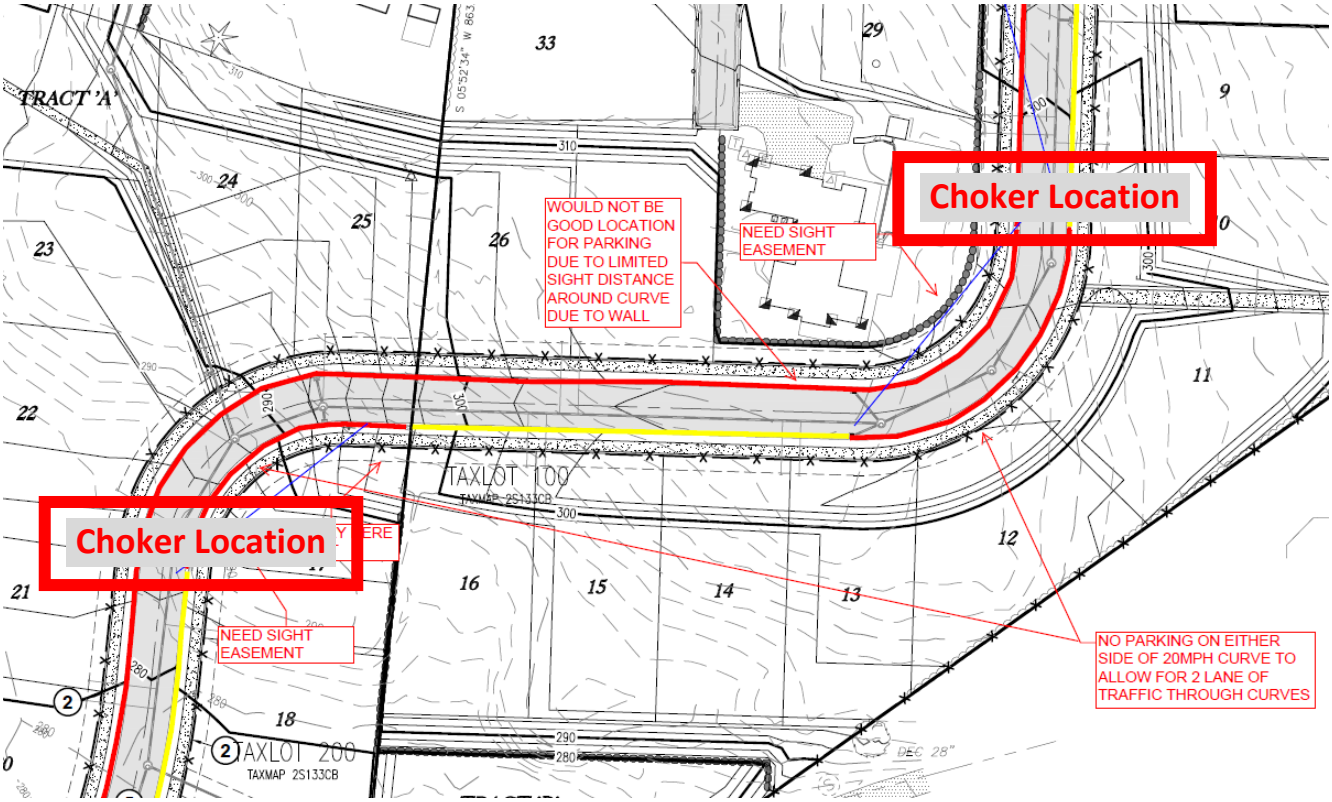
Figure 3.17.1. Choker Schematic
(Source: Delaware Department of Transportation)

Figure 5: Example image of mid-block chokers on a residential street



Figure 3.17.4. Choker in Suburban Residential Setting
(Source: Scott Wainwright)

Figure 6 – A snip of the Preliminary Parking Plan for the public street that shows "No Parking" areas in red and required sight distance easement in blue.



C.Open Space Design and Accessibility

Proposed	Three (3) open space tracts totaling 1.84 acres. Access is proposed from variable width pedestrian corridors ranging from 10.35 ft. (Tract A) to 12.39 ft. (Tract C).
Council Feedback	Council expressed concern about pedestrian pathway widths being too narrow and the lack of landscaping within the corridors; concern about public accessibility of open space; concern that portions of Tract C will not be usable
Code Standard	PUD Preliminary Development Plan (SZCDC § 16.40.020(C)(2) and (6)) *The Commission shall make their decision based on the following criteria:* *(2)The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.* *(6) That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district*
Staff Discussion	<u>Open Space Access for General Public</u> The Planning Commission Recommendation to City Council includes a Condition of Approval (B10) that requires the open space to be available for use by the general public. *Condition of Approval B10: All proposed open space tracts shall be available for use by the general public. Prior to final plat approval, submit draft CC&Rs to the City that describe Open Space Tracts A, C, and G as open to the general public.* If council finds that the proposed condition adequately addresses the concern regarding public, no changes are required to the findings or conditions of approval. <u>Open Space Access Points</u> In response to council feedback, the applicant has provided a revised Open Space Concept Plan and Utility Plan (Attachment 4) and is now proposing a 15 ft. wide "Pedestrian Walkway" for the access points to Tracts A and C. The walkway would include a 5 ft. wide paved path and two 5 ft. wide landscaped strips. The pedestrian facilities are proposed to be owned and maintained by the HOA but open for use by the general public. Additional discussion on the open space design is provided in the box below and in Attachment 4.

	The development code does not specify a required width or design for privately maintained pedestrian trails or easements within open space areas. However, the City's TSP contains various off-street trail cross sections for publicly owned trails that can be applied. Specifically, the City's "Feeder Trail" standard requires a minimum 20 ft. wide corridor containing an 8 ft. wide paved path and two 6 ft. wide landscaped strips. Trees can be provided within the landscape strips unless restricted by a utility easement. If council determines that the applicant's proposed 15 ft. wide pedestrian walkway does not adequately meet the code standards, an alternative design such as the Feeder Trail can be required.
Impact on Development	The quantity, size, shape, and location of the proposed lots may be impacted if a wider pedestrian corridor is required. The approved pedestrian paths within the adjacent Denali Meadows subdivision are 5 ft. wide and an alternative width such as 8 ft. will result in different paved widths between developments. If an 8 ft. wide path was required, the developer will be need to transition the 5 ft. wide path within Tract D of Denali Meadows to an 8 ft. wide path within Tract A of Denali Summit.
Applicant's Written Response to First Hearing	*"With the recent approval of the Denali Meadows and the fact that all of these PUD's are essentially one large PUD, the Applicant would like to continue the open space theme in Denali Summit PUD by providing 5-foot pedestrian walkways through the open space areas similar to what was approved in Denali Meadows. However, to respond to the Council's concerns regarding the ingress/egress access ways to Tracts A and C, the Applicant has widened the pedestrian access connections 15-feet in width with 5-foot landscape strips on each side of a 5-foot hard surface walkway. These will be neighborhood walking paths that will be owned and maintained by the HOA but will have public access easement overlaid on them to allow the public to use them consistent with the recommended conditions of approval.* *Both opens space tracts will be developed with a useable lawn areas, extensive walking paths with bench resting points, small tree groves, and tract C will ultimately be an extension of Tonquin wildlife corridor. Additionally, the PUD combines Tract C from the Denali Meadows PUD with Tract A from Denali Summit to make a useable connecting walking path and lawn area with benches. Tract C in Denali Summit will be a beautiful walking experience that will provide opportunities for wildlife viewing, as well as views of Mt. Hood on clear days."*
Alternatives	
C1	Alternative C1: Approve the open space and pedestrian pathways with no changes, as described in the Planning Commission Recommendation to City Council. Findings: Planning Commission Recommendation to City Council

	Draft Condition of Approval: Not required
C2	Alternative C2: Approve the revised Pedestrian Walkway proposed by the applicant including a 15 ft. wide corridor with 5 ft. sidewalk and two 5 ft. landscaped strips for the access points to open space Tracts A and C. The additional space for the pedestrian pathway is provided in easements over the adjacent private lots. Findings: As described on pp. 4 - 6 of the applicant's memo dated January 5, 2021 (Attachment 4). (Revised findings apply to SZCDC § 16.40.020(C)(2) and (3); pp. 16-18 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.) Draft Condition of Approval: Prior to Final Development Plan approval, revise the plans to provide a 15 ft. wide pedestrian pathway for the access points within Tracts A and C. The design shall match the "Pedestrian Walkway" cross section shown on the "Denali Summit Open Space Concept Plan". Trees shall be provided within the landscaped areas unless restricted by a public or private utility easement
C3	Alternative C3: Require a pedestrian corridor that meets the City's "Feeder Trail" standard for the access points within Tracts A and C. The design shall include an 8 ft. wide hard surface path and two 6 ft. wide landscaped strips within a 20 ft. wide right-of-way. The corridors shall be provided as part of the open space tracts and not through easements over private lots. Findings: The applicant has provided a revised Open Space Concept Plan and Utility Plan (Attachment 4) and is now proposing a 15 ft. wide "Pedestrian Walkway" for the access points to Tracts A and C. While the development code does not specify a required width for private pedestrian trails and easements within open space areas, the PUD approval criteria require "*That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district".* By adhering to the PUD approval criteria, the applicant will be able to obtain a higher density than would be permitted in the underlying zone. The applicant is proposing a net density of approximately 3.3 units / acre which exceeds the limit of the underlying zone of 0.7 units / acre by over 300%. This will result in additional use of the community streets, sidewalks, and off-street paths. While approximately 15% open space will be provided, the proposed design of the pedestrian pathways are 5 ft. wide within 10-12 ft. corridors which are similar to those that would be provided in a standard subdivision. Therefore, the PUD will

	not have a beneficial effect on the area which could not be achieved using the underlying zoning district. However, this issue can be addressed by providing an enhanced pedestrian pathway design. The City's TSP contains various off-street trail cross sections for publicly owned trails which provide additional space in order to accommodate the additional use resulting from the increased density. Specifically, the City's "Feeder Trail" standard in the TSP requires a minimum 20 ft. wide easement containing an 8 ft. wide paved walking path and two 6 ft. wide landscaped strips. In order for the PUD to have a beneficial effect on the area that could be achieved using the underlying zoning district, the applicant shall provide a pedestrian corridor that meets the City's "Feeder Trail" standard for the access points within Tracts A and C. The design shall include an 8 ft. wide hard surface path and two 6 ft. wide landscaped strips within a 20 ft. wide right-of-way. The corridors shall be provided as part of the open space tracts and not through easements over private lots. (Revised findings apply to SZCDC § 16.40.020(C)(2) and (6); pp. 16-17 and 19-20 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.) Draft Condition of Approval: Prior to Final Development Plan approval, revise the plans to provide a "Feeder Trail" to City standards for the access points within Tracts A and C. The design shall include an 8 ft. wide hard surface path and two 6 ft. wide landscaped strips within a 20 ft. wide right-of-way. The corridors shall be provided as part of the open space tracts and not through easements over private lots.
C4	Alternative C4: Do not approve the open space design and deny the application. Findings: The applicant has provided a revised Open Space Concept Plan and Utility Plan (Attachment 4) and is now proposing a 15 ft. wide "Pedestrian Walkway" for the access points to open space Tracts A and C. While the development code does not specify a required width for private pedestrian trails or easements within open space areas, the PUD approval criteria require "*That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district".* By adhering to the PUD approval criteria, the applicant will be able to obtain a higher density than would be permitted in the underlying zone. The applicant is proposing a net density of approximately 3.3 units / acre which exceeds the limit of the underlying zone of 0.7 units / acre by over 300%. This will result in additional use of the community streets, sidewalks, and off-street paths. While approximately 15% open space will be provided, the proposed design of the

	pedestrian pathways are 5 ft. wide within 10-12 ft. corridors which are similar to those that would be provided in a standard subdivision with added use due to increased density. Therefore, the PUD will not have a beneficial effect on the area which could not be achieved using the underlying zoning district. (Revised findings apply to SZCDC § 16.40.020(C)(2) and (3); pp. 16-18 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.) Revised Condition of Approval: Not required

Figure 7: The revised "Pedestrian Walkway" proposed by the applicant for the access points to Tract A and C.

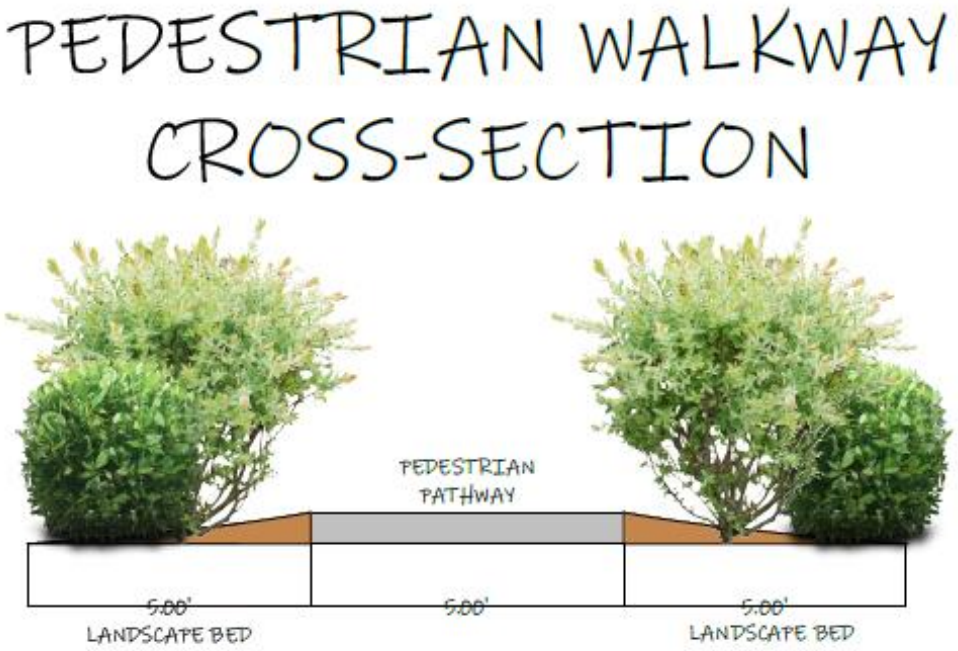


Figure 8: An example 15 ft. walkway in Sherwood connecting SW Sunset Blvd. to SW Galewood Drive. The view is from SW Sunset Drive heading south to SW Galewood Drive. The pathway is provided in a separate tract and is planted with an evergreen hedge.

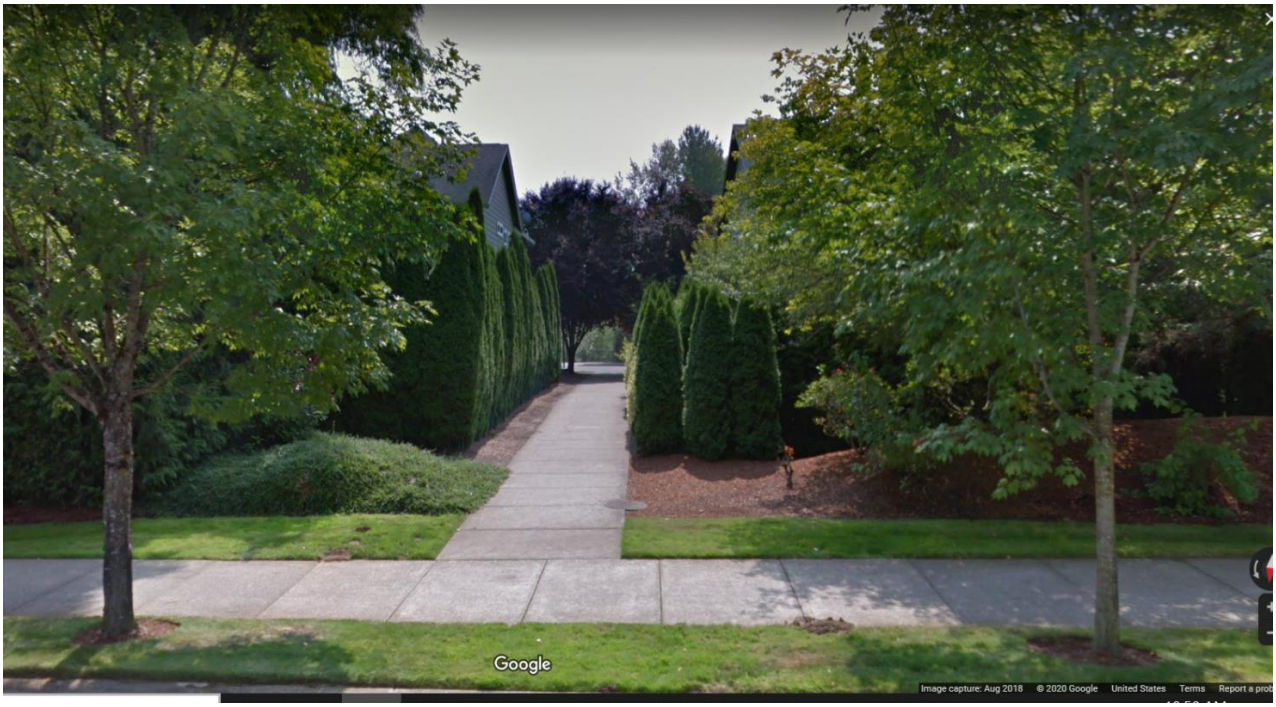
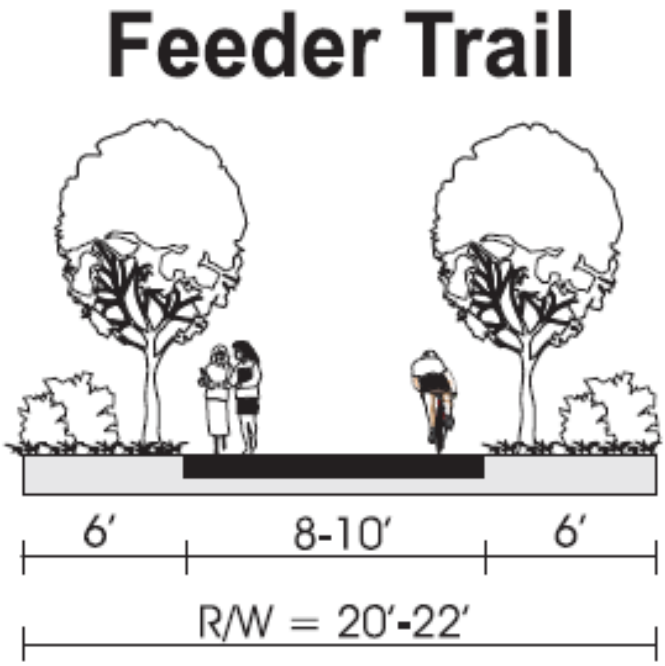


Figure 9: The Feeder Trail cross section in Figure 16F of the City's Transportation System Plan



D. Rear Setbacks for Lots 11 and 12

Proposed	15 ft. rear setback for Lots 11 and 12
Code Standard	The standard rear setback for the VLDR and VLDR PUD zones is 20 ft. per SZCDC § 16.12.030(C)
Council Feedback	Council expressed concern that the reduced setbacks are a burden on adjacent neighbors outside of the development and may not be warranted by the unique design provided by the PUD
Staff Discussion	The VLDR and VLDR-PUD zones do not have a minimum lot depth while all other residential zones have a minimum lot depth of 80 ft. Lot 11 is approximately 123 ft. deep and Lot 12 is approximately 116 ft. deep. <u>Lot 11:</u> Depth 123 ft. Front Setback 15 ft. (with requested exception) Rear Setback 20 ft. (without requested exception) *Depth of buildable portion of lot 88 ft*. <u>Lot 12:</u> Depth 116 ft. Front Setback 15 ft. (with requested exception) Rear Setback 20 ft. (without requested exception) *Depth of buildable portion of lot 81 ft*. If a reduction to the rear setback is not granted, both lots can be still be approved as proposed and the developer would be required to place a home on the lot that complies with the 20 ft. rear setback standard. Staff also clarifies that architectural features such as cornices, eaves, and canopies can project up to 5 ft. into the required rear yard per SZCDC § 16.50.050. During the hearing on December 15 the applicant stated the reduced setbacks of 15 ft. have been requested due to the curve in the street which impacts lot depths. In response to the council concerns, the applicant indicates they are agreeable to withdrawing the rear setback request for the primary structure but are instead requesting a 15 ft. rear setback for uncovered decks (see box below and Attachment 4). SZCDC § 16.50.060 allows uncovered decks no more than 30 inches above grade to project into the rear setback, but no closer than 5 ft. to the rear property line. Due to the slope Lots 11 and 12, an uncovered deck off the rear of the home will

	be greater than 30 inches in height and would not meet the underlying standard. Therefore, the applicant is requesting a new exception to SZCDC § 16.50.060 to allow uncovered decks over 30 inches in height to encroach 5 ft. into the required 20 ft. rear setback. At this time, the applicant has not provided details on the proposed height or elevation of the decks but would be required to do so during building permit review.
Impact of Alternatives	If the rear setback reduction was not granted for the primary home or uncovered decks, both lots can be still be approved as proposed and the developer would be required to place a home and deck on the lot that complies with the 20 ft. setback standard.
Applicant's Written Response to First Hearing (original document Attachment 4)	*"During the hearing on January 5th, 2020, the Council expressed concerns with the Applicant's request to reduce the rear yard setback for Lots 11 and 12 from 20-feet to 15-feet since these lots backed up to property outside of the proposed PUD.* *To address this concern, the developer is agreeable to withdrawing the requested rear yard setback reduction for the future homes on Lots 11 and 12. However, in its place, the developer requests that uncovered decks on the future homes of Lots 11 and 12 be able to encroach into the rear yard setback by 5-feet. Currently, Section 16.50.060, Decks, of the City's code allows uncovered decks which are no more than 30 inches above grade to project into the required rear yard but may not be closer than five feet from the property line. In this case, though, due to the slopping topography of Lots 11 and 12, the developer is requesting uncovered decks greater than 30 inches above grade be allowed in encroach 5 feet into the rear yard setback, which will leave 15-feet of unobstructed rear yard. In addition, the existing cedar trees located along the rear of these lots will be retained to help buffer the properties to the south."*
Alternatives	
D1	Alternative D1: Approve the exception as described in the Planning Commission Recommendation to City Council and grant a 5 ft. reduction to the rear setback requirements for Lots 11 and 12. Findings: Planning Commission Recommendation to City Council Draft Condition of Approval: Not required
D2	Alternative D2: Approve the revised proposal from the applicant and grant an exception to the uncovered deck standards in SZCDC § 16.50.060. The exception will allow uncovered decks over 30 inches in grade to encroach up to 5 ft. into the required 20 ft. rear setback. The final deck setback would be 15 ft. from the rear property line.

	Findings: As described on p. 5 of the applicant's memo dated January 5, 2021 (Attachment 4). (New findings are required for SZCDC § 16.12.030(C) and revised findings for 16.40.020(C)(3); pp. 18 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.) Draft Condition of Approval: The rear setbacks for the primary residence on Lots 11 and 12 shall comply with the requirements of the underlying zone. Notwithstanding SZCDC § 16.50.060, the final rear setback for uncovered decks including those greater than 30 inches above grade shall be 15 ft. Draft Condition of Approval: All evergreen trees greater than 6" DBH on Lots 11 and 12 shall be preserved unless impacted by the building footprint of the primary residence.
D3	Alternative D3: Do not grant an exception to the rear setback for the primary residence and uncovered decks for Lots 11 and 12. Findings: SZCDC § 16.40.020(C)(6) requires that the PUD have a beneficial effect on the area which could not be achieved using the underlying zoning district. In this case, the impact or burden of the proposed exception will fall on the adjacent property owners. While the exceptions will benefit the developer and future owner of Lots 11 and 12, the exception will not have a beneficial effect on the general area including the existing adjacent property owners. Specifically, the adjacent property owners to the south will be impacted by a reduced setback by buildings within the PUD without direct access to the development in order to benefit from the open space and other amenities. In addition, Lots 11 and 12 comply with the lot dimension requirements of the zone as proposed and contain approximately 88 and 81 ft. of buildable lot depth with the reduced front setback of 15 ft. (Revised findings apply to SZCDC § 16.40.020(C)(6)). (Revised findings for 16.40.020(C)(6); pp. 19-20 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.) Draft Condition of Approval: Not required

Figure 10: Snip of the Aerial Map provided on Sheet 15 / 17 of the applicant's submittal. The aerial shows Lots 11 and 12, the evergreen hedge proposed to remain, and the adjacent existing homes that will be impacted by the setback reduction.



E. PUD Approval Criteria (Public Benefit)

Proposed	The application states the primary public benefit provided by the development is the soil remediation over this portion of the former Ken Foster Farm site, in addition to implementation of the City's Transportation System Plan.
Code Standard	PUD Preliminary Development Plan (SZCDC § 16.40.020(C)(3) and (6)) *The Commission shall make their decision based on the following criteria:* *(3) That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.* *(6) That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district."*
Council Feedback	Council expressed concern that the development project does not provide adequate public benefit based on the PUD approval criteria.
Staff Discussion	In response to the council concerns, the applicant has provided additional discussion on this topic which is included in the box below and in Attachment 4. The discussion provides additional arguments on how the application meets the PUD and "public benefit" requirements as proposed. If council finds the current proposal does not meet the criteria above, additional conditions can be required. In order to meet the criteria, staff recommends requiring a placemaking project within the designated open space. Placemaking projects can help create a sense of place within a neighborhood and create additional public benefit. Council can choose to require one or more of these improvements: - Nature themed play equipment (manufactured play equipment mimicking natural features like tree logs, rock formations, etc. – see Figure 11) - Traditional play structure - Interpretive signage related to the geologic history of the site (Tonquin Scabland Geologic Area) - Interpretive signage related to the human history of the site (Ken Foster Farm) - A native plant garden with educational signage - Elevation markers at key locations within the open space tracts - Distance markers at key locations within the open space tracts Example projects are included below as Figures 11 and 12 below.
Applicant's Written Response to First Hearing	*A recurring topic on PUD's has been the "public benefit". Unfortunately, this is not a clear and objective standard like the other subdivision criteria, which has created confusion for the Applicant. When presenting the last two (2) PUD's (i.e.*

(original document Attachment 4)	*Denali and Denali Meadows) in the SE Sherwood Master Plan area to the Planning Commission and City Council, it was widely accepted by both bodies that performing the required DEQ cleanup of the contaminated soils and providing 15% of usable open space in the PUD's has meet the "public benefit" threshold.* *"However, with the current PUD request, it appears that the bar has moved on the "public benefit" threshold. When the SE Sherwood Master Plan was considered for adoption, it proposed the B/C alternative as the preferred master plan layout for the area. Even though the SE Sherwood Master Plan was not adopted by Council, it was adopted by reference into the VLDR zoning chapter to be used as a guide for developing the area. The B/C alternative did not contemplate any of the existing homes in the master plan boundary being retained with the development of the area. However, Figure 9 on page 21 of the SE Sherwood Master Plan did contemplate the retention of the existing homes. As a matter of fact, Figure 9 is the recommended plan for the SE Sherwood Mater Plan area should the existing homes be retained. A copy of Figure 9 has been submitted as part of this response. With the retention of the existing homes, Figure 9 shows reduced open space areas without any adjustment for new open space areas as a result of the homes being retained.* *The Applicant's past proposal of Denali Meadows, which retained the existing dwelling, as well as the current PUD proposal which retains both existing dwellings, continues to provide the required 15 percent open space and walking paths contemplated in the master plan. The open space areas and connected walking paths that include a public access easement over them are a significant public benefit to the community.* *In addition to the benefit the open space areas and connected walking paths provide the community, the public Benefit from this PUD vs Developing to VLDR standards are:* • *With a PUD the density for an incorporated City moves closer to State mandates, which helps to reduce sprawl.* • *Property tax Base increases by 40 homes vs 10 homes on one acre lots.* • *Research shows walking paths and lawn play areas are some of the most used amenities of any park. The Denali PUD's will provide two (2) nice areas with lawn (i.e. Tracts A -Denali Meadows and C – Denali Summit, and Tract C in Denali Summit.* • *Tract C is essentially an extension of Tonquin wildlife corridor. Increasing the buffer area for this beautiful natural area and providing opportunities for the community sit and enjoy the wildlife and views is a significant benefit.*

	• *Tract C will provide a stubbed trail so it can be extended to the north with the development of the Moiser property.* • *The new homes Park SDC's will generate $335,000 vs $87,000 (one acre lots) for City of Sherwood Parks.* • *City and County Permit fees and SDCs will produce close to 2 million in revenue, schools will see $160k plus in excise tax vs $40k (one acre lots).* • *The DEQ required cleanup is a significant public benefit and an extremely costly benefit. The need for this important clean up, as well as the other physical constraints of the land, has caused the land in the SE Sherwood Master Plan area to sit undeveloped for decades until JT Roth Construction took the giant leap to address this problem. Very significant public benefit.* *It is the believe of the development team that based on past PUD approvals for the SE Sherwood Master Plan area, the proposed PUD has met the burden of providing a public benefit. Together, the PUD's are providing open space is excess of 15 percent, they are well thought out with two (2) lawn areas for public use, a looping trail network with potential for future connections to the north, HOA's do not like bearing the increased liability and maintenance associated with of play equipment as it increase insurance costs, HOA dues, and risk of lawsuits (there are two (2) major parks within walking distance). For these reasons and past PUD approvals for land withing the SE Sherwood Master Plan area, the development team believes the public benefit has been met with the proposed PUD."*
Impact on development	Any required improvements within the open space will result in additional cost to the developer(s) and will be the long-term responsibility of the HOA. The future HOAs open space maintenance costs and insurance may be impacted.
Alternatives	
E1	Alternative E1: Approve the application as proposed in the Planning Commission Recommendation, including supplemental arguments provided on pages 5-6 of the applicant's memo dated January 5, 2021. Findings: Planning Commission Recommendation to City Council and pp. 5 – 6 of the applicant's memo dated January 5, 2021. (Findings apply to SZCDC § 16.40.020(C)(3) and (6)). (Revised findings apply to 16.40.020(C)(3) and (6); pp. 18-20 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.) Draft Condition of Approval: Not required

E2	Alternative E2: Require additional public benefit through a placemaking project within the designated open space. Examples include nature play equipment, traditional play equipment, interpretive signage related to the natural or human history, native plant garden with educational signage, elevation or mile markers at key points. Findings: The PUD approval criteria require the exceptions granted from the standards of the underlying zoning district to be warranted by the unique design and amenities incorporated in the development plan. The applicant has requested the following exceptions to standards of the underlying zoning district: - Minimum lot width at front property line (Lot 34) - Minimum front yard setback (all lots) - Minimum corner lot street side yard setback (all corner lots) - Minimum rear yard setback (Lots 11 & 12) - Double frontage lots (Lots 30 & 31) - Transportation facility modifications (various) The exceptions to the underlying standards will allow the development to retain the existing homes and provide a higher density than could be achieved otherwise. In addition, the development will provide approximately 15% open space and result in the cleanup of contaminated soil. These design elements could not likely be achieved under a strict adherence to the underlying standards and the proposal therefor provides a "unique design" required under SZCDC § 16.40.020(C)(3). However, the application does not propose "unique amenities" that are required to meet the approval criteria of SZCDC § 16.40.020(C)(3). While the applicant has provided an Open Space Concept Plan that shows benches, walkways, and landscaped areas within the open space, the amenities are standard improvements for this type of open space. In addition, the application has not demonstrated that other amenities included the development plan warrant the exception to the underlying standards. However, the proposed open spaces are a key component of the overall development plan and are an appropriate location to provide "unique amenities" that enhance overall development therefore warrant exceptions to the underlying zoning standards. In order to meet the approval criteria, the applicant shall provide one of the following amenities within the open space: - Nature theme play equipment (manufactured play equipment mimicking natural features like tree logs, rock formations, etc. - example below) - Traditional play equipment

	- Interpretive signage related to the geologic history of the site (Tonquin Scabland Geologic Area) - Interpretive signage related to the human history of the site (Ken Foster Farm) - A native plant garden with educational signage - Elevation markers at key locations within the open space tracts - Distance markers at key locations within the open space tracts (Revised findings apply to 16.40.020(C)(3); pp. 18 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.) <u>Council can require one or more of the following conditions:</u> Draft Condition of Approval: Prior to Final Development Plan approval, revise the plans to include nature play equipment within open space Tract A or C. The equipment shall be designed to serve the number of lots provided in the development. Draft Condition of Approval: Prior to Final Development Plan approval, revise the plans to include a traditional play structure within open space Tract A or C. The equipment shall be designed to serve the number of lots provided in the development. Draft Condition of Approval: Prior to Final Development Plan approval, revise the plans to include a minimum of two (2) interpretive signs within the open space tracts. The interpretive signage shall be related to the geologic history of the site (Tonquin Scablands). Draft Condition of Approval: Prior to Final Development Plan approval, revise the plans to include a minimum of two (2) interpretive signs within the open space tracts. The interpretive signage shall be related to the human history of the site (Ken Foster Farm). Draft Condition of Approval: Prior to Final Development Plan approval, revise the plans to include a native plant garden and signage within one of the open space tracts. Draft Condition of Approval: Prior to Final Development Plan approval, revise the plans to include elevation markers at key points within the open space tracts and pedestrian easements. Draft Condition of Approval: Prior to Final Development Plan approval, revise the plans to include distance markers at key points within the open space tracts and pedestrian easements.

E3	Alternative E3: Deny the application based on findings that the proposal does not meet the PUD approval criteria required by SZCDC § 16.40.020(C)(3). Findings: The PUD approval criteria require the exceptions granted from the standards of the underlying zoning district must be warranted by the unique design and amenities incorporated in the development plan. The applicant has requested the following exceptions to standards of the underlying zoning district: - Minimum lot width at front property line (Lot 34) - Minimum front yard setback (all lots) - Minimum corner lot street side yard setback (all corner lots) - Minimum rear yard setback (Lots 11 & 12) - Double frontage lots (Lots 30 & 31) - Transportation facility modifications (various) The exceptions to the underlying standards will allow the development to retain the existing homes and provide a higher density than could be achieved otherwise. In addition, the development will provide approximately 15% open space and result in the cleanup of contaminated soil. These design elements could not likely be achieved under a strict adherence to the underlying standards and the proposal therefore provides a "unique design" as required under SZCDC § 16.40.020(C)(3). However, the application does not propose "unique amenities" that are required to meet the approval criteria of SZCDC § 16.40.020(C)(3). While the applicant has provided an Open Space Concept Plan that shows benches, walkways, and landscaped areas within the open space, the amenities are standard improvements for this type of open space. In addition, no other aspects of the development can be found to provide unique amenities required by the standard. (Revised findings apply to 16.40.020(C)(3); pp. 18 of the PC Recommendation; Additional edits to findings may be required for clarity and cohesiveness with other findings in the report.) Draft Condition of Approval: Not required

Figure 11: Example nature themed play equipment. Equipment can generally be purchased and installed as separate items providing flexibility in design.



Figure 12: Example interpretive sign and seating area within an open space



Source: Tom Ouelette

City of Sherwood
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Denali Summit Analysis of Potential Connection of Tracts E and F Private Streets
Date: January 7, 2021

At the request of the Sherwood City Council, Sherwood staff have been tasked to look into the viability of connecting the private street within Tract E to the private street within Tract F. A concept design (performed by Emerio Design) has been attached showing what the results of the streets within Tracts E and F to interconnect would look like.

Current Land Use Proposal

Currently as submitted for land use approval, the preliminary plan shows the street within Tract F gaining access from a street to the west that is currently under construction within the Denali Meadows subdivision, while the street within Tract E will receive access from a proposed public street to the east that will be constructed with the Denali Summit subdivision. Each tract is proposed to provide access to 4 new lots. One of the lots to obtain driveway access from the street within Tract F is an existing home that is located near the top of a hill. Without the interconnection of the 2 streets, allowances were considered by city staff to allow street grades to meet driveway grade standards instead of public street standards in order to allow the slope of the street within Tract F to immediately slope upward from the back of sidewalk at a slope of 11 percent to provide for a driveway to the existing garage that will be within the 14 percent maximum driveway slope allowed by Sherwood Municipal Code.

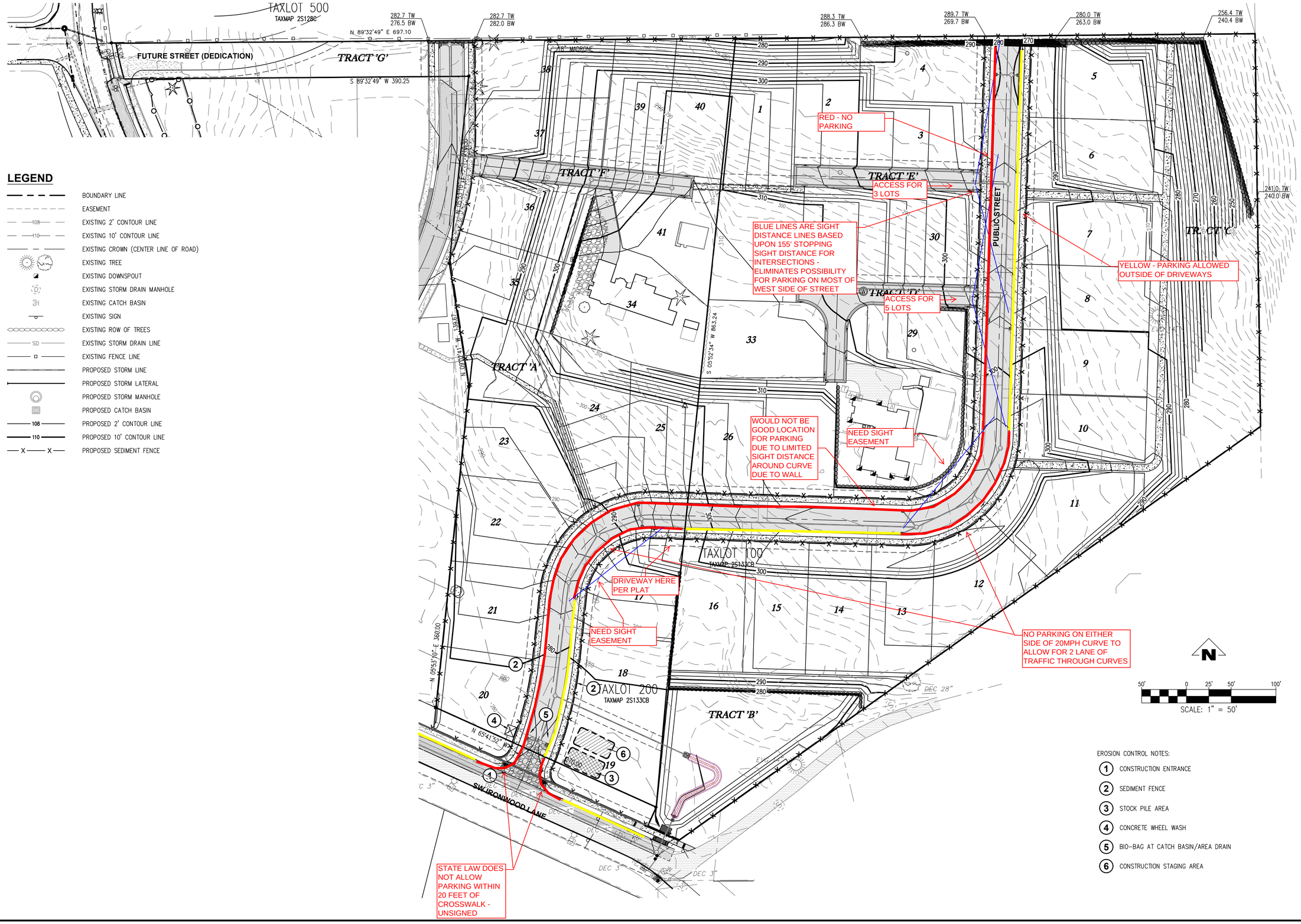
Guidelines for Design

In order for the applicant to provide a design as to the viability of interconnection of Tracts E and F, it was necessary for the engineering department to meet with the applicant's design engineer to provide guidance/parameters for the design. It was determined by city staff that when designing for the interconnection between Tracks E and F that the new street would need to meet public standards in respect to the vertical alignment of the street. This is due to the interconnecting street providing access to 8 lots and potentially being used by other vehicles as a cut through between the 2 public streets. Therefore a vertical curve/landing area is being required for the connection point between the street within Tract F and the sidewalk along the east side of the new street within the Denali Meadows subdivision meeting Sherwood engineering design standards. Also using these standards allows for the street to have a maximum grade of 15 percent. Using these guidelines, Emerio Design has provided a concept design showing what interconnecting the streets within Tracts E and F would look like.

Summation of Results

The concept plan provided by Emerio Design shows that it is possible to interconnect the streets in Tracts E and F with additional rock excavation of the hill in order to achieve a design that meets with Sherwood Engineering Design Standards. However the concept plan also shows that construction of the street interconnection will result in a slope of 21 percent when constructing a new driveway for the existing house to be able to access the street within Tract F from the existing garage. This 21 percent slope would far exceed the 14 percent maximum driveway slope as stated in the Sherwood Municipal Code. Therefore although a street interconnect could be constructed meeting city standards, it can't be done while providing for a driveway access to the existing house that also meets city standards. Imposing a driveway slope of 21 percent is outside of city standards and not recommended. Therefore when taking driveway access to the existing home into account, city staff recommends approving the streets within Tracts E and F as separate streets with each serving 4 lots as proposed in the preliminary land use plan.

If it is determined that an interconnection of the streets within Tracts E and F will be imposed upon the developer, then it is recommended by the engineering department that two 11-foot lanes be required to provide for adequate street width for through traffic.



LEGEND

- BOUNDARY LINE
- EASEMENT
- 108 — EXISTING 2' CONTOUR LINE
- 110 — EXISTING 10' CONTOUR LINE
- EXISTING CROWN (CENTER LINE OF ROAD)
- EXISTING TREE
- EXISTING DOWNSPOUT
- EXISTING STORM DRAIN MANHOLE
- EXISTING CATCH BASIN
- EXISTING SIGN
- EXISTING ROW OF TREES
- SD — EXISTING STORM DRAIN LINE
- EXISTING FENCE LINE
- PROPOSED STORM LINE
- PROPOSED STORM LATERAL
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- 108 — PROPOSED 2' CONTOUR LINE
- 110 — PROPOSED 10' CONTOUR LINE
- X — X — PROPOSED SEDIMENT FENCE

EROSION CONTROL NOTES:

1. CONSTRUCTION ENTRANCE
2. SEDIMENT FENCE
3. STOCK PILE AREA
4. CONCRETE WHEEL WASH
5. BIO-BAG AT CATCH BASIN/AREA DRAIN
6. CONSTRUCTION STAGING AREA

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

PRELIMINARY GRADING AND EROSION CONTROL PLAN

REVISIONS

NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

EMERIO Designs
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 297-1562
www.emeriodesign.com

SHEET 05 OF 17

FILE:P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009_05prgrd, Layout: 05_PRELIMINARY GRADING AND EROSION CONTROL PLAN, Plot Date: 8/31/2020 4:11 PM, by: Kyung Han

EMERIO Design

CIVIL ENGINEERS & PLANNERS

January 5, 2021

Eric Rutledge, Associate Planner
City of Sherwood Mayor and City Councilors
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

RE: Denali Summit PUD (i.e. City File # LU2020-013 PUD).

Dear City of Sherwood Mayor and City Councilors,

Emerio Design, LLC has a long standing tradition of working with the City of Sherwood to design high quality master planned developments (PUD) in the City of Sherwood and we would like to continue that tradition with our design for the approximately 15-acre parcel that is the subject of City File # LU2020-013 PUD. As such, please accept this short letter expressing our position and thoughts as they relate to the issues/concerns raised at the December 15th City Council Public Hearing for the proposed Denali Summit PUD. The following issues/concerns will be addressed by this letter:

1. Connectivity and design of Tracts E and F
2. Reduced curve radii for public street (2 locations)
3. Open space design and accessibility
4. Rear setback for Lots 11 and 12
5. Public benefit

❖ **Connecting Tracts "E" and "F"**

RESPONSE: The proposed Denali Summit PUD was designed after performing extensive reviews of all applicable City of Sherwood land-use regulations, adopted Transportation System Plans, and meeting with City staff in a pre-application meeting so we could make an informed decision on how to develop the subject site.

After reviewing the City's zoning and transportation plans and meeting with staff, it became clear that existing and recently approved streets, site topography, and retention of the existing homes would impact the design of the site. Some of the existing limitations include the retention of the existing homes on both properties, recently approved Denali Meadows PUD with the new

public street along the entire western boundary of the subject site, and topographical challenges of the site. Another limiting factor affecting street locations and lot layout was the configuration of the property. Both subject properties are long north to south and narrow east to west, which when combined with the other limiting factors listed above, severely restricts the ability of the property to be designed to achieve a rectangular grid pattern as opportunities for connectivity to the north, west and east are restricted. Because we had limited ability to extend streets to the north, west, and east for the above noted reasons, alternatives to the street layout, lotting pattern, and access points had to be considered.

The primary challenge to connecting Tracts E and F is topography and the retention of the existing Miller home. With the development of the Denali Meadows PUD, the new public street serving the PUD abuts the Miller property along the western property boundary. The elevation of the new public street in the Denali Meadows PUD is at approximately 285 feet. The proposed elevation for the new public street serving the Denali Summit PUD at the northeast end of the site is 295 feet. The elevation in between these two streets is approximately 307 feet. Thus, the elevation of the new public street serving the Denali Meadows PUD, the sites steep topography in the northern portion of the site, as well as the existing elevation of SW Ironwood Ln., create an existing street pattern and built environment that dictates how the proposed PUD is designed.

With the northwest side of the site being significantly lower in elevation that the northeast side of the site and the retention of the existing Miller family home, it has created a situation that requires two (2) private streets to serve the project. Tract F has been located on the south side of the slope (low side) to help minimize grading and to provide driveways for Lots 34 (Miller Family home lot), 39, 40, and 41 that will not be unreasonably steep. This situation is illustrated in the "Tract F Plan and Profile" sheet. Similar to Tract F, Tract E has been located on the north side or low side of the slope on the Yuzon property to help minimize grading and to provide driveways for Lots 1 – 4 that are not unreasonably steep. It has been the experience of the development team that when you have unreasonably steep driveways serving a home, then the garages and driveways on these lots tend to not be utilized for off-street parking purposes and cars overflow into the street. By minimizing the number of lots served by the private streets, the project is able to provide highly desirable driveways for all lots along the private streets.

It is the position of the Applicant that connecting the two (2) private streets would create an unsafe street, create unusable driveways for some of the lots, and place an unnecessary burden on the HOA to maintain the private street as it would likely become a cut through street. Additionally, Tract F improvements have already been permitted and are currently being installed (sewer, water and public street) as proposed as part of the Denali Meadows improvements. Also, to help facilitate a full street improvement with the development of the Denali Meadows, the Miller's recently dedicated the remaining right-of-way from their property to get a full public street improvement. The improvements that are occurring with the construction of the Denali Meadows PUD will prevent the need to patch together the remaining portion of the street, eliminate saw cuts to access the utilities, and allows the Miller property continued access until the Denali Summit PUD is constructed.

Responding to the City Council comments and in order to adequately address out of distance pedestrian travel and help reduce block lengths, the development team has added a new curb

tight 5-foot wide pedestrian sidewalk along tracts E and F. The proposed pedestrian sidewalk will connect the two public streets for pedestrian travel and will align with the northern pedestrian walkway serving the open space in Tract C. This provides excellent walking experience and is safe for pedestrians and the traffic serving the lots along the private streets. Finally, all proposed private streets will be maintained by a Homeowners Association (HOA), which reserve funds will be created and maintained, to ensure long-term future maintenance activities are adequately funded and performed and will not be a public burden. Construction of a public street simply is not feasible as it will create steep driveways, eliminate a large number of lots and effectively terminate the viability of the project.

- **Reduced curve radii for public street (2 locations)**

Residential streets are multifaceted places that serve numerous and, at times, competing needs. Local residents anticipate a place that is relatively quiet, that connects rather than divides their neighborhoods, where they can walk along and cross the street fairly easily and safely, and where vehicles move slowly. Other street users, such as emergency service providers, solid waste collectors, and delivery trucks, expect a place that they can safely and efficiently access and maneuver in order to perform their jobs. Obviously, balancing the needs of these different users is not an easy task.

In November of 2000 the State of Oregon published the "Neighborhood Street Design Guidelines" guidebook. The guidebook was prepared in a "workbook style" and street design, particularly street width, was a primary focus of the book. A copy of the guidebook has been submitted to the City as part of the Applicant's response to the City Councils concerns regarding the new proposed public street to provide additional information to the Council on local residential street design and safety.

On page 4 of the Neighborhood Street Design Guidelines", it notes that in 1999, planner Peter Swift studied approximately 20,000 police accident reports in Longmont, Colorado to determine which of 13 physical characteristics at each accident location (e.g., width, curvature, sidewalk type, etc.) accounts for the crash. The results were not entirely surprising: the highest correlation was between collisions and the width of the street. A typical 36-foot wide residential street has 1.21 collisions/mile/year as opposed to 0.32 for a 24-foot-wide street. The safest streets were narrow, slow, and 24-foot wide streets.

During the hearing on December 15, 20202, the City Council compared SW Dewey Drive on the west side of town to the design of the Applicant's proposed new local residential public street. The comparison between how SW Dewey Drive functions/operates and the design and operating characteristics our proposed local residential street is simply an unfair comparison. To demonstrate this, the Applicant has provided an exhibit (i.e. Dewey Exhibit) showing an aerial view of the Woodhaven neighborhood and the relationship SW Dewey Drive has with the surrounding transportation system. When viewing the aerial photo one thing that quickly jumps out is that SW Meinecke Rd., SW Dewey Drive, and SW Woodhaven Dr. create a connected link to the surrounding neighborhoods and transportation system via the roundabout. Whether your driving from west to east from the Cedarbrook neighborhood, or from southeast to northwest from the Woodhaven neighborhood, the most convenient route is to drive SW Meinecke Rd. to

SW Dewey Drive to SW Woodhaven Dr. to gain access to the SW part of downtown when driving from the west. Conversely, when driving from the south/southeast portion of the Woodhaven neighborhood, the most expeditious route to get back to Hwy. 99 is to travel SW Woodhaven Dr. to SW Dewey Dr. to SW Meinecke Rd. via the roundabout to reach Hwy. 99. As such, SW Dewey Dr. operates like a funnel to disperse traffic to the greater surrounding transportation system, which results in higher traffic speeds and cut-through traffic on SW Dewey Drive. The increase traffic speeds can be attributed to a soft corner that can accommodate higher speeds, ingress/egress to a roundabout, and poor driving. Additionally, SW Dewey Dr. has almost direct Hwy. 99w access, is used for access to the old High School parking area, and as a cut thru to Sunset Blvd. to gain access to the skatepark and community park to the south.

Conversely, the new local residential public street proposed by the Applicant will be a 24-foot wide street with parking on one side, have two (2) 90 degree turns, and serving approximately 40 homes. The two 90-degree turns have been designed to be slow traffic and increase safety for pedestrians walking through the neighborhood. Additionally, the subject site is located on the extreme eastern edge of the City limits, so there is no ability to extend SW Ironwood Ln. to the east and the proposed street will not be extended north beyond the Mosier property due to existing residential development. As such, the proposed local residential street will not operate similarly to SW Dewey Dr. because it will not provide "cut-thru" opportunities to shorten out of distance travel, only severs a limited number of lots, and has two 90-degree curves to help keep speeds slow. As a matter of fact, the Applicant's proposed street design is exactly the type of street design identified in the "Neighborhood Street Design Guidelines" published by the State of Oregon in November of 2000 as being the safest neighborhood street design.

For the above described reasons, it is the Applicant's believe that the proposed street, as designed, is safe, serves only a limited number of lots, and provides no cut-thru opportunities like SW Dewey Dr. because it does not connect with the greater surrounding transportation system in a manner that would benefit a driver. The Applicant worked very closely with the City's Engineering Department to derive the design of this street and obtained design modifications due to existing grade, rock, and need to shift the access for these lots to the west along SW Ironwood Dr. due to conflict with the SW Ironwood Ln./SW Denali Ln. intersection.

Should the City Council not agree with the Applicant that the proposed street design is safe and will reduce speeds for cars traveling though the subdivision then, as a last resort, the Applicant is agreeable to installing traffic calming in the form of "choker" points. These are not preferred by the developers as it will take away some of the driveway locations for some lots, eliminate some on-street parking spaces, and they are not welcomed by emergency service providers, solid waste collectors, and delivery trucks as it impedes their vehicles.

- **Open space design and accessibility**

With the recent approval of the Denali Meadows and the fact that all of these PUD's are essentially one large PUD, the Applicant would like to continue the open space theme in Denali Summit PUD by providing 5-foot pedestrian walkways through the open space areas similar to what was approved in Denali Meadows. However, to respond to the Council's concerns

regarding the ingress/egress access ways to Tracts A and C, the Applicant has widened the pedestrian access connections 15-feet in width with 5-foot landscape strips on each side of a 5-foot hard surface walkway. These will be neighborhood walking paths that will be owned and maintained by the HOA but will have public access easement overlaid on them to allow the public to use them consistent with the recommended conditions of approval.

Both opens space tracts will be developed with a useable lawn areas, extensive walking paths with bench resting points, small tree groves, and tract C will ultimately be an extension of Tonquin wildlife corridor. Additionally, the PUD combines Tract C from the Denali Meadows PUD with Tract A from Denali Summit to make a useable connecting walking path and lawn area with benches. Tract C in Denali Summit will be a beautiful walking experience that will provide opportunities for wildlife viewing, as well as views of Mt. Hood on clear days.

❖ **Rear setback for Lots 11 and 12**

During the hearing on January 5th, 2020, the Council expressed concerns with the Applicant's request to reduce the rear yard setback for Lots 11 and 12 from 20-feet to 15-feet since these lots backed up to property outside of the proposed PUD.

To address this concern, the developer is agreeable to withdrawing the requested rear yard setback reduction for the future homes on Lots 11 and 12. However, in its place, the developer requests that uncovered decks on the future homes of Lots 11 and 12 be able to encroach into the rear yard setback by 5-feet. Currently, Section 16.50.060, Decks, of the City's code allows uncovered decks which are no more than 30 inches above grade to project into the required rear yard but may not be closer than five feet from the property line. In this case, though, due to the slopping topography of Lots 11 and 12, the developer is requesting uncovered decks greater than 30 inches above grade be allowed in encroach 5 feet into the rear yard setback, which will leave 15-feet of unobstructed rear yard. In addition, the existing cedar trees located along the rear of these lots will be retained to help buffer the properties to the south.

❖ **Public benefit**

A recurring topic on PUD's has been the "public benefit". Unfortunately, this is not a clear and objective standard like the other subdivision criteria, which has created confusion for the Applicant. When presenting the last two (2) PUD's (i.e. Denali and Denali Meadows) in the SE Sherwood Master Plan area to the Planning Commission and City Council, it was widely accepted by both bodies that performing the required DEQ cleanup of the contaminated soils and providing 15% of usable open space in the PUD's has meet the "public benefit" threshold.

However, with the current PUD request, it appears that the bar has moved on the "public benefit" threshold. When the SE Sherwood Master Plan was considered for adoption, it proposed the B/C alternative as the preferred master plan layout for the area. Even though the SE Sherwood Master Plan was not adopted by Council, it was adopted by reference into the VLDR zoning chapter to be used as a guide for developing the area. The B/C alternative did not contemplate any of the existing homes in the master plan boundary being retained with the development of the area. However, Figure 9 on page 21 of the SE Sherwood Master Plan did contemplate the retention of the existing homes. As a matter of fact, Figure 9 is the recommended plan for the

SE Sherwood Mater Plan area should the existing homes be retained. A copy of Figure 9 has been submitted as part of this response. With the retention of the existing homes, Figure 9 shows reduced open space areas without any adjustment for new open space areas as a result of the homes being retained.

The Applicant's past proposal of Denali Meadows, which retained the existing dwelling, as well as the current PUD proposal which retains both existing dwellings, continues to provide the required 15 percent open space and walking paths contemplated in the master plan. The open space areas and connected walking paths that include a public access easement over them are a significant public benefit to the community.

In addition to the benefit the open space areas and connected walking paths provide the community, the public Benefit from this PUD vs Developing to VLDR standards are:

- With a PUD the density for an incorporated City moves closer to State mandates, which helps to reduce sprawl.
- Property tax Base increases by 40 homes vs 10 homes on one acre lots.
- Research shows walking paths and lawn play areas are some of the most used amenities of any park. The Denali PUD's will provide two (2) nice areas with lawn (i.e. Tracts A - Denali Meadows and C – Denali Summit, and Tract C in Denali Summit.
- Tract C is essentially an extension of Tonquin wildlife corridor. Increasing the buffer area for this beautiful natural area and providing opportunities for the community sit and enjoy the wildlife and views is a significant benefit.
- Tract C will provide a stubbed trail so it can be extended to the north with the development of the Moiser property.
- The new homes Park SDC's will generate $335,000 vs $87,000 (one acre lots) for City of Sherwood Parks.
- City and County Permit fees and SDCs will produce close to 2 million in revenue, schools will see $160k plus in excise tax vs $40k (one acre lots).
- The DEQ required cleanup is a significant public benefit and an extremely costly benefit. The need for this important clean up, as well as the other physical constraints of the land, has caused the land in the SE Sherwood Master Plan area to sit undeveloped for decades until JT Roth Construction took the giant leap to address this problem. Very significant public benefit.

It is the believe of the development team that based on past PUD approvals for the SE Sherwood Master Plan area, the proposed PUD has met the burden of providing a public benefit. Together, the PUD's are providing open space is excess of 15 percent, they are well thought out with two (2) lawn areas for public use, a looping trail network with potential for future connections to the north, HOA's do not like bearing the increased liability and maintenance associated with of play equipment as it increase insurance costs, HOA dues, and risk of lawsuits (there are two (2) major parks within walking distance). For these reasons and past PUD approvals for land withing the SE Sherwood Master Plan area, the development team believes the public benefit has been met with the proposed PUD.

FUTURE STREET (DEDICATION)

TRACT 'G'

TRACT 'F'

TRACT 'E'

TRACT 'D'

TRACT 'C'

TRACT 'A'

TRACT 'B'

ADDED NEW CURB TIGHT 5' WIDE SIDEWALK NEXT TO TRACTS E & F

5' PATH

5' LANDSCAPE

5' PATH
5' LANDSCAPE

5' LANDSCAPE
5' PATH
5' LANDSCAPE

CHOKERS

CHOKERS

5' LANDSCAPE
5' PATH
5' LANDSCAPE

5' LANDSCAPE
5' PATH
5' LANDSCAPE

EVG TA

N

50' 0 25' 50' 100'

SCALE: 1" = 50'

5' LAND-SCAPE | 5' PATH | 5' LAND-SCAPE

PATH-SECTION

NTS

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

SITE EXHIBIT

REVISIONS

NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

EMERIO Design
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
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SHEET 14 OF 17

FILE:P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009_14put-TEMP, Layout: 14_PRELIMINARY UTILITY PLAN, Plot Date: 1/5/2021 10:49 AM, by: Kyung Hon

DENALI SUMMIT OPEN SPACE CONCEPT PLAN



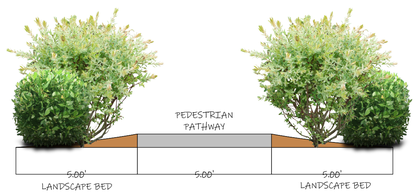
PLANT LIST

SYMBOL	QTY.	SUGGESTED PLANT MATERIAL	SIZE	SPACING
		TREES		
	29	ACER RUBRUM 'FRANKSRED' Red Sunset Maple	2" cal.	As Shown
	6	CERCIS CANADENSIS Eastern Redbud	6'-8' ht.	As Shown
	0	CARPINUS BETULUS PYRAMIDALIS European Hornbeam	2" cal.	As Shown
	12	PINUS FLEXILIS 'VANDERWOLF'S PYRAMID' Limber Pine	5' ht.	As Shown
	55	ZELKOVA SERRATA 'VILLAGE GREEN' Village Green Zelkova	2" cal.	As Shown
		EXISTING TREES		
	2	DECIDUOUS TREE	VARIES	
	62	EVERGREEN TREE	VARIES	

PLANT LIST

SYMBOL	QTY.	SUGGESTED PLANT MATERIAL	SIZE	SPACING
		SHRUBS		
	56	CARYOPTERIS X CLANDONENSIS Blue Mist Bluebeard	2 gal.	4' o.c.
	57	ILEX GLABRA 'SHAMROCK' Shamrock Inkberry	2 gal.	4' o.c.
	21	MYRICA CALIFORNICA Pacific Wax Myrtle	5 gal.	6' o.c.
	32	VACCINIUM OVATUM Evergreen Huckleberry	2 gal.	3' o.c.
	86	VIBURNUM TINUS 'COMPACTUM' Spring Bouquet Laurustinus	2 gal.	4' o.c.
		GROUNDCOVER & PERENNIALS		
	260	ARCTOSTAPHYLOS URA-URSI Kinnikinnick	1 gal.	3' o.c.
	339	MAHONIA REPENS Creeping Oregon Grape	2 gal.	3' o.c.
	124	POLYSTICHUM MUNITUM Western Sword Fern	1 gal.	3' o.c.
	124	MAHONIA REPENS Creeping Oregon Grape	1 gal.	3' o.c.
	124	ARCTOSTAPHYLOS URA-URSI Kinnikinnick	1 gal.	3' o.c.
	86	PENNISETUM ALOPECUROIDES 'HAMELN' Hameln Dwarf Fountain Grass	1 gal.	3' o.c.
		SEEDED AREAS		
		PT Lawn Seed PT 769 RER Eco-turf mix	Seed	5-7 lbs/1000 sq.ft.
		PT Lawn Seed PT 705 Xeriscape Lawn Alternative	Seed	2 lbs/1000 sq.ft.
		(1)6' BENCH WITH BACK REST ON CONCRETE PAD		

PEDESTRIAN WALKWAY CROSS-SECTION



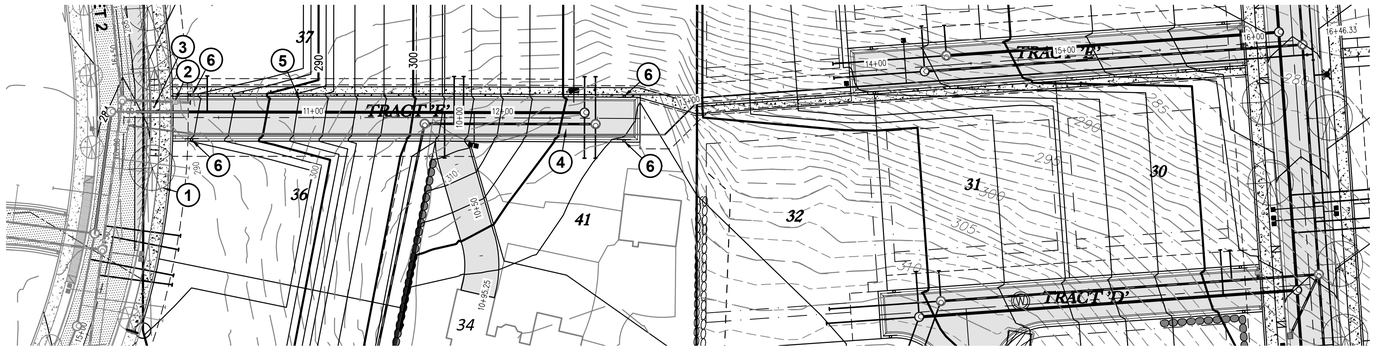
Project: Denali Summit Subdivision

Tree Density Calculations:

Project Zoning: Residential (Single-family & two-family developments)

Required Site Coverage: 40%

TREE NAME	QUANTITY	MATURE SPREAD (FT.)	CANOPY AREA (SF)	CANOPY COVERAGE (SF)
EXISTING TREES (COUNT AS TWO):				
Evergreen	62	30	707	87668
Deciduous	2	40	1257	5028
PROPOSED NEW TREES:				
ACER RUBRUM 'FRANKSRED'	29	40	1257	36453
CERCIS CANADENSIS	6	35	962	5772
CARPINUS BETULUS PYRAMIDALIS	0	35	962	0
ZELKOVA SERRATA 'VILLAGE GREEN'	55	36	1018	55990
PINUS FLEXILIS 'VANDERWOLF'S PYRAMID'	12	30	707	8484
			TOTAL CANOPY COVERAGE	199,395
			TOTAL SITE AREA	454,849
			PERCENT CANOPY COVERAGE	44%



TRACT 'F' - PLAN

SCALE: 1" = 40'

N

40' 0 20' 40' 80'

SCALE: 1" = 40'

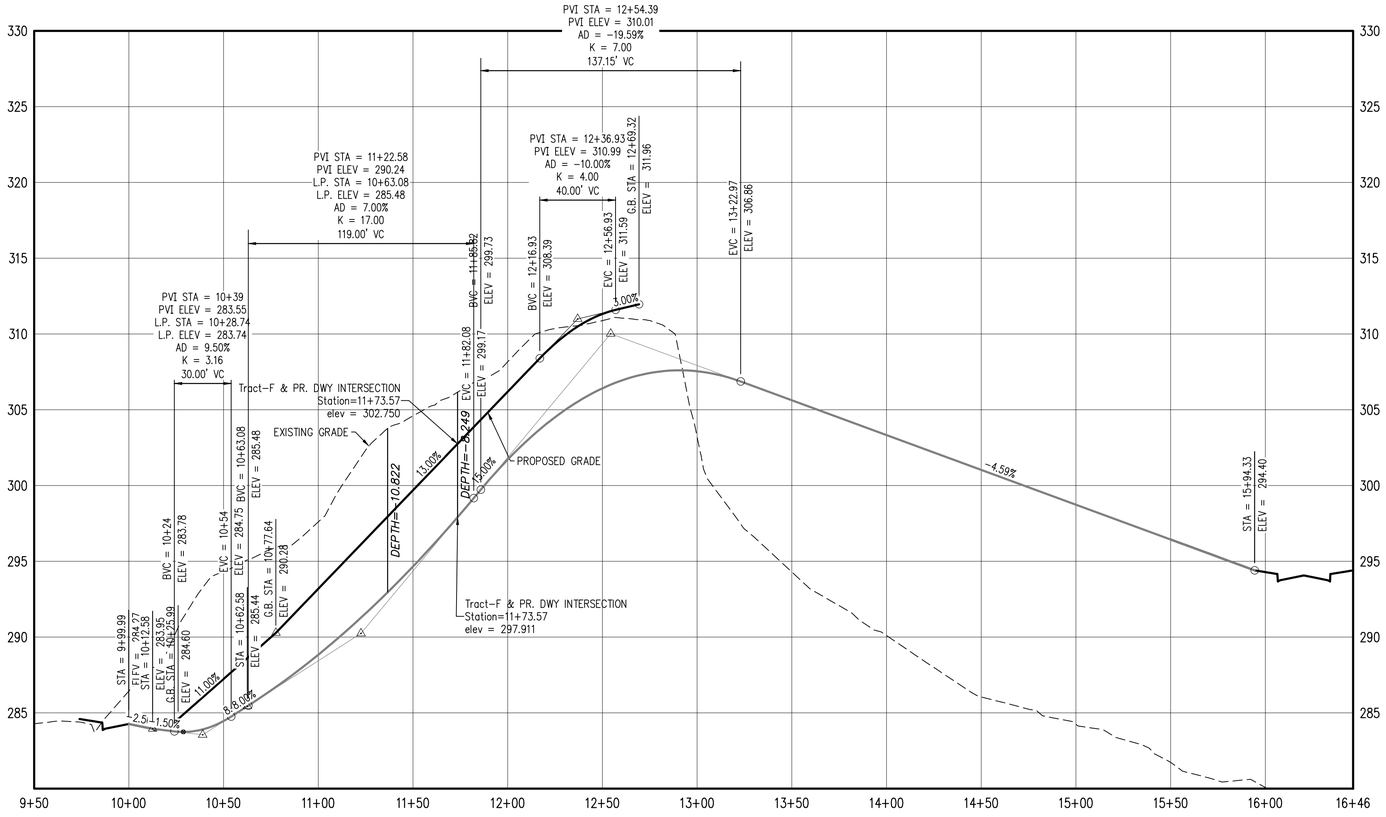
THIS EXHIBIT SHOWS THE GRADING REQUIRED TO MAKE TRACT E & F MEET THE REQUIRED VERTICAL GEOMETRY FOR PUBLIC STREETS. CONCLUSIONS: THE ACCESS TO THE MILLER EXISTING HOME WILL BE TOO STEEP, ADDITION ROCK EXCAVATION WILL REQUIRED.

NOTES:

1. PROPOSED SIDEWALK
2. PROPOSED LYNCH TYPE CATCH BASIN
3. PROPOSED DRIVEWAY APPROACH
4. PROPOSED AC PAVEMENT
5. PROPOSED MOUNTABLE CURB
6. PROPOSED 'NO PARKING' SIGN

LEGEND

- BOUNDARY LINE
- EASEMENT
- 108 EXISTING 2' CONTOUR LINE
- 110 EXISTING 10' CONTOUR LINE
- EXISTING CROWN (CENTER LINE OF ROAD)
- EXISTING DOWNSPOUT
- SD EXISTING STORM DRAIN LINE
- SS EXISTING SANITARY SEWER LINE
- W EXISTING WATER LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED SANITARY MANHOLE
- PROPOSED BLOWOFF
- PROPOSED WATER VALVE
- 108 PROPOSED 2' CONTOUR LINE
- 110 PROPOSED 10' CONTOUR LINE

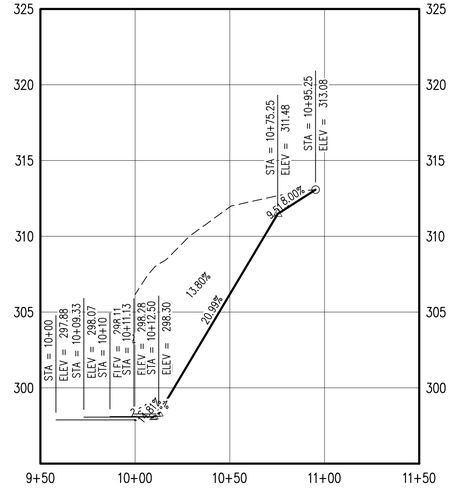


TRACT 'F' - PROFILE

SCALE: 1" = 40' H, 1" = 5' V

THEORETICAL VERTICAL PROFILE OF TRACT E/F (IF DESIGNED TO PUBLIC ROADWAY STANDARDS)

REASONS THIS DOES NOT WORK.
ELIMINATES ACCESS TO THE EXISTING HOME ON LOT 34
CREATES THREE TO SIX FEET OF ADDITIONAL ROCK EXCAVATION FOR THIS PROFILE.



DRIVEWAY 34 - PROFILE

SCALE: 1" = 40' H, 1" = 5' V

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

TRACT F PLAN & PROFILE

REVISIONS

NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

EMERIO Design
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 626-8332
www.emeriodesign.com

SHEET 12 OF 17

FILE:P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009_12pst7-TEMP, Layout: 12_TRACT F & LOT 34 DRIVEWAY PLANS & PROFILES, Plot Date: 1/7/2021 1:43 PM, by: Kyung Han

IV. Recommended Plan

Overall Character

The recommended plan (Alternative B/C) is a 55-acre neighborhood characterized by a mix of large- and medium-lot homes, a variety of open spaces, and a network of streets and paths. It is designed as a walkable neighborhood. The design strikes a balance between compatibility with adjacent uses and densities that are characteristic of Sherwood's low density neighborhoods. The layout generally follows the existing ownership boundaries in order to facilitate future land use approvals.

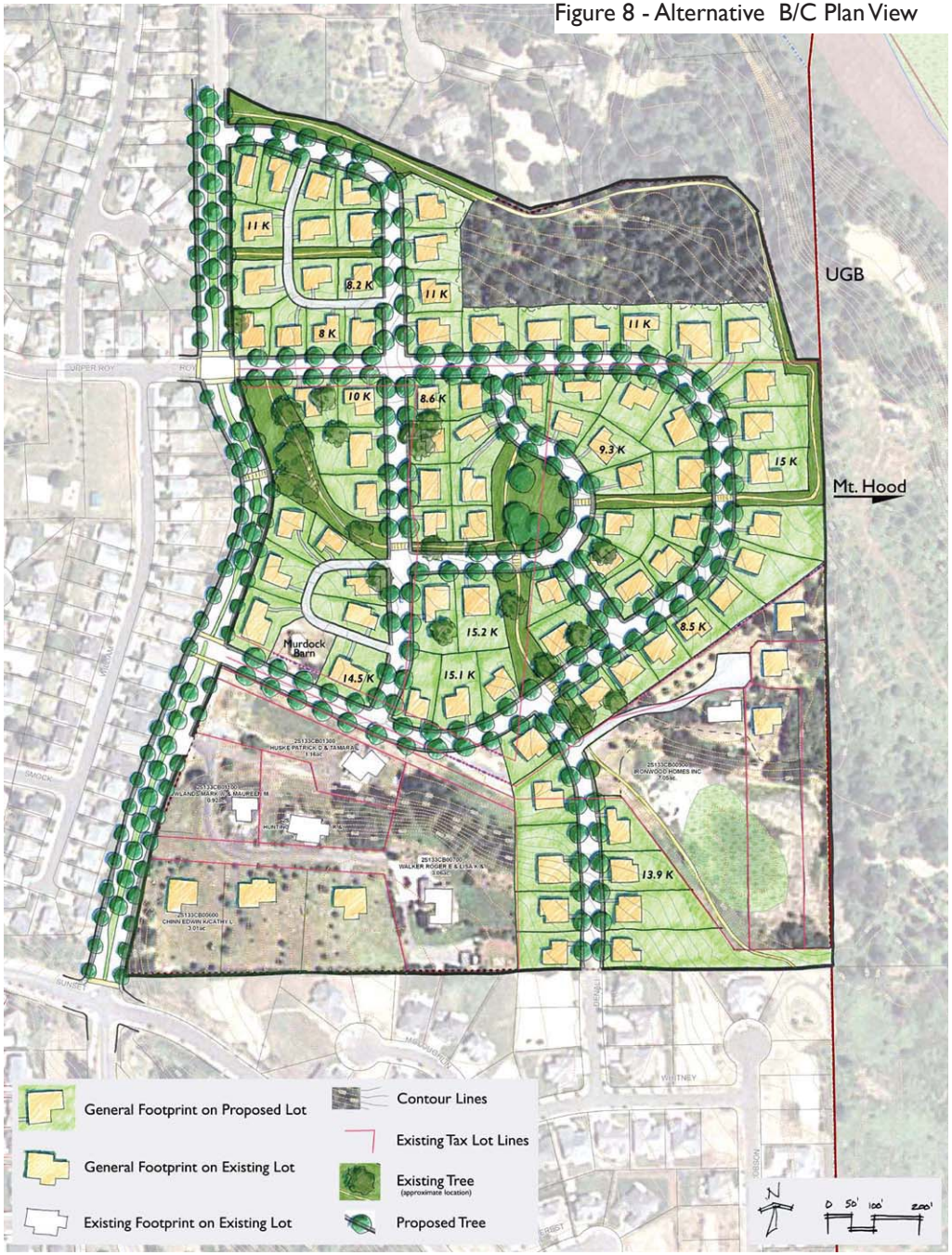
Residential Density

The 82 new lots on this plan have an approximate gross density of 2.2 units per acre, not including existing lots. The approximate net density is 4.4 units per acre, when streets and open space are not included. Development of this plan would require a text change to the Sherwood Zoning and Development Code Very Low Density Residential (VLDR) zoning district to allow approval as a Planned Unit Development.

Coordination with Existing Ownerships

The design of the neighborhood conforms very closely to the pattern of existing ownerships. Wherever possible, existing parcel lines have been used as the boundary for streets or lots. This will enable separate land use approvals that, together, will knit into a cohesive neighborhood plan. Some refinements to the plan will be required during implementation.

Figure 8 - Alternative B/C Plan View



Housing Variety

The plan includes 82 "new" lots, i.e. the colored lots illustrated on Figure 8. These comprise the undeveloped portions of the site. The plan assumes that four existing homes would be redeveloped. Two of these redeveloped homes (tax lots 2S 1 33 CB 200 and 300, see figure 2) are consistent with input received from property owners. With small refinements, all four of these homes could be easily incorporated into the recommended plan.

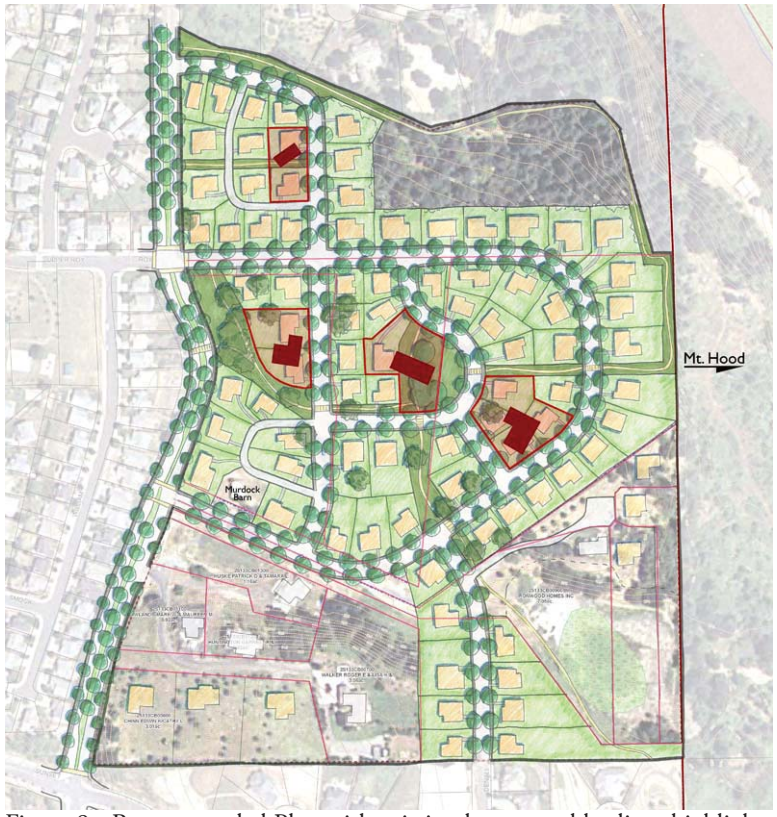


Figure 9 - Recommended Plan with existing homes and lot lines highlighted.

The plan also has 11 lots on existing or future one acre parcels. These include the southwest corner and the four lots comprising Ironwood Estates, a subdivision approved in May 2004. The property owners in the southwest corner of the site do not want further subdivision of their properties.

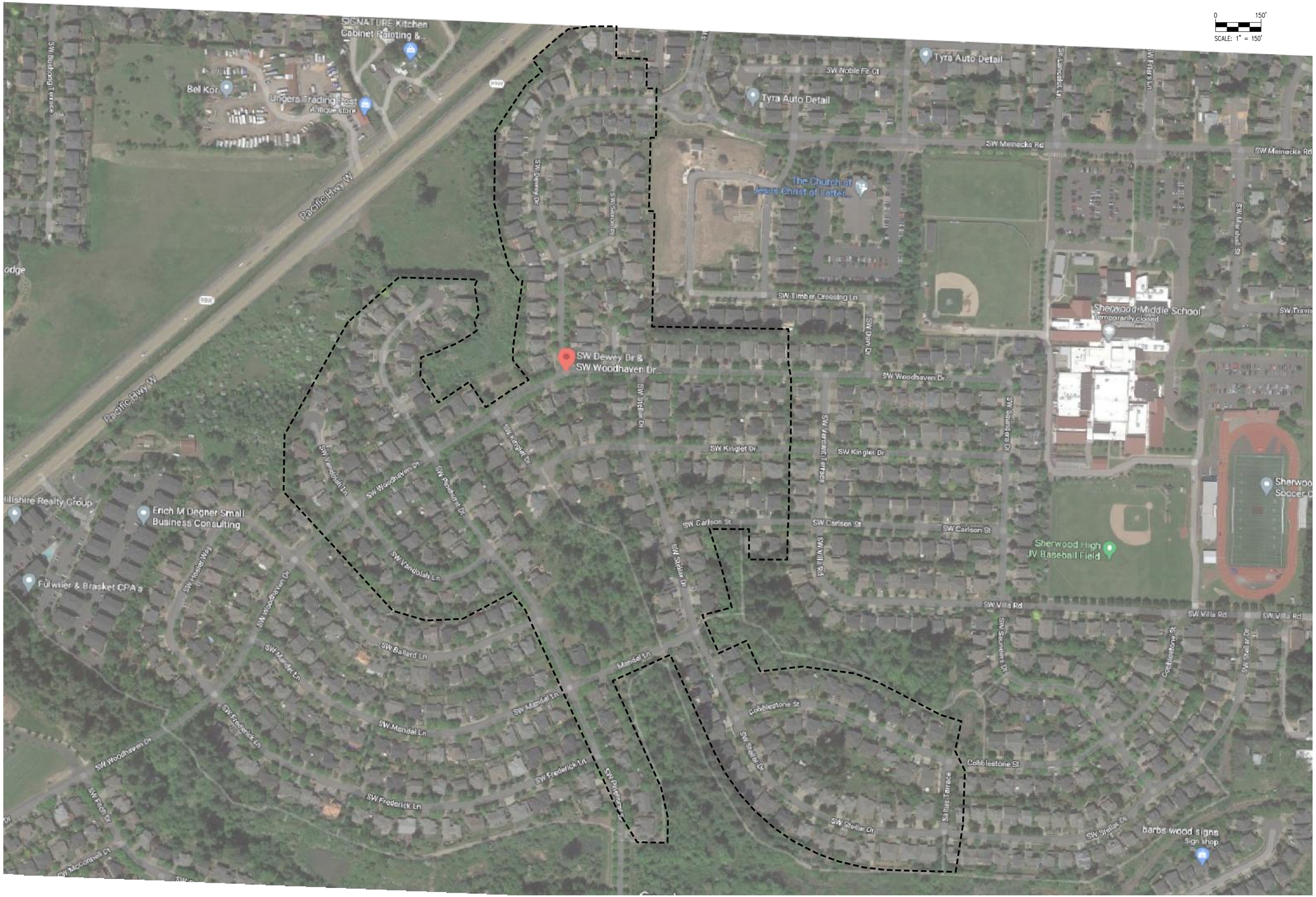
The overall transition of lot sizes is a "transect" of increasing density from 1-acre lots in the southwest corner, to approximately 15,000 square-foot new lots in the south and middle areas, to 8,000 – 10,000 square feet in the north. This method of design provides a buffer to the existing homes and intensifies towards the center of the plan area, away from the existing neighborhood.

RURAL.....TRANSECT.....URBAN



Figure 10 - Transect Diagram.
This diagram illustrates a complete application of transect design, from central city to rural edge. Courtesy of Duany Plater - Zyberk & Company.

SERVING 295 HOUSES



N

0 150'
SCALE: 1" = 150'

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

DEWEY EXHIBIT

REVISIONS

NO.	DATE	DESCRIPTION
1	05/22/20	1ST. SUBMITTAL

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FAX: (503) 297-1337
www.emeriodesign.com

SHEET
OF
17

FILE P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009_dewey, Layout: 15_AERIAL AND NEIGHBORHOOD CIRCULATION MAP, Plot Date: 1/5/2021 10:21 AM, by: Kyung Hon











NEIGHBORHOOD STREET DESIGN GUIDELINES

An Oregon Guide for Reducing Street Widths

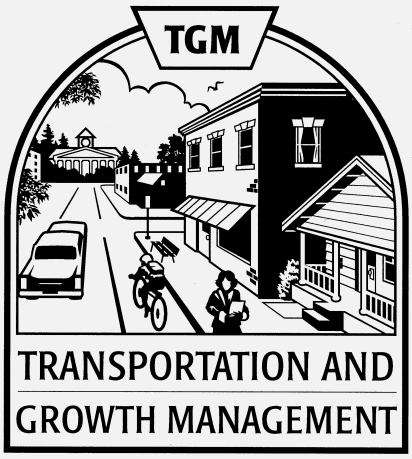
A Consensus Agreement by the Stakeholder Design Team

November 2000

Prepared by the Neighborhood Streets Project Stakeholders

This guidebook is dedicated to the memory of
Joy Schetter
who passed away before she could see the remarkable success of this project.

Joy's leadership, hard work, calm manner, and ability to work with all of the stakeholders were key factors in that success.



Funding for this project was provided from two State of Oregon programs:

the Public Policy Dispute Resolution Program
and
the Transportation and Growth Management (TGM) Program.

TGM is a joint program between the Oregon Department of Transportation and the Department of Land Conservation and Development.

The TGM Program relies on funding from the Federal Transportation Efficiency Act for the Twenty-First Century (TEA –21) and the State of Oregon.

2nd Printing - June 2001
Includes minor clarifications to the sections on residential fire sprinklers (pages 9 and 16.)

JOHN A. KITZHABER, M.D.
GOVERNOR

February 16, 2001

To the Citizens of Oregon:

I am pleased to present to Oregon's communities a new publication called *Neighborhood Street Design Guidelines*. This handbook is a valuable tool for local governments. In workbook style, it recommends a process for development of street standards, provides important information to help communities consider and decide on the standards, and includes model designs as a starting point.

Street design, in particular street width, has been an important issue in Oregon for the past decade. Oregon's award-winning Transportation Planning Rule, adopted in 1991, requires local governments to minimize street width considering the operational needs of the streets. Also, citizens and planners in many Oregon communities, as well as towns across the country, have advocated for narrower streets as part of a larger movement to build more livable neighborhoods.

The desire to reduce the standards for street widths raises concerns about large vehicle access, especially emergency service providers who need to reach their destinations fast. The issue has resulted in heated debate in some communities and among state agencies and statewide organizations.

This document is the result of hard work and commitment of individuals who joined in a collaborative process to reconcile the multiple uses of our neighborhood streets. Many thanks to the Neighborhood Streets Project Stakeholders, Design Team members, and reviewers for the time and expertise they contributed to this effort.

John A. Kitzhaber, M.D.
Governor

STATE CAPITOL, SALEM 97310-0370 (503) 378-3111 FAX (503) 378-4863 TTY (503) 378-4859

PROJECT STAKEHOLDERS

These Guidelines have been endorsed by . . .

- **Office of the State Fire Marshal**
- **Oregon Fire Chiefs Assoc.**
- **Oregon Fire Marshal's Assoc.**
- **Oregon Chiefs of Police Assoc.**
- **Oregon Refuse and Recycling Assoc.**
- **Oregon Building Industry Assoc.**
- **Oregon Chapter of the American Planning Assoc.**
- **Oregon Chapter of the American Public Works Assoc.**
- **Assoc. of Oregon City Planning Directors**
- **Livable Oregon, Inc.**
- **1000 Friends of Oregon**
- **Oregon Department of Land Conservation & Development**
- **Oregon Department of Transportation**

- **Metro also supports the guidelines and has adopted a specific set of guidelines for the Portland metropolitan region.**

*** Design Team Members**

The Design Team was responsible for the overall collaborative process with assistance from a facilitator and DLCD staff. The Design Team vested themselves with responsibility for negotiating the issues and guiding the development of this agreement.

Fire/Emergency Response

* Bob Garrison (Office of State Fire Marshal)
* Jeff Grunewald (Tualatin Valley Fire & Rescue)
* Burton Weast (Oregon Fire District Directors' Association)
Gary Marshall (City of Bend Fire Marshal)
Ken Johnson (for Michael Sherman, Oregon Fire Chiefs Association)
Debbie Youmans (Oregon Chiefs of Police Association)

Service Providers

Ron Polvi (NW Natural)
Kristan Mitchell (Oregon Refuse and Recycling Association)
John Fairchild (School Board Association)

Developers/Consultants

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Rod Tomcho (Tennant Developments)
Ryan O'Brien (LDC Design Group)

Transportation Engineers/Planners

* Jim West (Institute of Transportation Engineers: Kimley-Horn Inc.)
Peter Fernandez (City of Salem)

Public Works

* Byron Meadows (American Public Works Association, Oregon Chapter; Marion County Public Works Operations Supervisor)

Non-Profit Groups

* Amber Cole Hall (Livable Oregon, Inc.)
Lynn Petersen (1000 Friends of Oregon)

City Representatives

* John McLaughlin (City Planning Directors' Association; Community Development Director, City of Ashland)
Cameron Gloss (City of Klamath Falls)
Jan Fritz (City Councilor of Sublimity)
Allen Lowe (City of Eugene Planning)
John Legros (City of Central Point Planning Commissioner)
Bob Dean (City of Roseburg Planning Commission Chair)
Margaret Middleton (for Randy Wooley, City of Beaverton Engineering)

County Representative/Planner

Tom Tushner (Washington County)
Lori Mastrantonio-Meuser (County Planning Directors' Association)

Regional Government

Tom Kloster (and Kim White, Metro)

State Government

* Eric Jacobson (Department of Land Conservation and Development)
Amanda Punton (Department of Land Conservation & Development)
Kent Belleque (for Jeff Scheick, Oregon Department of Transportation)

Project Managers

Joy Schetter,ASLA (Department of Land Conservation & Development)
Elaine Smith,AICP(Department of Land Conservation & Development)

Project Mediator/Facilitator

Keri Green (Keri Green and Associates, Ashland, Oregon)

Many thanks to the
Neighborhood Streets Project Stakeholders,
Design Team Members, and the
Community of Reviewers
for the time and expertise
they contributed to this effort.

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I. Introduction

The standards for the design of local streets, in particular the width of streets, has been one of the most contentious issues in local jurisdictions in Oregon for the past decade. The disagreements have also been fought at the state level among state agencies and advisory, advocacy, and professional groups that have sought to influence decisions made at the local level. Previous efforts of these groups to provide guidance have failed because of lack of consensus.

This document is the result of the hard work of a group of diverse stakeholders that finally developed that consensus. *Neighborhood Street Design Guidelines* was developed to help local governments consider and select neighborhood street standards appropriate for their communities. As the title attests, the handbook provides guidelines and is not prescriptive. The authors hope that the consideration of the guidelines and examples will stimulate creative ideas for street designs in local communities.

This guidebook explains the issues surrounding the width of neighborhood streets with respect to livability and access for emergency and other large vehicles. It recommends a community process for developing neighborhood street width standards, a checklist of factors that should be addressed in that process, street cross-sections, and a list of resources that provide additional information. The guidelines are intended for *local* jurisdiction streets that carry limited traffic, not collectors or arterials. They are not intended, nor are they to be used on state highways.

II. The Issues

Why Narrow Streets?

Streets are key determinants of neighborhood livability. They provide access to homes and neighborhood destinations for pedestrians and a variety of vehicle types, from bicycles and passenger cars to moving vans and fire apparatus. They provide a place for human interaction: a place where children play, neighbors meet, and residents go for walks and bicycle rides. The design of residential streets, together with the amount and speed of traffic they carry, contributes significantly to a sense of community, neighborhood feeling, and perceptions of safety and comfort. The fact that these may be intangible values makes them no less real, and this is often reflected in property values.

The width of streets also affects other aspects of livability. Narrow streets are less costly to develop and maintain and they present less impervious surface, reducing runoff and water quality problems.

The topic of automobile speeds on neighborhood streets probably tops the list of issues. Where streets are wide and traffic moves fast, cities often get requests from citizens to install traffic calming devices, such as speed humps. However, these can slow response times of emergency service vehicles creating the same, or worse, emergency response concerns than narrow streets.

Oregon's Land Conservation and Development Commission recognized the values associated with narrow street widths when it adopted the Transportation Planning Rule. The rule requires local governments to establish standards for local streets and accessways that minimize pavement width and right-of-way. The rule requires that the standards provide for the operational needs of streets, including pedestrian and bicycle circulation and emergency vehicle access.

Why Are Emergency Service Providers Concerned?

Street width affects the ability of emergency service vehicles to quickly reach a fire or medical emergency. Emergency service providers and residents alike have an expectation that neighborhood streets provide adequate space for emergency vehicles to promptly reach their destination and for firefighters to efficiently set up and use their equipment.

Fire equipment is large and local fire departments do not have full discretion to simply "downsize" their vehicles. Efforts by some departments to do this have generally not been successful, since these smaller vehicles did not carry adequate supplies for many typical emergency events.

The size of fire apparatus is driven, in part, by federal Occupational Health and Safety Administration (OSHA) requirements and local service needs. The regulations require that fire trucks carry considerable equipment and that firefighters ride completely enclosed in the vehicle. In addition, to save money, fire departments buy multi-purpose vehicles that can respond to an emergency like a heart attack or a traffic accident, as well as a fire. These vehicles typically provide the

first response to an emergency. An ambulance will then provide transport to a hospital, if needed. To accommodate the need to move the vehicles and access equipment on them quickly, the Uniform Fire Code calls for a 20-foot wide clear passage.

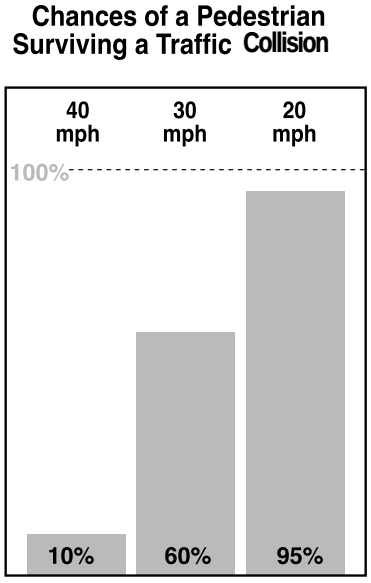
The risk of liability also raises concerns about response time and the amount of equipment carried on trucks. A successful lawsuit in West Linn, Oregon found that a response time of eight minutes was inadequate. The National Fire Protection Association, which is the national standard-setting body for the fire service, is proposing new rules that would require a maximum four-minute response time for initial crews and eight-minute response for full crews and equipment for 90% of calls. Fire departments have also been sued for not having the proper equipment at the scene of an accident. This puts pressure on departments to load all possible equipment onto a vehicle and increases the need to use large vehicles.

III. Background

Residential streets are complex places that serve multiple and, at times, competing needs. Residents expect a place that is relatively quiet, that connects rather than divides their neighborhood, where they can walk along and cross the street relatively easily and safely, and where vehicles move slowly. Other street users, including emergency service providers, solid waste collectors, and delivery trucks, expect a place that they can safely and efficiently access and maneuver to perform their jobs. Clearly, balancing the needs of these different users is not an easy task.

Oregon's cities reflect a variety of residential street types. In many older and historic neighborhoods built between 1900 and 1940, residential streets typically vary in width in relation to the length and function of the street. In many cases, a typical residential street may be 24 feet to 28 feet in width with parking on both sides. However, it is not uncommon to find streets ranging from 20 feet to 32 feet in width within the same neighborhood. Newer subdivisions and neighborhood streets built since 1950 tend to reflect a more uniform design, with residential streets typically 32 feet to 36 feet in width with parking on both sides and little or no variation within a neighborhood.

Designs For Livability. Over the last decade, citizens, planners, and public officials throughout the United States have expressed increased interest in development of compact, pedestrian-friendly neighborhoods. The design of neighborhood streets is a key component in this effort. Nationally, the appropriate width and design of neighborhood streets has been the subject of numerous books and articles targeted not just to the planning and development community, but also the general population. In May 1995, *Newsweek* magazine featured an article on neotraditional planning that listed reducing the width of neighborhood streets as one of the "top 15 ways to fix the suburbs." In addition, developments such as Kentlands in Maryland and Celebration in Florida have gained fame by incorporating many of the features of traditional, walkable neighborhoods and towns, including narrow neighborhood streets.



Graphic adapted from "Best Management Practices," Reid Ewing, 1996; data from "Traffic Management and Road Safety," Durkin & Pheby, 1992.

Safe and Livable. There is growing appreciation for the relationship between street width, vehicle speed, the number of crashes, and resulting fatalities. Deaths and injuries to pedestrians increase significantly as the speed of motor vehicles goes up. In 1999, planner Peter Swift studied approximately 20,000 police accident reports in Longmont, Colorado to determine which of 13 physical characteristics at each accident location (e.g., width, curvature, sidewalk type, etc.) accounts for the crash. The results are not entirely surprising: the highest correlation was between collisions and the width of the street. A typical 36-foot wide residential street has 1.21 collisions/mile/year as opposed to 0.32 for a 24 foot wide street. The safest streets were narrow, slow, 24-foot wide streets.

Award-Winning Neighborhoods. In Oregon, citizens, nonprofit organizations, transportation advocates, and state agencies interested in the livability of our communities have advocated reducing the width of neighborhood streets. Several new developments that include narrow neighborhood streets such as Fairview Village in Fairview, West Bend Village in Bend, and Orenco Station in Hillsboro have received *Governor's Livability Awards (See Appendix A for contact*

information). Although cited as models of livable communities, the narrow street widths included in these developments are not allowed in many of Oregon's cities, often because of concerns about emergency service access.

Emergency Response. The movement to reduce street standard widths raised concerns with emergency service providers. Thus, the most controversial issue facing Oregon's fire departments in the past decade has been street width. Fire departments must move large trucks, on average, 10 feet wide mirror-to-mirror.

Response times can be slowed depending upon the amount of on-street parking and traffic encountered. Narrow streets lined with parked cars may not provide adequate space for firefighters to access and use their equipment once they have reached the scene of an emergency. In addition, emergency vehicle access can be completely blocked on streets that provide less than 10 feet of clear travel width.

Authority to Establish Standards. Prior to 1997, there had been some confusion over who had the authority to establish street standards. Oregon's land use laws grant local governments the authority to establish local subdivision standards, which include street widths (ORS 92.044). However, the *Uniform Fire Code*, which was adopted by the State Fire Marshal and is used by many local governments to establish standards for the prevention of and protection from fires, includes standards which affect the width and design of streets. The *Uniform Fire Code* is published by the Western Fire Chiefs and the International Congress of Building Officials as partners.

This question of authority was clarified in 1997 when ORS 92.044 was amended to state that standards for the width of streets established by local governments shall *"supersede and prevail over any specifications and standards for roads and streets set forth in a uniform fire code adopted by the State Fire Marshal, a municipal fire department or a county firefighting agency."* ORS 92.044 was also amended to establish a consultation requirement for the local governments to *"consider the needs of the fire department or fire-fighting agency when adopting the final specifications and standards."*

IV. Collaborative Process

This project was undertaken to:

> *"Develop consensus and endorsement by stakeholders on a set of flexible guidelines for neighborhood street designs for new developments that result in reduced street widths."*

The collaborative process relied on two groups of stakeholders. A larger group was comprised of a broad cross-section of interest groups and numbered about thirty people from around the state. A core team of nine members, a subset of the larger group, was convened to guide the collaborative problem-solving process, working in conjunction with the consultant and staff. This "Design Team" consisted of representatives from these groups: special districts, fire service, state fire marshal, non-profit advocacy, traffic engineering, builder/developer, city planner, public works, and a representative from the Department of Land Conservation and Development.

The Design Team's responsibilities were to recommend participants for the larger collaborative working group, determine the priority interests, recommend a statewide endorsement and implementation process, and provide input on technical presentations required. At the Design Team's first meeting, they decided to assign themselves the task of creating the draft street design guidelines. They would take their products to the larger group for input, recommendations, and eventual endorsement. Consensus would be sought within the Design Team before going to the large group. Likewise, consensus at the large group would be fundamental to achieving the project's goals.

The large group was instrumental in providing actual scenarios of community experiences to the Design Team. They also helped enlarge the scope of affected parties and corresponding issues by including other service providers that use large vehicles, such as school busses and solid waste haulers. Members of the large group provided valuable reference materials to the Design Team. They provided substance that had been over-looked on more than one occasion. Large group members were pleased to know that a core team of well-respected stakeholders was representing their interests. The Design Team engaged the large group at significant junctures in its work.

V. A Community Process for Adopting Standards

Unique issues will arise in each community, whether related to hills, higher density neighborhoods, or existing street patterns. Close collaboration with fire and emergency service providers, public works agencies, refuse haulers, and other neighborhood street users must be maintained throughout the process. This will ensure that the standards developed to meet the general goals of the community will also meet the specific needs of different stakeholder groups.

> *Through broad-based involvement, educational efforts, and sensitive interaction with stakeholders, a community can adopt new street standards that will meet the transportation needs of the citizens, while providing and encouraging a very livable residential environment.*

The following steps reflect a realistic process development and local government adoption of standards for narrow neighborhood streets.

Steps for Local Government Consideration and Adoption of Neighborhood Street Standards

1. Determine stakeholders
2. Inform/Educate: What is the value of narrow residential street standards?
3. Ensure dialogue among stakeholders
4. Identify specific issues, such as seasonal needs and natural features
5. Prepare draft standards
6. Review draft with stakeholders/officials /public
7. Revise, conduct public review, and adopt standards
8. Implement and ensure periodic evaluation

Determine stakeholders. There are many benefits to a community adopting narrow street standards. Many stakeholders share an interest in residential transportation issues. These stakeholders must be included from the outset of any new street standard adoption process.

Inform and Educate. A community or jurisdiction considering the adoption of narrow residential street standards must conduct an open and information-intensive process. Narrow streets have many advantages for a community, including slower traffic speeds and increased neighborhood livability. But there are some access trade-offs. A strong educational component involving city council members, planning commissioners, community groups, developers and emergency service providers must be conducted at the beginning of the process. Agreement about the value of narrow streets, i.e., slow speeds, safer pedestrian environments, and more livable neighborhoods must be understood and agreed to prior to beginning to develop specific standards. There are many educational resources available including printed materials, videos, and professional speakers willing to share their experience.

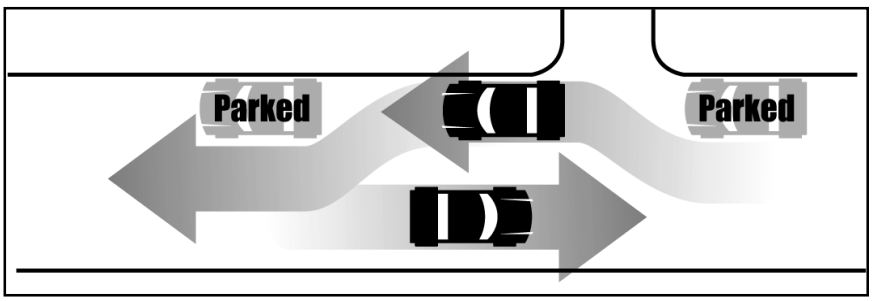
Develop standards that reflect local concerns. Once a jurisdiction has determined that more narrow street standards will be beneficial, the development of specific standards, unique to the community where they will be implemented, is the next step. Many cities and counties have adopted narrow street standards, and their efforts can provide a model for the initial drafts. Review and input from stakeholders, the public, and community officials will help identify local issues and provide the opportunity to tailor standards to local needs.

VI. Checklist for Neighborhood Streets

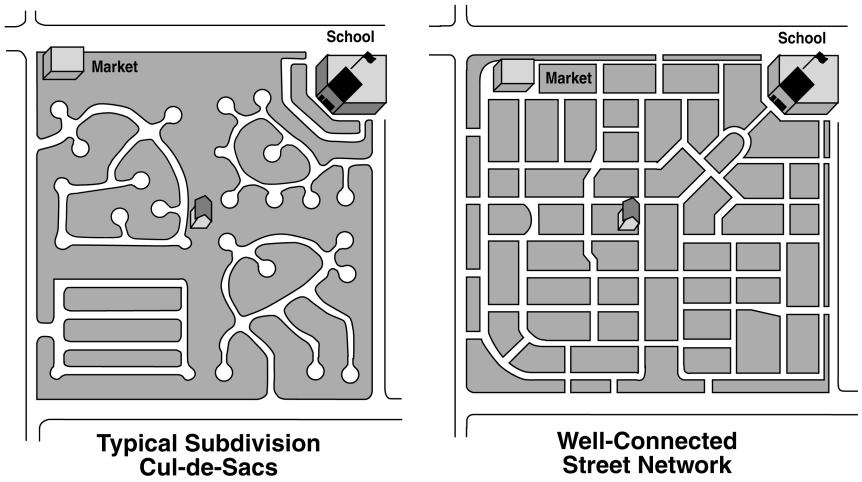
Key Factors

The checklist is based on five key factors listed below:

√ ***Queuing.*** Designing streets so that moving cars must occasionally yield between parked cars before moving forward, as shown below, permits development of narrow streets, encourages vehicles to move slower, and allows for periodic areas where a 20-foot wide clear area is available for parking of fire apparatus.



√ ***Connected Street Networks.*** Connected street networks provide multiple ways for emergency response vehicles to access a particular location and multiple evacuation routes. In addition, a connected street system encourages slow, cautious driving since drivers encounter cross traffic at frequent intervals.



√ ***Adequate Parking.*** When parking opportunities are inadequate, people are more likely to park illegally in locations that may block access by emergency service vehicles. Communities need to review their parking standards when they consider adopting narrow street standards to make sure that adequate on-street and off-street parking opportunities will be available.

√ ***Parking Enforcement.*** The guidelines are dependent on strict enforcement of parking restrictions. Communities must assure an on-going commitment to timely and effective parking enforcement by an appropriate agency. In the absence of such a commitment, these narrow street standards should not be adopted.

√ ***Sprinklers Not Required.*** The checklist and model cross-sections provided in this guidebook do not depend upon having fire sprinklers installed in residences. More flexibility in street design may be possible when sprinklers are provided. However, narrow streets still need to accommodate fire apparatus that respond to non-fire, medical emergencies. Other types of vehicles (such as moving vans, public works machinery, and garbage/recycling trucks) also need to be able to serve the neighborhood.

The Checklist

√

Community stakeholder groups should systematically proceed through the checklist below as part of their decision making process. Also, your community may wish to add to this checklist. The format of the checklist includes room for comments: encourage stakeholders to make notes regarding their concerns and record decisions about how the items in the checklist have been addressed.

The factors are interrelated and are best considered together. The items are grouped by category in a logical order, but are not weighted.

Community Process/Decision-Making

Notes

☐ **Good City Department Working Relations**

Develop good, close working relationships between the fire/emergency response professionals, public works, building officials, land use and transportation planners, engineers, and other large vehicle operators. The goal is to achieve trusting working relationships that lead to effective accommodation of each other's needs related to agreements about neighborhood street standards.

☐ **Consistency of Ordinances**

Review all applicable codes and ordinances and make them consistent with the narrow neighborhood street standards you are adopting. Consider performance-based codes and ordinances to address the larger development issues, of which street design is just one part. Amend ordinances only when you have the concurrence of emergency and large service vehicle providers.

☐ **Uniformly Allowed**

Uniformly allow narrow neighborhood streets by code and ordinance rather than requiring a special process, such as a variance or planned unit development. Or consider a modification process similar to the City of Beaverton's that uses a multi-disciplinary committee review and approval process during the development review process. *See Appendix A for more info.*

☐ **Community Process**

Determine what your community process will be for developing and adopting neighborhood street standards including following legal requirements, gaining political support, and encouraging public education and involvement. Teamwork and involvement of all large vehicle service providers is a critical component for success. Consider the potential benefits of narrow streets, such as slower traffic, less stormwater runoff, and lower costs. Look for ways to minimize the risk that fire apparatus will not be able to quickly access an emergency and minimize possible inconvenience for other large vehicles. *For more information see Chapter V, "A Community Process for Adopting Standards."*

Users of the Street

Notes

☐ **Use of Street**
Recognize the needs of all of the "everyday" users of the street, including autos, pedestrians, and bicycles. Street standards typically provide for easy maneuverability by autos. It is very important that neighborhood streets also provide a comfortable and safe environment for pedestrians. Consideration should be given to pedestrians both moving along and crossing the street.

☐ **Fire/Emergency Response and Large Service Vehicle Access**
Provide access to the street for Fire/Emergency Response and large service vehicles to meet their main objectives. Consider the maneuvering needs of all large vehicles such as fire/emergency response, refuse/recycling trucks, school buses, city buses, delivery vehicles, and moving trucks. Fire trucks are generally 10-feet wide from mirror to mirror and room adjacent to a truck is necessary to access equipment from the truck. Recognize that for some service providers, the federal government has requirements that affect vehicle size such as fire trucks, school buses, and ambulances.

☐ **Utility Access**
Provide utility access locations regardless of whether utilities are in the street, the right-of-way adjacent to the street, utility easements, or some combination thereof. Consider utility maintenance requirements.

Street Design

☐ **Traffic Volume and Type**
Relate street design to the traffic that will actually use the street and the expected demand for on-street parking. Generally, on streets that carry less than 1,000 vehicles per day, a clear lane width of 12 to 14 feet is adequate for two-way traffic, if there are frequent pull-outs to allow vehicles to pass. Where there is on-street parking, driveways typically provide gaps in parking adequate to serve as pull-outs. If there is a high percentage of trucks or buses, wider streets or longer pull-outs may be needed. For street design, consider both the current traffic volume and the projected long-term traffic volume.

☐ **Provision for Parking**
Make sure that adequate parking is provided so that on-street parking is not the typical primary source of parking. The objective is to have space between parked cars so that there are queuing opportunities. Also, parking near intersections on narrow streets should not be permitted because it can interfere with the turning movements of large vehicles *(see illustration at the end of the checklist)*. This can be accomplished by a lack of demand for on-street parking or by design. The design option requires place-

ment of no-parking locations (i.e., driveways, fire hydrants, mailboxes) at appropriate intervals to provide the needed gaps.

Notes

☐ **Parking (con't)**

When determining the number of parking spaces required, consider adjoining land uses and the availability of off-street parking. Parking demand is likely to be less where an adjoining land use is one that will create little or no parking demand (e.g., wetlands, parks, floodplains) or if adjoining development will provide off-street parking adequate for residents and guests. On-street parking demand may be affected by recreational vehicle/equipment if parking of such equipment is allowed. Parking availability will be affected by whether a neighborhood has alleys, if parking is allowed in the alley, or if visitor parking bays are provided in the area.

☐ **Self-Enforcing Design*....perceptions count!***

The design of the street should encourage the desired speed, traffic flow, parking, and use of the street. When this is the case, a design is said to be self-enforcing. This means that a driver would discern an implied prohibition against parking by the visual appearance of the street. A self-enforcing design intended to reduce speed might, for example, use trees in parkrows or strategically placed curb extensions.

- Unless traffic volumes are very low, 21 to 22-foot streets with parking on one side can be problematic for large vehicles.
- 21 to 24-foot streets with no on-street parking should not be considered because they invite parking violations.
- 26 and 27-foot streets where parking is permitted on one side can result in chronic violations because the street will look wide enough for parking on both sides.

☐ **Parking Enforcement**

With adequate parking and proper street design, enforcement should not be a problem. Where parking is prohibited, provide signs that clearly indicate this, even on streets with a self-enforcing design. Enforcement is essential and can be done in a variety of ways. Consider tow zones or using volunteers to write parking tickets. (The City of Hillsboro allows both police and fire personnel to write traffic tickets.)

☐ **Public and Private Streets**

Build public and private streets to the same standard. The need for access by emergency and other large vehicles is the same on private streets as for public. (In addition, private streets not built to the same construction standards may end up being a maintenance problem later if the local jurisdiction is forced to assume maintenance because homeowners do not fulfill their responsibilities.)

Notes

☐ **Hierarchy of Residential Streets**
Provide a hierarchy of neighborhood streets by function including a range of streets such as residential boulevard, residential collectors with parking on one or both sides, local residential streets with parking on one or both sides, access lanes, and alleys.

☐ **Connected Street System**
Provide a connected street system with relatively short blocks. Blocks should be no longer than 600 feet. (Make sure also that each phase of a subdivision provides connectivity). This provides at least two means of access to a residence. Also, frequent intersections encourage slow, cautious driving since drivers encounter cross-traffic at regular intervals. In case of the need to evacuate a neighborhood, a grid system of interconnected streets will provide many routes that help residents leave the area safely.

Include alleys where appropriate. Alleys can provide access to the rear of homes, and an evacuation route. Require and protect street stub-outs and discourage road closures to ensure future street connections. Cul-de-sacs should be avoided both from a connectivity and public safety point-of-view. If a cul-de-sac is used and it is longer than 150 feet, it may need to be wider in order to assure there is adequate space for access and maneuverability of large vehicles, including fire apparatus.

☐ **Right-of-way**
Address not only pavement width, but what happens from the curb to the property line and utility easements. Consider what will happen to the extra land that is no longer needed for the street or right of way; should it go to extra residential lots, neighborhood amenities or both? Consider balancing extra land required for the right-of-way from the developer (for park rows, for example) with a reduction of other requirements such as building setback, or lot size.

☐ **Streetscape (Landscaping and Hardscape)**
Design the street to be a neighborhood amenity that will increase livability. Landscaping with trees and parkrows considerably improves the appearance of a street and the comfort of pedestrians. (Make sure that tree species and location do not interfere with large vehicle access). Sidewalks/trails, curb extensions, textured crosswalks, some traffic calming features, and the preservation of natural features can reinforce optimal function of the narrow neighborhood street. Consider that curb design and the amount of impervious surface affect water quality and infiltration rates for the surrounding area. The *street cross-section designs provided* are intended to function with or without raised curbs, given an appropriate, compatible drainage system or adequate infiltration.

☐ **Block Length**

Design block length to enhance street connectivity. Block lengths should generally not exceed 600 feet. As block lengths increase from 300 feet, attention to street width and other design features becomes more important. This is because fire apparatus preconnected hoses are 150 feet in length. With a connected street system and 300-foot block lengths, the fire apparatus can be parked at the end of the block where a fire is located and the hose can reach the fire.

Coordinate block length requirements with spacing requirements for connection to arterial streets. Preserve integrity, capacity, and function of the neighborhood's surrounding arterials and collectors by adhering to access management standards.

Notes

Local Issues

☐ **Evacuation Routes for Wildfire Hazard and Tsunami Zones**

Designated wildfire hazard or tsunami zones may need wider streets to provide for designated evacuation routes, including 20 feet of clear and unobstructed width. Different communities may have different street standards depending on whether a neighborhood is located in one of these zones or is in a designated evacuation route.

☐ **Agricultural Equipment**

If your community is a regional agricultural center, consider adequate passage for agricultural equipment. Discourage passage on residential streets.

☐ **Preserving Natural Features**

If your community has sensitive natural features, such as steep slopes, waterways, or wetlands, locate streets in a manner that preserves them to the greatest extent feasible. Care should be taken to preserve the natural drainage features on the landscape. Street alignments should follow natural contours and features, whenever possible, so that visual and physical access to the natural feature is provided as appropriate.

☐ **Snow**

If snow removal and storage is an issue in your community, consider snow storage locations, and whether temporary parking restrictions for snow plowing or storage will be required. Some communities may consider providing auxiliary winter parking inside neighborhoods (though not on residential collectors). Work with your public works and engineering departments to see if any adjustments may be made in terms of operations or street design that would make narrow neighborhood streets work better for your community (wider parkrows to store snow, for instance).

Notes

☐ **Ice**

If maneuvering on icy roads is an issue in your community, consider parking restrictions near street corners, auxiliary winter parking at the base of hills, wider street cross-sections on hills, or seasonal parking restrictions on hills.

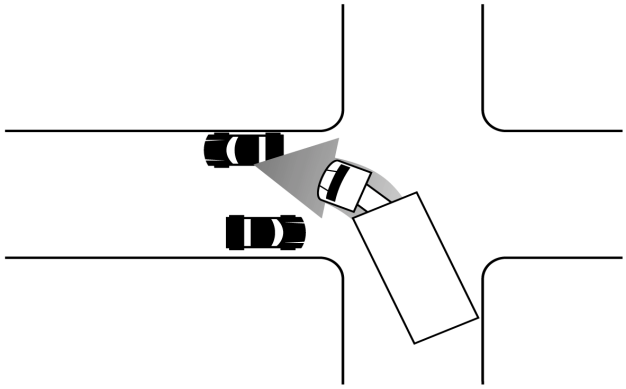
☐ **Sloping or Hilly Terrain**

If your community has steep slopes, make special design provisions. This can be done through utility placement, connected streets, sidewalk placement, provision of one-way streets, property access, and minimizing cut and fill slopes.

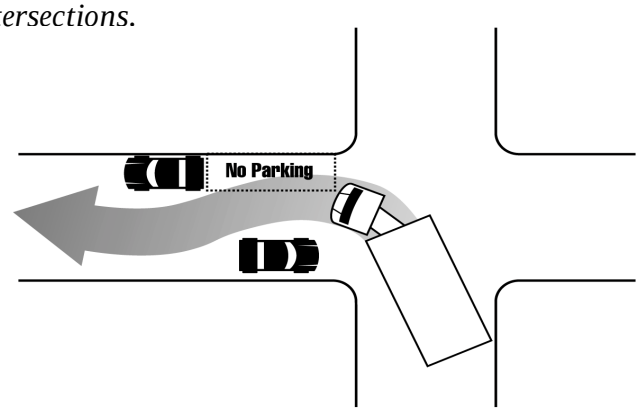
☐ ***Other Community Concerns?***

No Parking At Interections

On narrow streets, parked cars near the intersection can interfere with the turning movements of large vehicles.



The solution is to prohibit on-street parking within 20 - 50 feet of intersections.



VII. Model Cross-Sections

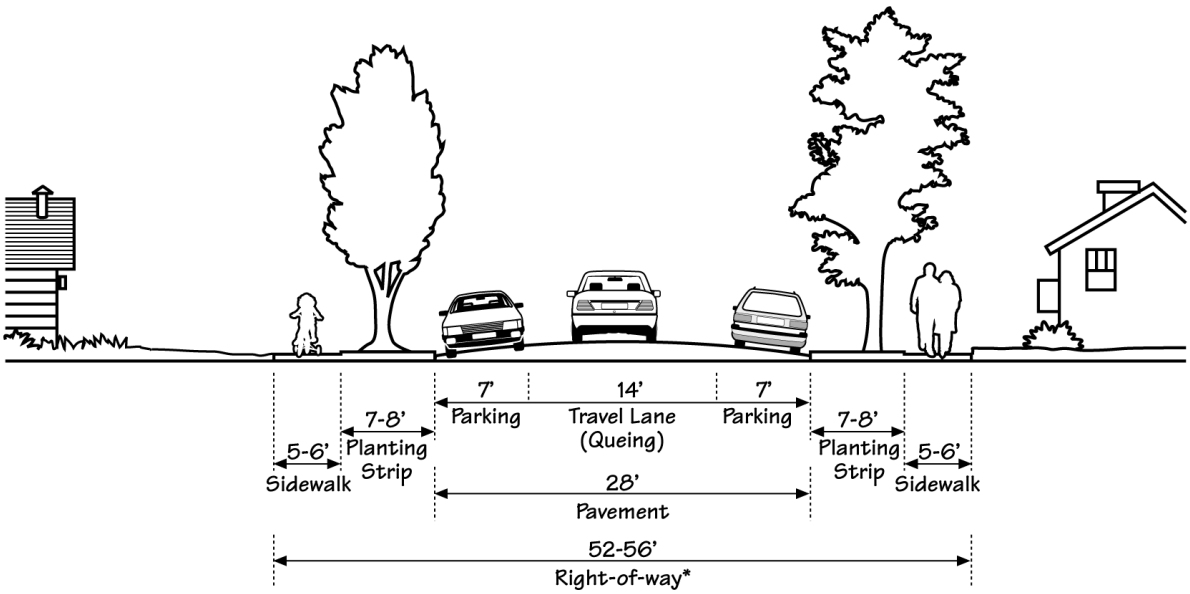
The following three scenarios are presented as "model standards." However, ***they do not represent the full range of possible solutions.*** Communities are encouraged to use these as a starting point; innovative solutions can be designed for local situations. Here are a few key points to keep in mind:

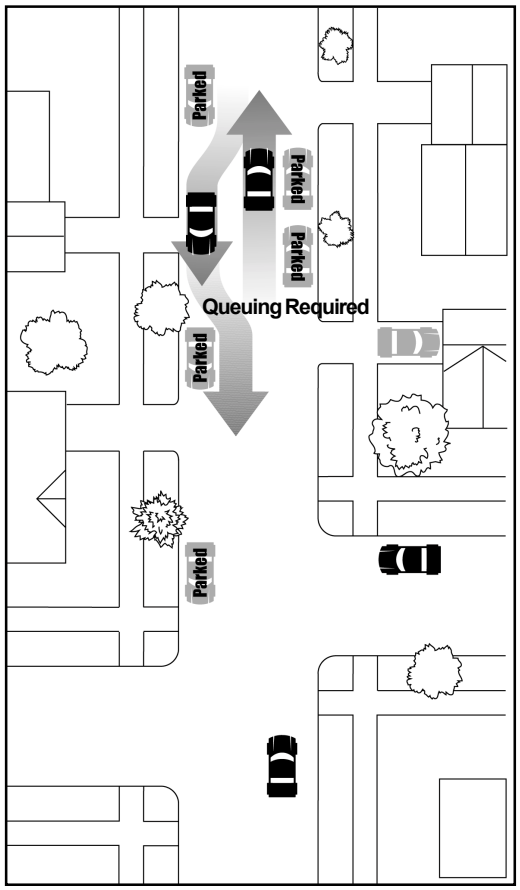
- √ Streets **wider than 28 feet** are NOT, by definition, a "narrow street."
- √ **Two-way streets under 20 feet** are NOT recommended. If, in a special circumstance, a community allows a street **less than 20 feet**, safety measures such as residential sprinklers*, one-way street designations, and block lengths less than 300 feet may be needed.

** Fire sprinklers in one and two family structures must be approved by the local building department in accordance with standards adopted by the Building Codes Division under ORS 455.610.*

Scenario 1

28 Ft. Streets
Parking on both sides

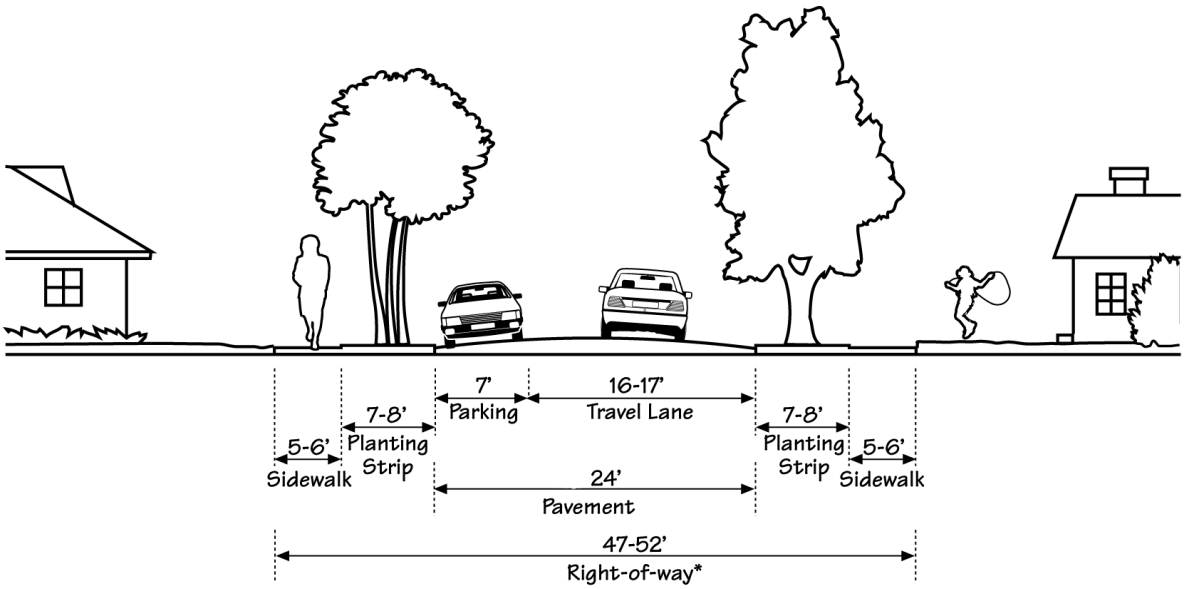


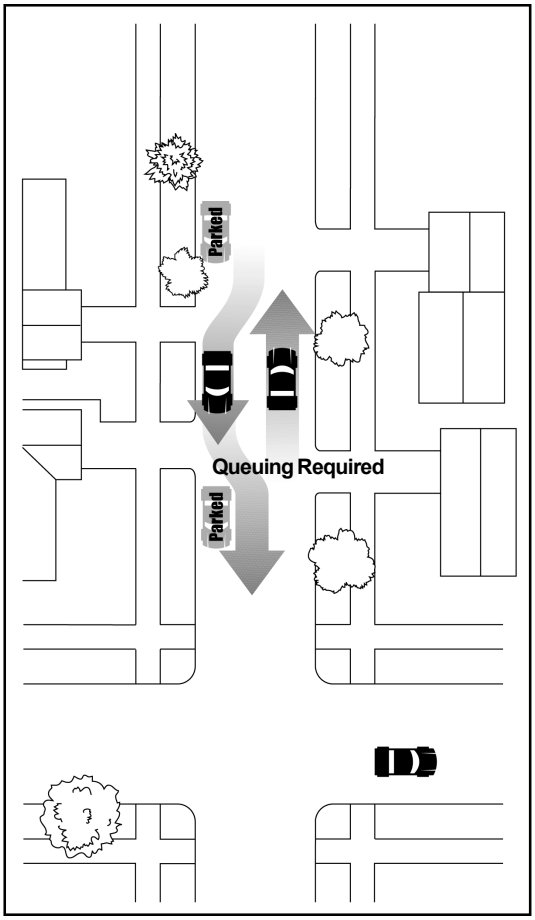


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Scenario 2

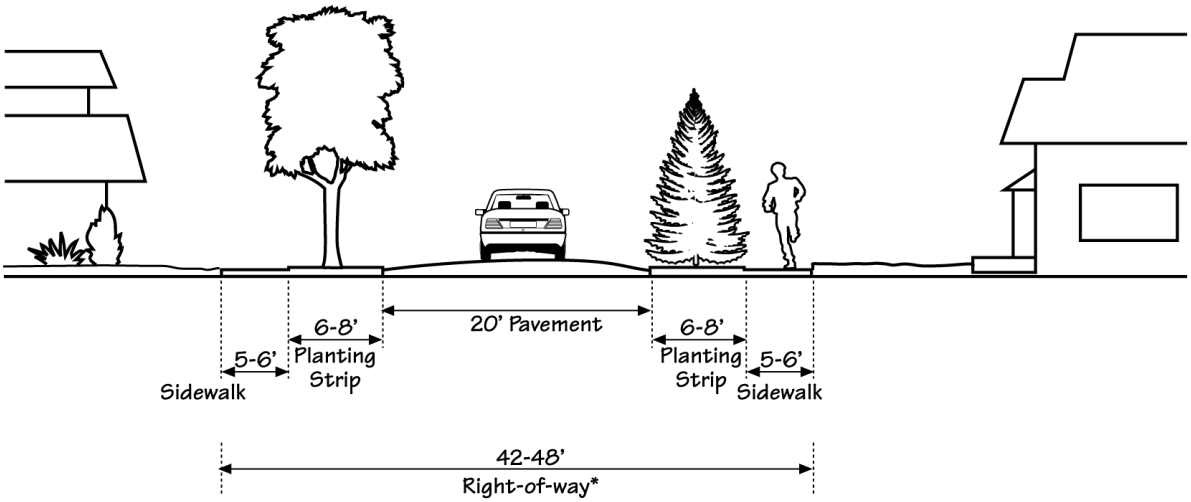
24 Ft. Streets
Parking on one side only

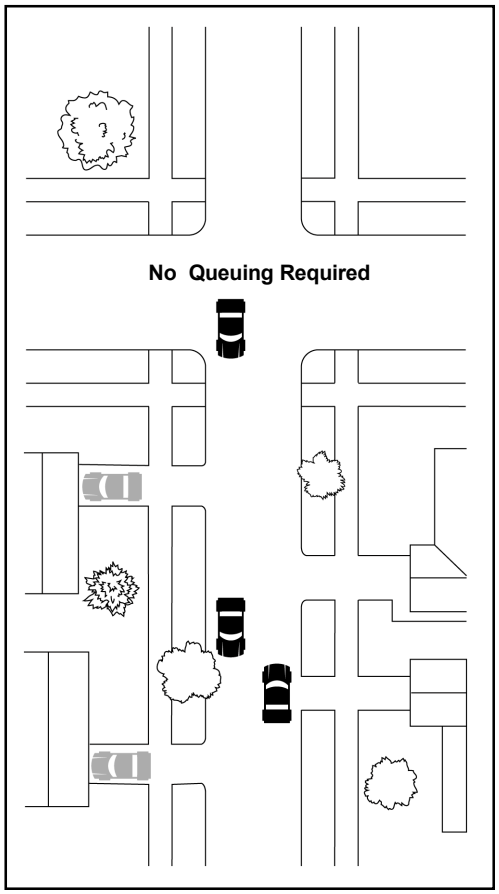




Scenario 3

20 Ft. Streets
No parking allowed

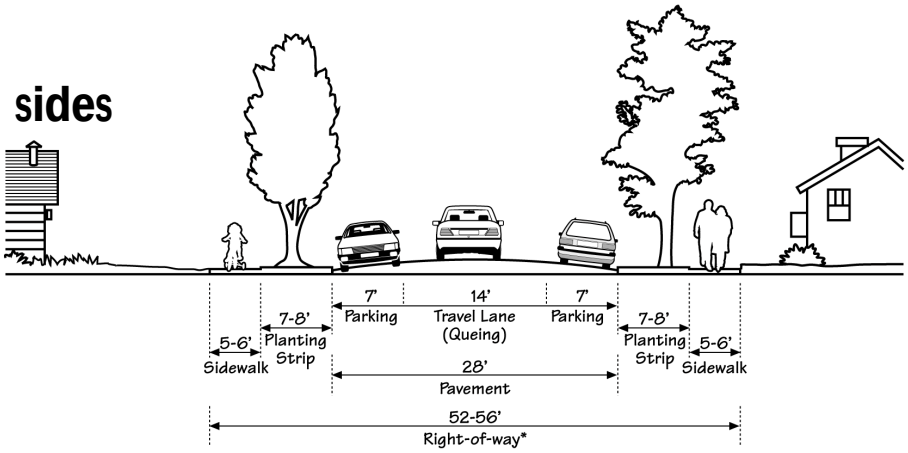




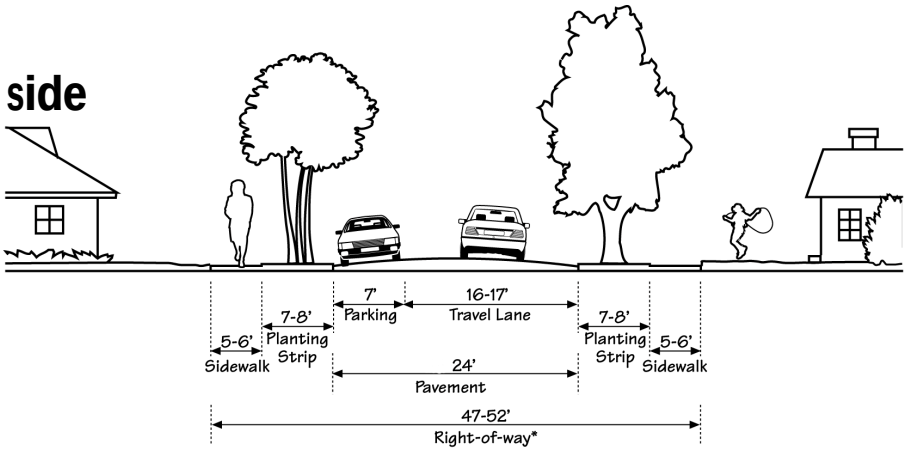
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Summary of Three Potential Scenarios

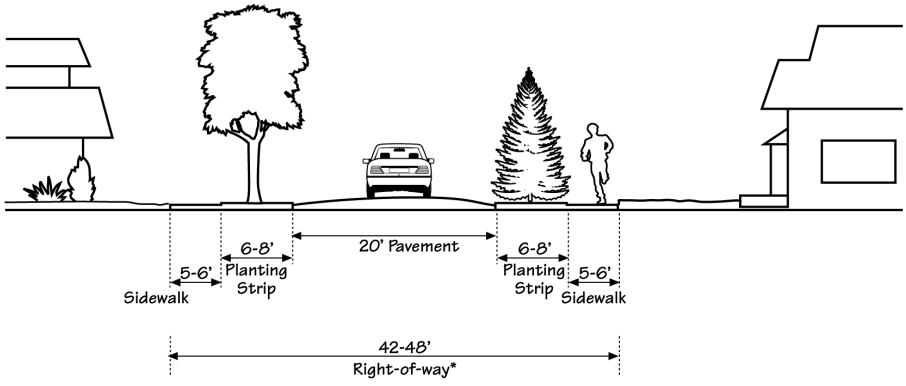
28 Ft Street
Parking on both sides



24 Ft Street
Parking on one side



20 Ft Street
No on-street parking allowed



Appendix A - References and Resources

Annotated References

AASHTO - The *Policy on Geometric Design of Highways and Streets*, also known as the "*Green Book*," is published by the American Association of State Highway and Transportation Officials (AASHTO) and is considered to be the principle authority on street geometrics. Narrow streets are sometimes cited as being contrary to traffic engineering practices because they may hinder the free-flowing movement of vehicular traffic. However, the *Green Book* supports the notion of using narrow residential streets. For example, the *Green Book* states: "On residential streets in areas where the primary function is to provide land service and foster a safe and pleasant environment, at least one unobstructed moving lane must be ensured even where parking occurs on both sides. The level of user inconvenience occasioned by the lack of two moving lanes is remarkably low in areas where single-family units prevail…In many residential areas a 26-ft.-wide roadway is typical. This curb-face-to-curb-face width provides for a 12-ft. center travel lane and two 7-ft. parking lanes. Opposing conflicting traffic will yield and pause on the parking lane area until there is sufficient width to pass."

Residential Streets – *Residential Streets* is published jointly by the American Society of Civil Engineers, the National Association of Homebuilders, and the Urban Land Institute. This book was published to encourage a flexible approach to designing residential streets to respond to the street's function in the transportation system as well as part of the community's living environment. *Residential Streets* is a hierarchy of residential streets, including 22'-24' access streets with parking on both sides, 26' subcollector street with parking on both sides, and a 28' subcollector with parking on both sides where "on-street parking lines both sides of the street continuously."

ITE – The Institute of Transportation Engineers (ITE) has published several documents that refer to the recommended width of neighborhood streets. The 1993 publication *Guidelines for Residential Subdivision Street Design* states that a 28-foot curbed street with parking on both sides is an acceptable standard "based upon the assumption that the community has required adequate off-street parking at each dwelling unit." In addition, the 1994 publication *Traffic Engineering for Neo-Traditional Neighborhood Design, (NTND),* states that the recommended width of a basic NTND residential street "may be as narrow as 28 to 30 feet."

Street Design Guidelines for Healthy Neighborhoods – Published by the Local Government Commission's Center for Livable Communities, *Street Design Guidelines for Healthy Neighborhoods* was developed by a multi-disciplinary team based upon field visits to over 80 traditional and 16 neo-traditional neighborhoods. When combined with other features of traditional neighborhoods, the guidelines recommend neighborhood streets ranging from 16-26 feet in width. The team found 26-foot-wide roadways to be the most desirable, but also "measured numerous 24-foot and even 22-foot wide roadways, which had parking on both sides of the street and allowed delivery, sanitation and fire trucks to pass through unobstructed."

Oregon Resources

Fairview Village. Holt & Haugh, Inc., phone: 503-222-5522, fax: 503-222-6649, www.fairviewvillage.com

West Bend Village. Tennant Developments, 516 SW 13th St., Suite A, Bend, Oregon 97702, phone: 541-388-0086

Orenco Station. Mike Mehaffy, Pac Trust, 15350 SW Sequoia Pkwy, Suite 300, Portland, Oregon 97224, 503-624-6300, www.orencostation.com

Street Standard Modification Process. The City of Beaverton has a modification process similar to an administrative variance procedure. If you would like information on this process contact: Margaret Middleton, City of Beaverton, Engineering Department, P.O. Box 4755, Beaverton, Oregon 97076-4755, 503-526-2424, mmiddleton@ci.beaverton.or.us

Additional References

Street Design Guidelines for Healthy Neighborhoods. Dan Burden with Michael Wallwork, P.E., Ken Sides, P.E., and Harrison Bright Rue for Local Government Commission Center for Livable Communities, 1999.

A Policy on Geometric Design of Highways and Streets. American Association of State Highway and Transportation Officials (ASSHTO), 1994.

Guidelines for Residential Subdivision Street Design. Institute of Transportation Engineers (ITE), 1993.

Traffic Engineering for Neo-Traditional Neighborhood Design. Institute of Transportation Engineers (ITE), 1994.

Residential Streets. American Society of Civil Engineers (ASCE), National Association of Home Builders (NAHB), Urban Land Institute (ULI), 1990.

A Handbook for Planning and Designing Streets. City of Ashland, 1999.

Eugene Local Street Plan. City of Eugene, 1996.

Skinny Streets, Better Streets for Livable Communities. Livable Oregon, Inc. and the Transportation and Growth Management Program, 1996.

The Technique of Town Planning, Operating System of the New Urbanism. Duany Plater-Zyberk & Company, 1997.

Narrow Streets Database. A Congress for the New Urbanism. Alan B. Cohen AIA, CNU, Updated 1998.

Washington County Local Street Standards. Revision Project No. 2455. McKeever/Morris, Inc., Kittleson & Associates, Inc. and Kurahashi & Associates, Inc., 1995.

Washington County Uniform Road Improvement Design Standards. Washington County Department of Land Use and Transportation, 1998.

Livable Neighborhoods Community Design Code. A Western Australian Government Sustainable Cities Initiative. Ministry for Planning.

Woonerf. Royal Dutch Touring Club, 1980.

Creating Livable Streets: Street Design Guidelines for 2040. Prepared by Fehr & Peers Associates, Inc. Calthorpe Associates, Kurahashi & Associates, Julia Lundy & Associates for Metro, 1997.

Model Development Code & User's Guide for Small Cities. Transportation and Growth Management Program by Otak, 1999.

APA Recommendations for Pedestrians, Bicycle and Transit Friendly Development Ordinances. TPR Working Group Oregon Chapter APA, 1993.

Residential Street Typology and Injury Accident Frequency. Swift & Associates, Longmont, CO, Peter Swift, Swift and Associates, Longmont, CO., 1998.

Appendix B

Oregon Community Street Widths

City/County	No Parking	Parking One Side	Parking Both Sides	Contact Information
Ashland		22'	25'-28'	Maria Harris, Associate Planner, 541-552-2045
Albany		28'		Rich Catlin, Senior Planner, Albany Community Development, 541-917-7564
Beaverton	20'	25.5' "infill option," with rolled curb on other	28'	Margaret Middleton, Engineering Department, 503-526-2424
Brookings			30'	John Bischoff, Planning Director, 541-469-2163,x237
Clackamas County			28'	Joe Marek, County Engineer, 503-650-3452
Coburg			28'	Harriet Wagner, City Planner, 541-682-7858
Corvallis			28'	Kelly Schlesener, Planning Manager - Community Development, 541-766-6908
Eugene		24'	28'	Allen Lowe, Eugene Planning, 541-682-5113
Forest Grove			26'	Jon Holan, Community Dev. Director, 503-992-3224
Gresham			26'	Brian Shetterly, Long Range Planner, 503-618-2529; Ronald Papsdorf, Lead Transportation Planner, 503-618-2806
Happy Valley			26'	Jim Crumley, Planning Director, 503-760-3325
Lincoln City			28'	Richard Townsend, Planning Director 541-996-2153
McMinnville			26'	Doug Montgomery, Planning Director, 503-434-7311
Milton-Freewater		28'		Gina Hartzheim, City Planner, 503-938-5531
Portland		20'	26'	Steve Dotterrer, Portland Department of Transportation, 503-823-7731
Redmond			28'	Bob Quitmeier, Community Development Director, 541-923-7716
Seaside		20'	26'	Kevin Cupples, Planning Director, 503-738-7100
Sherwood			28'	John Morgan, City Manager, 503-625-5522
Washington County		24'	28’	Tom Tushner, Principal Engineer, 503-846-7920
Wilsonville		28'		Stephan Lashbrook, Planning Director, 503-682-1011.

Source: February 2000, Livable Oregon, Inc.

PROPOSED SETBACKS

FRONT: 15 FT.
GARAGE: 20 FT.
REAR: 20 FT. (EXCEPT LOTS 11 & 12 15 FT.)
SIDE: 5 FT.
STREET SIDE: 15 FT. (LOTS 3, 19, 20, 29, 30, 36 & 37)

LEGEND

BOUNDARY LINE
EASEMENT

N

50' 0 25' 50' 100'
SCALE: 1" = 50'

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

PRELIMINARY PLAT

REVISIONS

NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

EMERIO Design
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 626-8562
www.emeriodesign.com

SHEET 04 OF 17

FILE:P:\2200-009 Yuzon Subdivision\dwg\civil\2200-009_04ppl, Layout: 04_PRELIMINARY PLAT, Plot Date: 11/19/2020 11:36 AM, by: Kyung Han

CITY OF SHERWOOD
December 3, 2020
Planning Commission Recommendation to C ty Council

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

DENALI SUMMIT
41-LOT PLANNED UNIT DEVELOPMENT & SUBDIVISION
LU 2020-013 PUD

Pre-App Meeting:	January 23, 2020
App. Submitted:	July 13, 2020
App. Complete:	September 28, 2020
Hearing Date (PC):	November 10, 2020
Hearing Date (CC):	December 15, 2020; January 5, 2020 (tentative)
120-Day Deadline:	January 26, 2021

On November 10 2020, the Planning Commission held its meeting for the proposed Denali Summit Planned Unit Development. Staff provided an oral presentation and took questions from the commission. Staff stated that written testimony was received on the application v a email approximately an hour before the start of the hearing. Since the testimony was not received at least 24-hours in advance of the hearing, it was not included in the record but will be included in the record for the City Council hearing. The applicant provided an oral presentation and took questions from the commission.

The Planning Commiss on del berations were focused on the location, design and required amenities for the proposed open space. Specifically, the commission discussed whether the proposed open space conforms to goals and objectives of the SE Sherwood Master Plan and provides adequate public benefit. The commission also discussed the nature of "open space" versus parks" including ownership and public access requirements.

In order to address the concern regarding open space, the commission d rected staff to add Condition of Approval B17 which requires the applicant to provide an open space amenities plan prior to approval of the Final Development Plan. The condition is required in response to the approval criteria of SZCDC § 16.40.020(C)(2) on pages 17-18 of the staff report. The condition reads:

- Recommended Condition of Approval B17. Prior to Final Development Plan Approval, the applicant shall prov de a detailed open space amenities plan for Tracts A, C and G".

After deliberation, the Commission unan mously recommended approval of the plan with
ns as modified and discussed above.

by: J M Simson, Chair
Planning Commission

PROPOSAL: The applicant is proposing a 41-lot single-family residential subdivision and Planned Unit Development in the Very Low Density Residential (VLDR) zone. The site is currently comprised of three parcels totaling 15.07-acres. Two of the parcels have an existing single-family home that will remain and be incorporated into the subdivision design. The proposed lot sizes range from 10,004 SF to 20,886 SF with an average lot size of 11,094 SF. The applicant is proposing approximately 1.84 acres of open space including new landscaping and pedestrian trails. Access to the proposed lots will be from two new public streets off SW Ironwood Lane, including one being constructed as part of the Denali Meadows PUD.

I. BACKGROUND

A. **Applicant:** Emerio Design, LLC
23120 SW Murdock Rd.
Sherwood, OR 97142

Owner: Dennis and Paula Yuzon
TL 100 23120 SW Murdock Rd.
Sherwood, OR 97140

Owner: Jacob Miller
TL 200 23008 SW Murdock Rd.
Sherwood, OR 97140

Owner: JT Roth Construction Inc.
TL 300 12600 SW 72nd Ave #200
Tigard, OR 97223

B. **Location:** East of SW Murdock Rd. and north of SW Ironwood Lane

C. **Zoning:** Very Low Density Residential (VLDR)

D. **Review Type:** Type V Planned Unit Development (PUD) and Type III Subdivision. PUDs are processed as a Type V application per SZCDC § 16.72.010(A)(5)(c). The Type V Hearing Authority is the City Council and the Appeal Authority is the Land Use Board of Appeals (LUBA). The subdivision request will be reviewed and approved concurrently with the PUD.

E. **Review Criteria:** SZCDC Chapter 16.12 - Residential Land Use Districts; Chapter 16.40 - Planned Unit Development (PUD); Chapter 16.58 - Clear Vision and Fence Standards; Chapter 16.60 - Yard Requirements;

Chapter 16.72 - Procedures for Processing Development Permits; Chapter 16.92 – Landscaping; Chapter 16.94 - Off-Street Parking and Loading; Chapter 16.96 - On-Site Circulation; Chapter 16.104 - General Provisions; Chapter 16.106 - Transportation Facilities; Chapter 16.108 - Improvement Plan Review; Chapter 16.110 - Sanitary Sewers; Chapter 16.112 - Water Supply; Chapter 16.114 - Storm Water; Chapter 16.116 - Fire Protection; Chapter 16.118 - Public and Private Utilities; Chapter 16.120 – Subdivisions; Chapter 16.128 - Land Division Design Standards; Chapter 16.142 - Parks, Trees and Open Spaces; Chapter 16.144 - Wetland, Habitat and Natural Areas; Chapter 16.156 - Energy Conservation

F. **Public Notice:** Notice of the application was provided in accordance with SZCDC § 16.72.020 for a Type V application as follows: notice was distributed in five locations throughout the City and posted on the site on or before October 15, 2020. Notice was also mailed to property owners within 1,000 feet on or before October 23, 2020. Finally, notice was published in a local newspaper (Tigard Times) on October 22 & 29, 2020.

G. **History and Background:** The development site contains three (3) properties and is located in the SE Sherwood Master Plan study area. Two of the properties contain existing single-family homes and both will be retained and incorporated into the design of the subdivision. The remaining property will be used for new residential lots, public infrastructure, and shared open space.

The development site was historically part of the “Ken Foster Farm”, originally about 40 acres in size. It is known that portions of the larger Ken Foster Farm site had been used for discarding animal hides and carcasses that were remnants from the local tannery operation in the city. According to Oregon Department of Environmental Quality (DEQ) documents, tannery wastes from the Frontier Leather Company were applied by Mr. Foster to several areas of pastureland. Liquid sludge from tannery’s primary wastewater settling tanks was also distributed on the site.

Per the applicant’s narrative, the applicant is responsible for completing cleanup of all known contamination on the site. The application states “developer(s)/owner is actively working with DEQ at the time of this application submittal to finalize the clean-up of the contamination. The applicant will be required to submit a “No Further Action” confirmation to the City prior to acceptance of the public improvements.

The SE Sherwood Master Plan was not formally adopted by City Council or incorporated into the City's Comprehensive Plan; however, portions of the plan have been adopted into the City's Development Code. In 2013, City Council passed Ordinance 2013-003 which amended SZCDC § 16.12 Residential Land Use Districts and increased the allowed density for properties zoned Very Low Density Residential (VLDR) within the SE Sherwood Master Plan area. The update increased the allowed density to 4 units per acre, if the development is approved through as a PUD and conforms to the SE Sherwood Master Plan. Within the site's general vicinity, the City has previously approved two (2) subdivisions under these criteria - PUD 17-01 Denali Lane & PUD 19-02 Denali Meadows. The subject application is being reviewed and approved under the same PUD development standards and approval criteria.

H. **Existing Site Characteristics:** The development site contains three (3) parcels containing approximately 15.07 acres. Two of the properties contain a single-family home, private driveway, and outbuildings. The development site has an undulating topography that is vegetated with a mix of trees, shrubs, and grassy fields. Based on the latest data from Metromap, the site does not contain wetlands or a 100-year floodplain. The Rock Creek floodplain is located east of the development site and the topography begins to slope steeply toward the creek to the east of the development site.

I. **Surrounding Land Uses:** The development site is surrounded by private property to the north, east, and west. The southern boundary of the development site is bound by SW Ironwood Lane.

North - The property to the north is a 12.40-acre site that is occupied by a single-family home. This property is located in the SE Sherwood Master Plan area. The new public street system created by the subject development will be stubbed for future extension through this property.

West - The property to the west is being developed as the Denali Meadows PUD and will include partial street improvements intended to serve new lots created by the subject development.

East- the property to the east is a large, privately held parcel featuring natural resources such as the Rock Creek floodplain. The property is outside City limits and the Urban Growth Boundary (UGB).

South – SW Ironwood Lane, a local City street, forms the southern boundary of the development site. A new street and intersection off SW Ironwood Lane are proposed as part of the development.

II. AFFECTED AGENCY AND PUBLIC COMMENTS

A. Notice of the application was sent to affected agencies via email on September 30, 2020. The following responses were received:
   1. City of Sherwood Engineering Department provided comments dated October 13, 2020 (Exhibit B1). The comments address traffic and transportation, public utilities, and other engineering requirements. The comments and Conditions of Approval are incorporated throughout the report under each applicable code section.
   2. City of Sherwood Public Works Department provided comments via handwritten note on September 18, 2020 (Exhibit B2). The comments state due to the size and location of the development, a water model is required to determine sizing-looping. The water pressure will be higher than 80 PSI and private pressure reducing valves are required. The wall at the end of the public street also requires additional safety measures.
   3. Tualatin Valley Fire and Rescue provided comments during the completeness review process which are dated July 28, 2020 (Exhibit B3). The comments are in regard to fire hydrants, water supply, and fire apparatus access. Final compliance with the fire marshal's letter and all fire code regulations is required as a condition of approval.
   4. Clean Water Services provided a memorandum dated October 21, 2020 (Exhibit B4). The memorandum provides Conditions of Approvals related to CWS regulations for stormwater, erosion control, and sensitive habitat areas.
   5. Pride Disposal Company – Pride Disposal provided comments dated October 20, 2020 (Exhibit B5). Pride has reviewed the site plan and can service the development as proposed. Each resident will be responsible for placing their totes curbside on the nearest public road on collection day. Tracts D, E, and F must be marked for no parking on one side of the street. If one side of the street is not marked for no parking, each resident will be responsible for placing their totes on the nearest public road.
   6. Portland General Electric (PGE) acknowledged the application routing on October 22, 2020 but did not provide comment.
   7. The following agencies acknowledged the application without expressing any issues or concerns: Sherwood Police Department and Bonneville Power Administration.

B. Public Comments
1. As of the date of this report, no written public comments were received on the application.

III. APPLICABLE CODE PROVISIONS

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

DIVISION III ADMINISTRATIVE PROCEDURES

Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS
16.72.010 – Generally

A. Classifications

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

3. Type III

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

c. Subdivisions between 11 – 50 lots

5. Type V

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

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

ANALYSIS: The applicant is proposing a 41-lot PUD and is subject to a Type V review process. The Type III subdivision application is being reviewed concurrently with the Type V PUD.

FINDING: This criterion is met.

DIVISION II LAND USE & DEVELOPMENT
Chapter 16.12 RESIDENTIAL LAND USE DISTRICTS
16.12.010 - Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

1. Standard Density

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas that warrant

preservation but are otherwise deemed suitable for limited development. Standard density in the VLDR zone is 0.7 to 1 dwelling unit per acre.

2. VLDR Planned Unit Development Density Standards
Property in the VLDR zone that is developed through the Planned Unit Development (PUD) process under Chapter 16.40, if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, may develop to a density of 1.4 to 2.0 dwelling units per net buildable acre under the following conditions:

a. The minimum lot size is not less than 10,000 square feet;

b. The following areas are dedicated to the public or preserved as common open space: floodplains under Section 16.134.020 (Special Resource Zones); natural resources areas as shown on the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan; and wetlands defined and regulated under current Federal regulation and Division VIII of this Code; and

c. The higher density development will better preserve natural resources as compared to one (1) unit per acre.

ANALYSIS: The site zoning is Very Low Density Residential (VLDR) and is within the SE Sherwood Master Plan area. The application is subject to the density requirements in subsection (3) below.

FINDING: These criteria do not apply.

3. Southeast Sherwood Master Planned Unit Development

a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre.

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

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

Density calculations	
Gross site area	656,580 SF
Public streets	-74,705 SF
Private streets	-18,960 SF
Water quality tract	-27,899 SF
Net development area	535,015 SF (or 12.28 acres)

41 lots / 12.28 acres = 3.34 units per acre

FINDING: The applicant is proposing a density of 3.34 units per acre, which is between the allowed density of 0.7 to 4.0 units per acre. This criterion is met.

b. Development under Section 16.12.010.A.3 must generally follow the development pattern shown as Alternative B/C in the SE Sherwood Master Plan (2006) and address the following factors:

(1) Varied lot sizes are allowed with a minimum lot area of 10,000 square feet if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, roadways or open space.

ANALYSIS: All of the proposed lots are greater than 10,000 SF and meet the minimum lot size requirement. The applicant is requesting a reduction to the required minimum building setbacks for certain lots; however, adequate buffering is anticipated to be provided by the low density nature of the development and through the use of landscaping, open space, and roadways.

FINDING: This criterion is met.

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

ANALYSIS: Chapter 16.40 requires a minimum of 15% open space for new PUDs. The standard above requires this 15% open space to be located in the general vicinity of open space shown in Alternative B/C of the SE Sherwood Master Plan (Exhibit C1). Key open spaces shown in the alternative include a hilltop park near the center of the planning area and a preserved mixed-woodland area at the north end of the planning area. The plan indicates open space will be connected via north-south and east-west running pedestrian greenways.

The applicant is proposing to provide open space within three (3) private tracts (Tracts A, C, & G) that are located in the general vicinity of those identified in Alternative B/C. Tract A is located just south of the hilltop park identified on present day Tax Lot 200. The open space is not located at the high point of the area because the existing home on the property will be retained through the subdivision as Lot 34. Tract A is also shifted to the south in order to connect with the open space provided as part of the Denali Meadows PUD. The applicant is proposing Tract C Open Space at the eastern end of the development site. This open space will include a pedestrian trail along the bluff and provide views of Rock Creek and Mt. Hood to the east. The design will provide open space and pedestrian connections on the development site as envisioned by Alternative B/C.

The “shadow plat” (Exhibit A1 – Sheet 15) provided by the applicant does not assume the entire wooded area identified in Alternative B/C will be retained on the property to the north. When the property to the north redevelops, the alignment of the street and new lots will impact the wooded area identified in the master plan. However, the applicant’s narrative indicates the trees on the adjacent property have been removed. The developer of the property to the north will be responsible for providing additional information on the quality of the area given the alterations since the SE Sherwood Master Plan was created.

FINDING: The applicant has provided parks and pathways on the development site in the general vicinity of the areas shown in Alternative B/C of the SE Sherwood Master Plan. This criterion is met.

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

ANALYSIS: The proposal includes a well-connected pedestrian transportation system that links the new subdivision with surrounding residential areas and open space.

In addition to new public sidewalks, the applicant is proposing two pedestrian connections between the development and the adjacent Denali Meadows subdivision. The first connection is via Tract A Open Space, which aligns with an open space area provided in Denali Meadows. The second is a pedestrian easement between Tracts E & F of the subject development. The easement will provide an additional connection at the north end of the site and reduce the block length for pedestrians. The result will be a connected system of sidewalks and off-street pedestrian trails for the developed portions of the SE Sherwood Master Plan area. There are no schools, commercial areas, or other destination locations nearby that warrant connection.

FINDING: This criterion is met.

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

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

Environmental Opportunity / Constraint	Proposal
Hilltops and an undulating topography are present throughout development site which provide vantage points to the surrounding region. The topography is also seen as a constraint when providing new transportation network including streets and sidewalks	The applicant is proposing to utilize the hilltops and topography for attractive open spaces and residential lots. Tract A Open Space is located in the general vicinity of the high point of the development site and Tract C Open Space will provide view points to the east. The design of the subdivision will minimize cuts required for installation of the streets and utilities.
Mature trees are present at the center and south end of the development site and are a defining feature of the landscape	Existing mature trees are shown on Sheet 03 of Exhibit A1. The applicant is proposing to remove all of the mature trees described in the area to accommodate construction of the new

	development including houses and driveways. Condition of Approval B12 requires preservation of existing trees within areas designated for open space.
The primary mixed-woodland area including fire, madrone, and filbert trees which are located north of the development site	The mixed-woodland area north of the development site has been removed

The hilltops in the area will be utilized to create attractive open space and residential lots. The trees in the area are proposed to be removed to accommodate the development. The proposal conforms to the opportunities and constraints to the extent practicable.

FINDING: This criterion is met.

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

ANALYSIS: The SE Sherwood Master Plan shows a view corridor from the high point of the existing home on Tax Lot 100, looking to the east towards Mt. Hood and the Cascade Range. The Preliminary Grading Plan (Exhibit A1 – Sheet 5) shows that new development will slope from the center down towards the east and west. The proposal provides an opportunity to provide view corridors to the Cascade Range for the new lots at the center and east side of the development. The Planning Commission will review and approve the Final Development Plan, however, building permits for individual lots including their final height are issued after land use approval. It is anticipated the developer will design each home to take advantage of the existing view corridors. No specific Conditions of Approval are recommended at this time.

In addition to the views created on private lots, the development will provide a common open space area (Tract C) with viewpoints to the east.

FINDING: This criterion is met.

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

ANALYSIS: The applicant has submitted two Architectural Pattern Books (Exhibit A2) that provide details on the proposed housing design. The housing types are compatible in design and material to surrounding residential developments (Denali Meadows and Denali Lane).

FINDING: This criterion is met.

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

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

FINDING: This criterion does not apply.

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

ANALYSIS: The SE Sherwood Master Plan shows a view corridor from the high point of the existing home on Tax Lot 100, looking to the east towards Mt. Hood and the Cascade Range. The Preliminary Grading Plan (Exhibit A1 – Sheet 5) shows that new development will slope from the center down towards the east. The proposal provides an opportunity to provide view corridors to the Cascade Range for the new lots at the center and east side of the development. The Planning Commission will review and approve the Final Development Plan, however, building permits for individual lots including their final height are issued after land use approval. It is anticipated the developer will design each home to take advantage of the existing view corridors. No specific Conditions of Approval are recommended at this time.

In addition to the views created on private lots, the development will provide a common open space area (Tract C) with viewpoints to the east.

FINDING: This criterion will be met.

16.12.020 - Allowed Residential Land Uses

A. Residential Land Uses

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

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

Whereas P = Permitted

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

FINDING: This criterion is met.

16.12.030 - Residential Land Use Development Standards

A. Generally

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

B. Development Standards

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

C. Development Standards per Residential Zone

Development Standards by Residential District	VLDR - PUD	Proposed Exception through PUD
Min Lot area (in square feet) Single-Family Detached	**10,000**	-
Min Lot width at front property line	**25 ft.**	13.25 ft. for lot 34
Min Lot width at building line; Single-Family	**None**	-
Lot Depth	**None**	-
Max Height (in feet)	**30 ft. or 2 stories**	-
Front yard	**20 ft.**	15 ft. for all lots
Face of garage	**20 ft.**	-
Interior side yard; Single-Family Detached	**5 ft.**	-
Corner lot street side	**20 ft.**	15 ft. for all corner lots
Rear yard:	**20 ft.**	15 ft. for lots 11 and 12

ANALYSIS: The development standards for the VLDR PUD zone are shown in the table above. As part of the PUD approval, the applicant is requesting exceptions to the minimum lot width at the front property line, front yard setback, corner lot street side setback, and rear yard setback for certain lots.

The applicant's narrative states *"Due to the topography, geography, and the fact that future right-of-way will be dedicated creating future corner lots, the applicant would like to have the flexibility to place the houses as close to the front and street as possible to avoid grading and site disturbance in those areas that have constraints. The setback modification request provides flexibility to place the houses and driveways on the lots in the flattest areas possible, some of which are right at the street."*

The applicant's narrative also states that Lot 34 will be designed as a flag lot and is therefore requesting the reduced width at the front property line.

FINDING: These standards are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL F1: Prior to issuance of building permits, submit plot plans and building plans showing the residential structures meet the development standards of the VLDR-PUD zone, including any modifications to the development standards permitted in the land use Notice of Decision.

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

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

16.12.050 - Flood Plain
Except as otherwise provided, Section 16.134.020 shall apply.

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

Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)*
16.40.010 - Purpose

A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single

parcel of land or multiple properties under one or more ownerships. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.

B. The PUD district is intended to achieve the following objectives:

1. Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.

2. Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.

3. Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.

4. Achieve maximum energy efficiency in land uses.

5. Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment.

ANALYSIS: The applicant is requesting approval of a 41-lot PUD. The PUD process allows creativity and flexibility in site design which could not be achieved through a strict adherence to the existing zoning and subdivision standards.

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

16.40.020 - Preliminary Development Plan

A. Generally

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

ANALYSIS: The applicant's narrative states, "*In this case, the site is unusually limited in development potential because of the cost of cleanup of contaminated soils due to dumping of tannery waste on the site of the former Ken Foster Farms. Development as proposed facilitates the complete remediation of contaminated soils on this portion of*

the former KFF site, which is of great public benefit as lead and other harmful toxins have been detected in soils within the boundaries of the former KFF property. There is further public benefit with the development in this site as it implements the street system envisioned in the Sherwood Transportation System Plan and the SE Sherwood Master Plan for this region of the city. The number of lots proposed makes it feasible to develop the property considering the cleanup and infrastructure costs, thereby ensuring that the potential public health hazard is eliminated, and that vehicular and pedestrian connectivity and circulation is provided."

Staff concurs that the development site is unusually constrained due to the historical land use and environmental contamination.

FINDING: The site is unusually constrained due to environmental contamination and warrants the use of a PUD. This criterion is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL G1: Prior to Acceptance of Public Improvements, applicant perform clean up of contamination in accordance with DEQ standards and shall submit a copy of the DEQ "No Further Action" confirmation letter to the Sherwood Engineering Department.

****

C. Commission Review

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

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

ANALYSIS: The applicant is requesting approval of a 41-lot PUD. The property is being developed in accordance with the City's Comprehensive Plan & Zoning Map, which designates the property as VLDR. The SE Sherwood Master Plan was not adopted into the City's Comprehensive Plan, however, certain elements were plan were incorporated into the development code. The proposal complies conforms to Alternative B/C of the SE Sherwood Master Plan and is eligible for a PUD as described in findings and conditions for SZCDC § 16.12.010(A)(3)(b).

FINDING: This criterion is met.

2. The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public

space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity to existing public spaces such as parks, libraries or plazas the development plan may propose no less than 5% on-site public space with a detailed explanation of how the proposed development and existing public spaces will together equally or better meet community needs.

ANALYSIS: The applicant is proposing three open space tracts totaling 80,167 SF (1.84 acres). The proposal meets the criteria as described below:

Gross site area	656,580 SF
Public streets	-74,705 SF
Private streets	-18,960 SF
Water quality tract	-27,899 SF
Net buildable site	535,016 SF

535,016 x 0.15 = 80,252 SF of open space required to meet the 15% minimum

The applicant is proposing 80,167 SF, or 14.98% open space. Less than 15% open space is allowed per the approval criteria above, if the development is located within close proximity to existing public spaces that when combined with the proposed development meet or exceed community needs. The applicant of the subject development also developed the adjacent Denali Meadows (PUD 19-02) and Denali Lane (PUD 17-01) subdivisions. Based on the land use reports for those approvals, the developments provided a combined 12,134 SF of excess open space. All of the nearby open space areas will be connected via a new system of sidewalks and off-street trails. When taken as a whole, the proposed development and existing public spaces exceed the 15% requirement.

While the 15% open space requirement can be met, the applicant has not provided an open space plan with details on the proposed amenities for Tracts A, C, and G. The Planning Commission discussed the proposed open space during the November 10, 2020 hearing and determined additional details on the open space amenities was required to demonstrate compliance with the standard above.

FINDING: This criterion is met as conditioned below,

RECOMMENDED CONDITION OF APPROVAL B17: Prior to Final Development Plan Approval, the applicant shall provide a detailed open space amenities plan for Tracts A, C, and G.

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

ANALYSIS: The applicant is requesting the following exceptions to standards of the underlying zoning district:

- Minimum lot width at front property line (Lot 34)
- Minimum front yard setback (all lots)
- Minimum corner lot street side yard setback (all corner lots)
- Minimum rear yard setback (Lots 11 & 12)
- Double frontage lots (Lots 30 & 31)
- Transportation facility modifications (various)

As described above, the PUD is being pursued due to the soil remediation that is required prior to developing the site for residential use. The applicant's narrative states the PUD and higher density allowed under the VLDR-PUD overlay will help offset the costs associated with cleaning up the contaminated soil.

To further justify the exceptions to the underlying standards, the applicant's narrative states *"Due to the topography, geography, and the fact that future right-of-way will be dedicated creating future corner lots, the applicant would like to have the flexibility to place the houses as close to the front and street as possible to avoid grading and site disturbance in those areas that have constraints. The setback modification request provides flexibility to place the houses and driveways on the lots in the flattest areas possible, some of which are right at the street."*

This argument is supported by the applicant's Geotechnical Engineering Report (Exhibit A8) that describes subsurface development challenges including undocumented soft fill and hard basalt bedrock throughout the site. The exceptions to the underlying standards are warranted to overcome the development challenges because the proposal conforms to the SE Sherwood Master Plan. Additional details on the Transportation Facilities Modifications is included in SZCDC § 16.106.020(E) below.

FINDING: This criterion is met.

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

ANALYSIS: The applicant's narrative states "*The proposed project (residential detached dwellings) is in harmony with the surrounding area as the proposed lots are comparable in size and use to the existing development (also residential detached dwellings) to the south and west and to future development as outlined in the SE Sherwood Master Plan. Conceptual architectural treatments are included with this*

application… showing prairie, craftsman and modern styles similar with the surrounding area. Proposed houses will meet the minimum side and rear setback and maximum height requirements (and, therefore be of a similar scale) of the adjacent developments that have been constructed in the VLDR zone."

Staff concurs with this analysis with the clarification that the proposed houses will meet the setback standards as modified through this PUD approval. The proposed Architectural Pattern Books are included in Exhibit A2.

FINDING: This criterion is met.

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

ANALYSIS: The PUD will create three new open space tracts (A, C & G). The open space tracts will be constructed by the developer and maintained by the future HOAs of the development. A complete list of the proposed tracts within the development area and the construction and maintenance responsibilities is provided below.

Tract	Use	Construction	Ownership / Maintenance
A	Open Space and trail	Applicant / developer	Future HOA
B	Stormwater facility	Applicant / developer	City of Sherwood
C	Open space and trail	Applicant / developer	Future HOA
D	Private street	Applicant / developer	Future HOA
E	Private street	Applicant / developer	Future HOA
F	Private street	Applicant / developer	Future HOA
G	Open space	Applicant / developer	Future HOA

FINDING: This proposed method of open space ownership and maintenance is acceptable. This criterion is met.

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

ANALYSIS: The applicant's narrative states the development of the site at the standard VLDR density of 0.7 to 1.0 units per acre is not feasible due to the cost of cleaning up the contaminated soils. Staff adds that the PUD approval requires the development to provide 15% open space instead of 5% required for standard subdivisions and that exceptions to the underlying standards provide greater flexibility in design in order to better preserve the natural topography and avoid hard subsurface basalt. Without the PUD, the development may not be feasible due to constraints described above. The

PUD approval therefore allows the development and has a beneficial effect on the area which could not be achieved in the underlying zoning district.

FINDING: This criterion is met.

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

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

FINDING: This criterion is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL A12: The required public improvements and common areas shall be substantially completed within one (1) year from the date of the Notice of Decision for the final plat and Final Development Plan.

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

ANALYSIS: The development can be adequately served by public facilities and services as described and conditioned in this report, and as described in the agency comments. The developer will be constructing new public facilities including streets, sidewalks, lighting, water, sanitary sewer, etc. In addition, existing City services such as the police have adequate capacity to serve the new development.

FINDING: This criterion is met.

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

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

FINDING: This criterion is met.

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

development, or qualifies as "infill" as defined in Section 16.40.050(C)(3).

ANALYSIS: The gross site area is 15.07 acres.

FINDING: This criterion is met.

D. Council Action

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

E. Effect of Decision

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

ANALYSIS: Upon findings and recommendations from the Planning Commission, the Sherwood City Council will conduct a public hearing on the Preliminary Development Plan pursuant to SZCDC § 16.72. As described the section below, Final Development Plan approval is required prior to final acceptance of the PUD.

FINDING: These criteria will be met.

16.40.030 - Final Development Plan

A. Generally

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

under Section 16.40.020(B)(6), for review and approval, pursuant to the provisions of Chapter 16.90. The site plan shall be processed concurrently with the Final Development Plan.

B. Final Subdivision Plat

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

ANALYSIS: Final Plat and Final Development Plan approval are required.

FINDINGS: These criteria are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL A13: The applicant shall submit for and obtain final plat and final development plan approval meeting all conditions of the preliminary plat and preliminary development plan approval.

16.40.040 - General Provisions

A. Phasing

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

2. Any PUD which requires more than twenty four (24) months to complete must be constructed in phases that are substantially complete in themselves and conform to a phasing plan approved as part of the Final Development Plan.

B. Failure to Complete

1. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission will determine whether or not the PUD's continuation, in whole or in part, is in the public interest.

2. If continuation is found not to be in the public interest, the Commission will recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.

C. Changes in Approved Plans

1. Major Changes

Proposed major changes in a Final Development Plan are considered the same as a new application, and are made in accordance with the procedures specified in this Chapter.

2. Minor Changes

Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission

review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses.

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

FINDING: This criterion is met.

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

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

FINDING: This criterion is met.

16.40.050 - Residential PUD

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

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

ANALYSIS: The 41-lot subdivision is a residential PUD and will feature single-family detached homes. The applicant has provided an Architectural Pattern Book (Exhibit A2) that provides example building materials and styles.

FINDING: This criterion is met.

B. Conditional Uses

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

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

FINDING: This criterion does not apply.

C. Development Standards

1. Density

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

2. Density Transfer

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

3. Minimum Lot Size

The minimum lot size required for single-family, detached dwellings is 5,000 square feet, unless the subject property is either:

a. Located within the High Density Residential zone (HDR). In that case, there is no minimum lot size provided the applicant demonstrates that the proposal meets the purpose and intent of the Zoning and Development Code and the Sherwood Comprehensive Plan until February 4, 2015.

b. Or qualifies as infill, defined as: parent parcel of 1.5 acres or less proposed for land division, where a maximum 15% reduction in lot size may be allowed from the minimum lot size.

ANALYSIS: The proposal is for a 41-lot residential subdivision with a density of 3.34 units per acre. The proposed density meets the requirements of the VLDR-PUD zoning within the SE Sherwood Master Plan area. No density transfers or reductions to the minimum lot sizes are proposed.

FINDING: These criteria are met.

16.58.010 Clear Vision Areas

A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.

B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.

C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.

The following requirements shall govern clear vision areas:

1. In all zones, the minimum distance shall be twenty (20) feet.

2. In all zones, the minimum distance from corner curb to any driveway shall be twenty-five (25) feet.

3. Where no setbacks are required, buildings may be constructed within the clear vision area.

ANALYSIS: The plans submitted by the applicant do not show clear vision areas as required by this section. Clear vision areas are required on the corners of each intersection in the subdivision, including where public and private streets intersect.

FINDING: These standards are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL B1: Prior to Final Plat Approval, show a clear vision area on the corners of each street intersection in accordance with SZCDC § 166.58.010 Clear Vision Areas.

RECOMMENDED CONDITION OF APPROVAL B2: Prior to Final Development Plan approval, provide a detailed landscaping plan that does not conflict with the planting requirements for Clear Vision Areas in SZCDC § 166.58.010(C).

Chapter 16.60 - YARD REQUIREMENTS

16.60.010 - Through Lots

On a through lot the front yard requirements of the zone in which such a lot is located shall apply to the street frontage where the lot receives vehicle access; except where access is from an alley, the front yard requirements shall apply to the street opposite the alley.

ANALYSIS: The applicant is proposing two through lots (Lots 30 and 31). Both lots will take access from Tract D and the front yard requirements will be apply to this frontage as shown on the Preliminary Plat.

FINDING: This standard is met.

16.60.020 - Corner Lots
On a corner lot, or a reversed corner lot of a block oblong in shape, the short street side may be used as the front of the lot provided:

- **A. The front yard setback shall not be less than twenty-five (25) feet; except where otherwise allowed by the applicable zoning district and subject to vision clearance requirements.**
- **B. The side yard requirements on the long street side shall conform to the front yard requirement of the zone in which the building is located.**

ANALYSIS: As part of the PUD overlay, the applicant is proposing a 15 ft. front setback and 15 ft. street side yard setback. This would provide the applicant the ability to utilize the short or long street side as the front with a 15 ft. setback. All garages will meet the minimum required setback of 20 ft.

FINDING: This standard is met.

16.60.030 - Yards

- **A. Except for landscaping, every part of a required yard (also referred to as minimum setback) shall be open and unobstructed from its lowest point to the sky, except that architectural features such as awnings, fire escapes, open stairways, chimneys, or accessory structures permitted in accordance with Chapter 16.50 (Accessory Structures) may be permitted when so placed as not to obstruct light and ventilation.**
- **B. Where a side or rear yard is not required, and a primary structure is not erected directly on the property line, a primary structure must be set back at least three (3) feet.**

ANALYSIS: The Preliminary Plat shows approximate yard setbacks. Final compliance with the development standards including yard requirements will be reviewed and approved as part of the building permits for each lot.

FINDING: This standard will be met.

16.60.040 - Lot Sizes and Dimensions

A. If a lot or parcel, or the aggregate of contiguous lots or parcels, recorded or platted prior to the effective date of this Code, has an area or dimension which does not meet the requirements of this Code, the lot or aggregate lots may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located.

B. Exceptions

1. Residential uses are limited to a single-family dwelling, or to the number of dwelling units consistent with the density requirements of the zone. However, a dwelling cannot be built on a lot with less area than thirty-two hundred (3,200) square feet, except as provided in Chapter 16.68.

2. Yard requirements of the underlying zone may be modified for infill developments as provided in Chapter 16.68 (Infill Development).

ANALYSIS: The proposal is for a new residential subdivision that represents full build out of the site to current zoning standards. Exceptions to the lot sizes are not requested under this section.

FINDING: These standards do not apply.

DIVISION VII LAND DIVISION, SUBDIVISIONS, PARTITIONS…

Chapter 16.120 - SUBDIVISIONS

16.120.010 - Purpose

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

16.120.020 - General Subdivision Provisions

A. Approval of a subdivision occurs through a two-step process: the preliminary plat and the final plat.

1. The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and

2. The final plat shall reflect all conditions of approval of the preliminary plat.

ANALYSIS: A Preliminary Plat (Exhibit A1 – Sheet 4) for has been submitted for approval. The final plat will be reviewed and approved by the Planning Commission with the PUD Final Development Plan. The applicant is required to comply with all of the conditions of approval of the preliminary plat.

FINDING: This criterion will be met.

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

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

FINDING: This criterion is met.

C. Future re-division

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

ANALYSIS: The proposal is for a 41-lot residential subdivision with an average lot size of approximately 11,094 SF. The development represents full build out of the parent parcels and future re-division is not feasible under the existing zoning.

FINDING: This criterion is met.

D. Future Partitioning

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

ANALYSIS: As described above, the proposal represents full land division of the three (3) parent parcels. No large lots will remain and future re-division is not feasible under the existing zoning.

FINDING: This criterion is met.

E. Lot averaging

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

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

ANALYSIS: The minimum lot size for the VLDR-PUD zone is 10,000 SF and all 41 lots meet the minimum area requirement outright. Lot size averaging is not required.

FINDING: This standard does not apply.

F. Required Setbacks

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

ANALYSIS: The Preliminary Plat shows the tentative building setback lines for each lot. The applicant has requested exceptions to the setback requirements for certain lots, as shown in the table below.

Development Standard by Residential Zone-	**VLDR-PUD**	**Proposed**
Minimum Lot Area	10,000 SF	10,000
Minimum Lot width at front property line	25 ft.	13 ft. 3 in. for lot 41 only (existing house)
Minimum Lot width at building line	None	-
Lot Depth	None	-

Development Standard by Residential Zone-	VLDR-PUD	Proposed
Maximum Height	30 ft. or 2 stories	30 ft. or 2 stories
Front yard setback	20 ft.	15 ft.
Face of garage setback	20 ft.	20 ft.
Interior side yard setback	5 ft.	5 ft.
Corner lot street side setback	20 ft.	15 ft. for all corner lots
Rear yard setback	20 ft.	20 ft., except 15 ft. for lots 11 & 12

The applicant's narrative states the exceptions are requested as part of the PUD approval *"due to the topography, geography, and the fact that future right-of-way will be dedicated creating future corner lots, the applicant would like to have the flexibility to place the houses as close to the front and street as possible to avoid grading and site disturbance… The setback modification request provides flexibility to place the houses and driveways on the lots in the flattest areas possible, some of which are right at the street."*

FINDING: This criterion is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL B3: Prior to final plat approval, show the final building setbacks and lot orientation in accordance with the Sherwood Zoning & Community Development Code as amended by the PUD overlay.

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

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

FINDING: This criterion is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL A14: No property created by the subdivision approval shall be disposed of, transferred, or sold unit required subdivision

approvals are obtained, pursuant to Sherwood Zoning & Community Development Code.

16.120.030 - Approval Procedure-Preliminary Plat

A. Approval Authority

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

b. A subdivision application for 11-50 lots will follow a Type III review process.

ANALYSIS: The 41-lot subdivision is being processed concurrently with the Type V PUD approval request with the City Council as the Hearing Authority.

FINDING: This criterion is met.

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

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

FINDING: This criterion is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL A15: Prior to submitting the plat to Washington County for review, the applicant shall obtain Final plat and Final Development Plan approval from the City of Sherwood.

B. Phased Development

1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat.

2. The criteria for approving a phased subdivision review proposal are:

a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;

b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:

(1) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and

(2) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.

3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

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

FINDING: This criterion does not apply.

16.120.040 - Approval Criteria: Preliminary Plat
No preliminary plat shall be approved unless:

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

ANALYSIS: The Preliminary Plat shows the proposed street network. The new lots will be served by an extension of an existing public street, the creation of a new public street, and three new private street tracts (Tract D, E, and F). The plans include profiles for each new public and private street showing widths, alignments, and grades. All new public and private streets have been placed to conform to the plats approved for adjoining properties while meeting sight distance and intersection spacing standards.

A portion of the new public street through the subdivision and a portion of Lots 19 and 20 are identified as Tract E of the Denali Meadows subdivision. This tract of land will be created with the recording of the plat for Denali Meadows. The Denali Meadows plat will need to be recorded prior to the plat recording for the subject application (Denali Summit).

FINDING: This criterion is met.

RECOMMENDED CONDITION OF APPROVAL B4: Prior to Subdivision Plat Approval, either the subdivision plat for the Denali Meadows development shall be recorded with Washington County Surveyor's Office or the portion of property currently belonging to the development to the west (Denali Meadows) that is included with this subject development shall be partitioned off from the property to the west (Denali Meadows) or a property line

adjustment be performed between the properties conveying that portion of the western property to one of the eastern properties.

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

ANALYSIS: The applicant is proposing three new private streets (Tracts D, E, and F) as shown on the Preliminary Plat. The subdivision is being developed by two developers with two separate Homeowners Associations (HOA). The applicant has submitted draft Covenants, Conditions, and Restrictions that address ownership and maintenance responsibilities for the private streets.

FINDING: This criterion is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL B5: Each developer shall record final CC&Rs describing the reservations, restrictions, and maintenance responsibilities for the private street tracts.

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

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

FINDING: This criterion is met.

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

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

FINDING: This criterion is met.

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

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

FINDING: This criterion does not apply.

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

ANALYSIS: The adjoining land to the north is a 12.4-acre parcel with an existing single-family home. The parcel is within the SE Sherwood Master Plan and the applicant has submitted a Neighborhood Circulation Map (Exhibit A1 – Sheet 15) that demonstrates how adjoining property can be developed under the VLDR-PUD zoning standards.

Both public streets will be stubbed to the adjoining property to the north. In order to serve all of the lots with a gravity sanitary sewer and storm sewer system, the development will require fill near the north and northeast ends of the site. As a result, the new public street stub requires approximately 15 ft. of fill at the north end of the development site. The applicant has provided a Future Street Plan and Profile (Exhibit A1 – Sheet 13) that shows how the street can be extended through the property to the north.

FINDING: This criterion is met.

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

ANALYSIS: The applicant has submitted a Tree Preservation and Removal Plan (Exhibit A1 – Sheet 3) which shows the location, size, and species of trees on the site. Tree protection requirements are described in detail in SZCDC § 16.142.070.

FINDING: This criterion is met.

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

ANALYSIS: The Preliminary Plat (Exhibit A1 – Sheet 4) clearly shows the proposed lot numbers, setbacks, dedications, and easements.

FINDING: This criterion is met.

I. A minimum of five percent (5%) open space has been provided per Section 16.44.010.B.8 (Townhome-Standards) or Section

16.142.030 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.

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

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

16.120.050 - Final Subdivision Plat

A. Procedure

1. Unless otherwise noted below, final subdivision approval includes meeting all conditions from the land use approval, review and approval by County, and the signature of the City's designee on the mylar.

2. The subdivider shall submit the final plat, and all supplementary information required by the Planning Department or pursuant to this Code.

3. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature.

4. All requirements for signature of the mylar shall be completed within two (2) years of approval of the final plat.

B. Extensions

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

C. Approval Criteria: Final Plat

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ANALYSIS: The subject application is for preliminary plat approval. The final plat will be reviewed as part of the Final Development Plan application. Final subdivision approval means meeting all conditions from the land use approval, review and approval by the County, and City signature of the mylars.

FINDINGS: These criteria are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL A4: The preliminary plat approval is valid for two years from the date of the Notice of Decision. The final plat shall be approved by the City within two years of Notice of Decision, unless an extension is granted by the City prior to the two-year deadline.

16.120.060 - Improvement Agreement

A. Subdivision Agreement

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

B. Performance Security

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

16.120.070 - Bond

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

1. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated or cash.

2. Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

3. Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.

4. When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit for reimbursement.

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

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

FINDINGS: These criteria are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL D1: Prior to Site Disturbance, the applicant shall obtain an Engineering Compliance Agreement from the City of Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL C1: Prior to Issuance of an Engineering Compliance Agreement, final engineering plan approval by the Sherwood Engineering Department is required.

RECOMMENDED CONDITION OF APPROVAL G2: Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements and water quality/hydro-modification facilities meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL F4: Prior to Issuance of Any Home Building Permits, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.

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Chapter 16.128 - LAND DIVISION DESIGN STANDARDS
16.128.010 - Blocks

A. Connectivity

1. Block Size

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

ANALYSIS: The Neighborhood Circulation Map (Exhibit A1 – Sheet 16) shows how the proposed block can be extended through the property to the north and ultimately

connect to Upper Roy St. as a four-way intersection. The map shows how the adjoining property to the north can be developed under the density of the VLDR-PUD zoning and as envisioned by the SE Sherwood Master Plan.

FINDING: This standard is met.

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

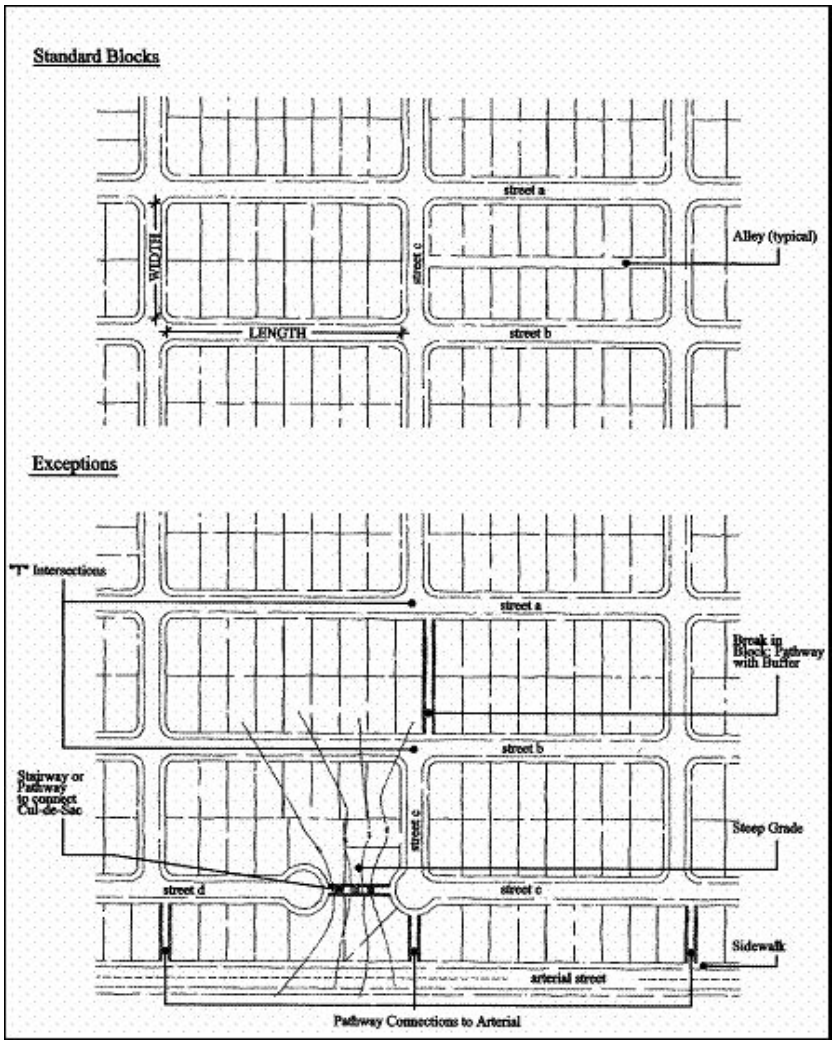
ANALYSIS: A new public street is proposed along the east side of the development site between Ironwood Lane to the south and the private property line to the north. The Neighborhood Circulation Map shows how the public street can be extended through the property to the north, ultimately curving and connecting with SW Upper R40oy St. to the west. The proposed public street length for vehicles through the subject site is approximately 1,200 linear feet. The applicant has requested a Transportation Facility Modification for an exception to the block length standard due to the retention of existing homes and the site's undulating topography and rocky terrain.

The applicant is proposing to break up the block length for pedestrians by providing two east-west pedestrian connections between the new block being formed by the public streets. The first connection will allow pedestrians to travel from SW Murdock Road in the west to Tract C at the eastern edge of the subject development site through a system of open space tracts (Tracts A and C of the Denali Summit subdivision and Tracts A and D of the Denali Meadows subdivision). The second connection between the two new public streets of Denali Meadows and Denali Summit will be through Tracts E and F (private streets) of the subject development. The tracts will be connected with an 8 ft. wide pedestrian access easement. Findings for the Transportation Facility Modification are described in SZCDC § 16.106.020(E).

FINDING: This standard is met as approved under the findings for the Transportation Facility Modifications SZCDC § 16.106.020(E).

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

Figure 7.401 — Block Connectivity



ANALYSIS: The applicant's narrative states *"Sidewalks are being provided on both sides of the proposed public street, as well as along the north side of SW Ironwood Lane. A soft trail (i.e. wood chip) will be provided in Tract A, and a paved pedestrian connection will be made between Tracts E and F. Bollards will be placed in Tracts E and F to prevent motor vehicles from using the pedestrian connections."* Staff concurs with this analysis. A connected pedestrian system has been provided in accordance with the figure above.

FINDING: This standard is met.

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

ANALYSIS: The development proposal will require an extension of public main line utilities throughout the site including sanitary sewer, storm sewer, water, and franchise utilities. The applicant has provided a Preliminary Utility Plan (Exhibit A1 – Sheet 14) that shows public utilities will be located within the new public streets and private tracts and lots as required to serve the development. An 8 ft. wide Public Utility Easement is also provided along the frontage of each lot.

FINDING: This standard is met.

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

ANALYSIS: The applicant has provided a Preliminary Grading & Erosion Control Plan (Exhibit A1 – Sheet 5) that shows the development generally conforms to the existing natural topography. Grading and fill is required in order to provide public infrastructure such as streets and underground utilities, in addition to leveling building pads for individual homes. Stormwater will be collected and conveyed in underground pipes within streets and public utility easements to a stormwater facility (Tract B) at the southern corner of the site.

FINDING: This standard is met.

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

ANALYSIS: As described above, the applicant is proposing two mid-block pedestrian pathways that will break up the large block created by the subdivision to provide adequate pedestrian circulation. The design of the pedestrian system builds on the amenities provided in the adjacent Denali Meadows subdivision, and provides an integrated and well-connected pedestrian system.

FINDING: This standard is met.

16.128.030 - Lots

A. Size and Shape

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

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

FINDING: This criterion is met.

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

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

FINDING: This standard does not apply.

B. Access

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

ANALYSIS: The applicant's narrative states *"As part of this PUD proposal, the Applicant is proposing three (3) short private streets (i.e. Tracts D, E, and F). Through the PUD process, the Applicant is requesting a design modification to allow for up to six (6) lots to be served by a private street. These short private streets are necessary due to the sloping and rocky topography of the site.*

The proposed private streets will be owned and maintained by the Homeowners Association (HOA) and recorded as Tracts on the final plat. In addition, the proposed private streets will be distinguished from the public street by being narrower in width, signed differently, and include the works "Private Street", as required by the above criterion. Lastly, 'No Parking" signs will be included on one side of each proposed private street in order to maintain a travel land for emergency vehicles."

Staff concurs with the applicant's analysis. Findings for the Transportation Facility Modification are described in SZCDC § 16.106.020(E).

FINDING: This standard is met as approved under the findings for the Transportation Facility Modifications SZCDC § 16.106.020(E).

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

ANALYSIS: Double frontage lots are those that have frontage on two streets that run parallel or roughly parallel. The applicant is requesting the use of double frontage lots as part of the PUD approval. Both lots will take access from and face Tract D with their rear yard facing Tract E.

FINDING: This standard is met.

D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.

ANALYSIS: As shown in the Preliminary Plat (Exhibit A1 – Sheet 4) side lot lines run at right angles to the public or private street upon which the lot faces, as far as practicable. Where curves exist in the street, the side lot lines are radial to the curve of the street as for as practicable.

FINDING: The standard is met.

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

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

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

FINDING: This standard is met.

DIVISION V COMMUNITY DESIGN

Chapter 16.92 – LANDSCAPING
16.92.010-Landscaping Plan Required
All proposed developments for which a site plan is required pursuant to Section 16.90.020 shall submit a landscaping plan that meets the standards of this Chapter. All areas not occupied by structures, paved roadways, walkways, or patios shall be landscaped or maintained according to an approved site plan.

ANALYSIS: The proposal is for a residential PUD and subdivision, which does not require Site Plan review pursuant to SZCDC § 16.90.020. The sections of this chapter that pertain to Site Plan review are omitted. The sections applicable to subdivisions (e.g. open space landscaping) are addressed below.

FINDING: This criterion is met.

16.92.020 Landscaping Materials

A. Type of Landscaping

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

1. Ground Cover Plants

a. All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.

b. Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.

2. Shrubs

a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.

b. Shrubs must be at least the one-gallon container size at the time of planting.

3. Trees

a. Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.

b. Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.

B. Plant Material Selection and Preparation

1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.

2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

ANALYSIS: The applicant has submitted an Open Space Landscaping Plan and Street Tree Plan (Exhibit A1 – Sheets 16 & 17). New landscaping is proposed within Tracts A and C and street trees are proposed along all public streets. The plans are preliminary in nature and compliance with the detailed landscaping requirements above will be required with the Final Development Plan application.

FINDING: These standards are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL B6: Prior to Final Development Plan approval, submit revised plans that provide the location and quantity of landscaped open space areas in accordance with SZCDC § 16.92.020.

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16.92.030 Site Area Landscaping and Perimeter Screening Standards

D. Visual Corridors

Except as allowed by subsection 6. above, new developments shall be required to establish landscaped visual corridors along Highway 99W and other arterial and collector streets, consistent with the Natural Resources and Recreation Plan Map, Appendix C of the Community Development Plan, Part II, and the provisions of Chapter

16.142 (Parks, Trees, and Open Space). Properties within the Old Town Overlay are exempt from this standard.

ANALYSIS: The development site has approximately 40 ft of frontage along SW Murdock Road (arterial) which is currently provides driveway access to Tax Lot 200. SW A visual corridor is not required along this 40 ft. of frontage because it will be dedicated to the City as right-of-way for the future extension of SW Upper Roy St. All other streets created or extended as part of the development will be local residential streets and do not require a visual corridor.

FINDING: This criterion is met.

16.92.040 Installation and Maintenance Standards

A. Installation

All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

B. Maintenance and Mitigation of Landscaped Areas

1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.

2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.

3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, (Parks, Trees and Open Space).

ANALYSIS: The applicant has submitted an Open Space Landscaping Plan and Street Tree Plan (Exhibit A1 – Sheets 16 & 17). The plans are preliminary in nature and compliance with the installation and maintenance requirements above will be required with the Final Development Plan application.

FINDING: These standards are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL B7: Prior to Development Plan approval, submit revised plans that provide installation and maintenance details in accordance with SZCDC § 16.92.040.

C. Irrigation

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

1. **Option 1: A permanent built-in irrigation system with an automatic controller installed.**
2. **Option 2: An irrigation system designed and certified by a licensed landscape architect or other qualified professional as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The system does not have to be permanent if the plants chosen can survive independently once established.**
3. **Option 3: Irrigation by hand. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.**

ANALYSIS: The plans indicate that a permanent automatic underground irrigation system will be installed by the contractor.

FINDING: This standard is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL G3: Prior to Acceptance of the Public Improvements, all common landscaped areas must have an irrigation system in accordance with SZCDC § 16.92.040(C).

Chapter 16.94 OFF-STREET PARKING AND LOADING
16.94.010 General Requirements

A. Off-Street Parking Required

No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.

ANALYSIS: The proposal is for a 41-lot single family detached residential subdivision. SZCDC § 16.94.020 requires one (1) off street parking space per dwelling unit for single family and two-family residences on a lot. The applicant is proposing a minimum of one

off-street parking space located on the private driveway of each property. The driveway and parking space will be permitted and constructed as part of the building permit process for each house. The proposal meets the applicable sections of this chapter, as described and conditioned below.

FINDING: This criterion is met.

B. Deferral of Improvements
Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred twenty five (125) percent of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within one (1) year, the security may be used by the City to complete the installation.

ANALYSIS: The application is for land use approval and does not include issuance of building permits. Off-street parking will be provided at time of home construction on individual lots.

FINDING: This standard is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL H1: Prior to occupancy of each residence, one off-street parking space per dwelling unit shall be provided. Each driveway shall be improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

***

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

2. **For other uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within five hundred (500) feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.**
3. **Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.**
    a. **All new development with forty (40) employees or more shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.**
    b. **Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.**

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

FINDING: These standards are met.

F. Marking

All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.

ANALYSIS: The off-street parking spaces will be located on the private driveway of each lot and marking is not required.

FINDING: This standard does not apply.

G. Surface and Drainage

1. All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.

2. Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official.

ANALYSIS: Private driveways will be installed during construction of each residential lot. Each lot will have a lateral for storm water discharge to the new public main that will be installed in the street. Grading, erosion control, and storm discharge details will be reviewed and approved after land use approval.

FINDING: This standard is met.

H. Repairs

Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired. Broken or splintered wheel stops shall be replaced. Painted parking space boundaries and directional symbols shall be maintained in a readable condition.

ANALYSIS: Once constructed, driveways and parking space maintenance will be the responsibility of individual property owners.

FINDING: This standard is met.

I. Parking and Loading Plan

An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals, except for single and two-family dwellings, and manufactured homes on residential lots. The plan shall show but not be limited to:

1. Delineation of individual parking and loading spaces and dimensions.

2. Circulation areas necessary to serve parking and loading spaces.

3. **Location of accesses to streets, alleys and properties to be served, and any curb cuts.**
4. **Landscaping as required by Chapter 16.92.**
5. **Grading and drainage facilities.**
6. **Signing and bumper guard specifications.**
7. **Bicycle parking facilities as specified in Section 16.94.020.C.**
8. **Parking lots more than one (1) acre in size shall provide street-like features including curbs, sidewalks, and street trees or planting strips.**

ANALYSIS: The proposal is for a single-family residential subdivision and a parking plan is not required.

FINDING: This section is not applicable.

J. Parking Districts

The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision. Structured parking and on-street parking are exempt from the parking space maximums in Section 16.94.020.A.

ANALYSIS: The proposal is for a single-family residential subdivision. The surrounding property in all directions is zoned for residential or agricultural uses and a parking district is not proposed or required at this time. If parking becomes an issue in the future, the City may implement a parking district plan at that time.

FINDING: This section is not applicable.

16.94.020 Off-Street Parking Standards

A. Generally

Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off-street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.

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

Use	Minimum Parking Standard	Maximum Permitted Parking Zone A[1]	Maximum Permitted Parking Zone B[2]
Single, two-family and manufactured home on lot [3]	1 per dwelling unit	None	None

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

ANALYSIS: The proposal is for a 41-lot single-family residential subdivision. One (1) off-street parking space is required per lot. The applicant is proposing one off-street parking space per lot which will be located in the private driveway serving each residence. Condition of Approval H1 above requires parking spaces to be installed prior to occupancy of each residence.

The new streets are proposed as a 28' standard residential street with on-street parking allowed on at least one side. Figure 16D of the City's Transportation System Plan (TSP) indicates parking can be allowed on both sides of the street "if it can be demonstrated that curb cuts make up at least 40% of the street frontage". For this development parking is anticipated on one side of the street only. Street signage details will be reviewed and approved as part of the Engineering Plan Review.

FINDING: This standard is met.

B. Dimensional and General Configuration Standards

1. Dimensions For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.

ANALYSIS: This criterion is met by Condition of Approval H1.

FINDING: This standard is met by condition of approval H1.

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Chapter 16.96 - ONSITE CIRCULATION
16.92.010 – On-Site Pedestrian and Bicycle Circulation

A. Purpose

On-site facilities shall be provided that accommodate safe and convenient pedestrian access within new subdivisions, multi-family developments, planned unit developments, shopping centers and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one-half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers. All new development, (except single-family detached housing), shall provide a continuous system of private pathways/sidewalks.

ANALYSIS: The proposal is for a PUD and subdivision and this section applies. As shown on the Preliminary Plat (Exhibit A1 – Sheet 4), the subdivision will provide continuous pathway system that provides safe and convenient access to neighborhood activity centers, namely the proposed park system. The pedestrian circulation system has also been designed to connect to the pathway system on adjacent developments including Denali Meadows to the west and Denali Lane to the east.

FINDING: This criterion is met.

***

F. Access to Major Roadways

Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Appendix C of the Community Development Plan, Part II, shall be limited as follows:

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

2. Other private ingress or egress from Highway 99W and arterial roadways shall be minimized. Where alternatives to Highway

99W or arterials exist or are proposed, any new or altered uses developed after the effective date of this Code shall be required to use the alternative ingress and egress.

3. All site plans for new development submitted to the City for approval after the effective date of this Code shall show ingress and egress from existing or planned local or collector streets, consistent with the Transportation Plan Map and Section VI of the Community Development Plan.

G. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

ANALYSIS: The site does not have frontage on Hwy 99 or another arterial. Service drives are also not proposed.

FINDING: These standards are met.

16.96.020 Minimum - Residential standards

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

A. Driveways

1. Single-Family: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

ANALYSIS: The applicant's narrative indicates each lot will have a driveway. This criterion is met by Condition of Approval H1.

FINDING: This criterion is met by Condition of Approval H1.

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16.96.040 - On-Site Vehicle Circulation

A. Maintenance

No building permit or other City permit shall be issued until plans for ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.

ANALYSIS: Vehicle circulation requirements are being reviewed as part of this application and will be reviewed in more detail through a public improvement plan review by the City's engineering department.

FINDING: This criterion is met.

B. Joint Access [See also Chapter 16.108]
Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfy the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use. In some cases, the City may require a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.

ANALYSIS: Access to individual lots will be provided via two public streets and three private street tracts. Details on each street are provided in the plan set. Public streets will be maintained by the City while private street tracts will be maintained by the HOA. Use and maintenance responsibilities for the tracts are described in the draft CC&Rs for each development (Exhibit A3).

FINDING: This standard is met.

C. Connection to Streets
1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.
2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.

ANALYSIS: As part of the PUD approval, the applicant is proposing to provide vehicle access via a combination of public and private streets. Private sidewalks will be provided in the open space tracts as shown in the plans.

FINDING: These standards are met.

DIVISION VIII ENVIRONMENTAL RESOURCES

Chapter 16.142 Parks, Trees and Open Space

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

16.142.030 - Single-Family or Duplex Residential Subdivisions

A. A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. The following may not be used to calculate open space:

1. Required yards or setbacks.
2. Required visual corridors.
3. Required sensitive areas and buffers.
4. Any area required to meet a standard found elsewhere in this code.

ANALYSIS: The application includes PUD approval and the development is required to meet the 15% open space requirement of SZCDC § 16.40.020(C)(2). The applicant is providing approximately 14.98% open space as described above.

The plans show new walking paths will be provided in the open space areas. Additional details on open space and recreational amenities has not been provided. The applicant is encouraged to provide enhanced amenities in the open space including benches, covered picnic areas, and other recreation and leisure opportunities.

FINDING: This criterion is met.

B. Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.

1. Example: if a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement.

ANALYSIS: Enhanced streetscapes are not proposed.

FINDING: This standard does not apply.

C. The open space shall be conveyed in accordance with one of the following methods:

1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager's designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;

2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.

ANALYSIS: The applicant's narrative state *"The open space Tracts A, C, and G will be conveyed by conveying title to a homeowners' association that will be established as part of this project, with the City retaining the development rights to the open space. The terms of the title conveyance will include provisions for maintenance and property tax payment suitable to the City. Tract B will be conveyed to the City."*

Alternative B/C of the SE Sherwood Master Plan references a one-acre park near the center of the subject development. The 1.84-acres of open space provided in Tracts A, C, and G shall be open to the general public for use similar to a public park.

FINDING: This standard is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL B8: Prior to final plat approval, submit draft deeds for City review dedicating Open Space Tracts A, C, and G to the future HOAs. The deeds shall be recorded with the final plat.

RECOMMENDED CONDITION OF APPROVAL B9: Prior to final plat approval, submit draft CC&Rs to the City that describe how Open Space Tracts A, C, and G will be maintained by the future HOA. The final CC&Rs shall be recorded with the final plat.

RECOMMENDED CONDITION OF APPROVAL B10: All proposed open space tracts shall be available for use by the general public. Prior to final plat approval, submit draft CC&Rs to the City that describe Open Space Tracts A, C, and G as open to the general public.

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

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

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

FINDING: This criterion is met.

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

ANALYSIS: The Future Acquisitions Map of the 2006 SE Sherwood Master Plan identifies the northeast portion of the development site as a potential expansion area for the Tualatin Valley National Wildlife Refuge. This area is described in the applicant's narrative on Page 42. In lieu of a park space matching the boundary shown in the Future Acquisitions Map, the applicant is proposing Tract C along the east boundary of the development site. Tract C is proposed at 1.4-acres and will provide active recreation and habitat for the area. Condition of Approval B10 above requires the open space to be open to the general public.

FINDING: This criterion is met.

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

ANALYSIS: The development will provide approximately 1.84-acres of open space, including in areas identified for park acquisition in the Parks Master Plan.

FINDING: This criterion is met.

G. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.

ANALYSIS: A residential partition is not proposed.

FINDING: This standard does not apply.

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

ANALYSIS: The value of open space provided is eligible for Park SDC credits based on the methodology in the most current Parks and Recreation System Development Charges Methodology Report and as determined by the City Engineer.

FINDING: This criterion is met.

16.142.040 - Visual Corridors

A. Corridors Required

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

	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. In all other developments, the visual corridor shall be on private property adjacent to the right-of-way.

ANALYSIS: The development site has approximately 40 ft of frontage along SW Murdock Road, identified as an arterial in the City's Transportation System Plan (TSP).

However, the area will be used for the future extension of SW Upper Roy St. and the applicant will dedicate the area to the public for right-of-way purposes. All other streets created or extended as part of the development will be local residential streets and do not require a visual corridor.

FINDING: This criterion is met.

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

ANALYSIS: The subject site is shown on the Natural Resources and Recreation Plan Map (Exhibit C2) as the Tonquin Scabland Geologic Area, including water areas and critical natural features. Park and open space requirements are being met through the PUD process, including providing approximately 1.84-acres of new open space. The open space will be available to the public as required by Condition of Approval B10 and will be maintained by the HOA.

FINDING: This criterion is met.

16.142.060: STREET TREES

A. Installation of Street Trees on New or Redeveloped Property. Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.

1. Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.

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

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

ANALYSIS: The applicant is proposing Red Sunset Maple and Village Green Zelkova for the street trees (Exhibit A1 – Sheet 17). The trees will be located within the sidewalk planter street of the new public streets. Both trees have a canopy spread of approximately 40 ft. and the applicant's narrative states the trees will be installed at the required size and spacing. The final location of street trees will be determined with the final plat and final engineering plan review.

FINDING: These standards are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL B11: Prior to Final Development Plan approval, a detailed street tree plan that complies with the size and spacing standards of SZCDC § 16.142.060 shall be submitted to the City.

16.142.070 Trees on Property Subject to Certain Land Use Applications

A. Generally

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

B. Applicability

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

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

FINDING: This criterion is met.

C. Inventory

1. To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a tree and woodland inventory and report. The report shall be prepared by a qualified professional and must contain the following information:

- **a. Tree size (in DBH and canopy area)**
- **b. Tree species**
- **c. The condition of the tree with notes as applicable explaining the assessment**
- **d. The location of the tree on the site**
- **e. The location of the tree relative to the planned improvements**
- **f. Assessment of whether the tree must be removed to accommodate the development**
- **g. Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.**

2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and report shall also include, but is not limited to, the specific information outlined in the appropriate land use application materials packet.

3. Definitions for the inventory purposes of this Section

- **a. A tree is a living woody plant having a trunk diameter as specified below at Diameter at Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under six (6) inches at DBH. All trees six (6) inches or greater shall be inventoried.**
- **b. A woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a six (6) inches or greater at DBH. Woodlands planted for commercial agricultural purposes and/or subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under this Section.**

c. A large stature tree is over 20 feet tall and wide with a minimum trunk diameter of 30 inches at DBH.

FINDING: The applicant has submitted a Tree Preservation and Removal Plan (Exhibit A1 – Sheet 3) that shows existing trees on the site and the proposal for preservation or removal. Page 24 of the applicant's narrative states that some trees in Open Space Tract A and all trees within Tract C will be preserved, however, few trees are mapped on the tree preservation plan in these areas. Based on recent satellite imagery (Exhibit C3), the eastern portion of the property contains vegetation and possibly trees that are not shown on the Tree Preservation and Removal Plan. A Condition of Approval is recommended below, which would require mapping and preservation of all trees within the proposed Open Space tracts.

Regarding trees within development areas, Page. 42 of the narrative states "*all existing trees and vegetation will remain to the extent possible, noting that areas disturbed for infrastructure development and construction of houses and driveways will need to be cleared of existing vegetation*".

FINDING: These criteria are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL B12: Prior to Final Development Plan approval, revise the Tree Preservation and Removal Plan to show all existing trees within the proposed open space tracts.

RECOMMENDED CONDITION OF APPROVAL B13: Prior to Final Development Plan approval, an arborist report shall be provided for all trees within Open Space Tracts A, C, & G. Trees shall be protected and preserved through development unless the arborist report recommends removal. The Tree Protection Plan shall comply with the requirements of SZCDC § 16.142.070(G).

D. Retention requirements

1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.

FINDING: As required by Conditions of Approval B12 and B13 above, the applicant is required to map and preserve all trees within the open space areas unless removal is supported by an arborist report. All other trees on the site are located within road, utility,

or buildable lot area and the applicant is proposing removal. The development is required to comply with section D.2. below and will be providing a 40% tree canopy over the site.

FINDING: This standard is met.

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

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.

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

ANALYSIS: The proposal is for a single-family subdivision and the development is required to provide a 40% mature tree canopy over the net development site. The required canopy coverage can be met through preserving existing trees, new trees in common areas, and street trees.

SZCDC § 16.10 defines net developable site as *"Remaining area of a parent parcel after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses but not including preserved areas for tree stands which are not associated with wetlands, streams or vegetated corridors."*

Gross site area	656,580 SF
Public right-of-way	-74,705 SF
Private streets	-18,960 SF
Open Space	-80,167 SF
Water quality tract	-27,899 SF
Net development area	454,849

(net development area)(0.40) = required tree canopy
(454,849)(0.40) = 181,940 SF

The development is required to provide 181,940 SF of mature tree canopy.

FINDING: This standard is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL B14: Prior to Final Development Plan approval, provide a landscape plan and tree canopy calculations that show how the tree canopy requirements of SZCDC § 16.142.070(D)(2) are met. A certified arborist or other qualified professional shall provide the estimated tree canopy.

4. The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:

a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or

b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or

c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or

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

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

ANALYSIS: The applicant is proposing to remove trees in areas that will be disturbed for infrastructure development and construction of houses and driveways. Existing trees within the planned open space areas will be retained. Conditions of Approval C12 and C13 above requires mapping and preservation of the open space trees.

FINDING: These criteria are met by Conditions of Approval C12 and C13.

5. Tree retention requirements for properties located within the Old Town Overlay or projects subject to the infill standards of Chapter 16.68 are only subject to retention requirements identified in D.4. above.

ANALYSIS: The subject site is not located in the Old Town Overlay or subject to the final standards.

FINDING: This section is not applicable.

6. The Notice of Decision issued for the land use applications subject to this Section shall indicate which trees and woodlands will be retained as per subsection D of this Section, which may be removed or shall be retained as per subsection D of this Section and any limitations or conditions attached thereto.

ANALYSIS: The final tree preservation plan will be reviewed and approved as part of the Final Development Plan. The Notice of Decision will include details as required above.

FINDING: This criterion will be met.

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

ANALYSIS: Tracts B will be dedicated to the City as a storm water facility. Storm water facilities require specific plantings for proper functioning and the existing trees in the area will be removed. No other areas containing trees will be dedicated to the City.

FINDING: This criterion is met.

E. Tree Preservation Incentive
Retention of existing native trees on site which are in good health can be used to achieve the required mature canopy requirement of the development. The expected mature canopy can be calculated twice for existing trees. For example, if one existing tree with an expected mature canopy of 10 feet (78.5 square feet) is retained it will count as twice the existing canopy (157 square feet).

ANALYSIS: Existing trees preserved on the site can be calculated twice in determining the canopy provided. Condition of Approval B14 above requires the applicant to provide a detailed landscaping plan showing compliance with the 40% canopy requirement.

FINDING: This criterion does not apply at this time.

F. Additional Preservation Incentives

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G. Tree Protection During Development
The applicant shall prepare and submit a final Tree and Woodland Plan prior to issuance of any construction permits, illustrating how

identified trees and woodlands will be retained, removed or protected as per the Notice of Decision. Such plan shall specify how trees and woodlands will be protected from damage or destruction by construction activities, including protective fencing, selective pruning and root treatments, excavation techniques, temporary drainage systems, and like methods. At a minimum, trees to be protected shall have the area within the drip line of the tree protected from grading, stockpiling, and all other construction related activity unless specifically reviewed and recommended by a certified arborist or other qualified professional. Any work within the dripline of the tree shall be supervised by the project arborist or other qualified professional onsite during construction.

ANALYSIS: Tree protection during development is required, as described above. A tree protection plan has not been provided as part of the application. This criterion is met by Condition of Approval B13.

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

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Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS*

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

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

City's Wetland Inventory – the City's wetland inventory does not show wetlands on the development site. If wetlands are discovered on the site during development, the developer is responsible for obtaining all applicable wetland-related permits.

Comprehensive Plan Natural Resource Inventory – the subject site is shown on the Natural Resources and Recreation Plan Map (Exhibit C2) as the Tonquin Scabland Geologic Area, including water areas and critical natural features. Upon completion, the development will provide 1.84-acres of open space that allows public enjoyment of the area through recreation and scenic views. The remaining areas will be developed for new residential lots and public infrastructure.

Regionally Significant Fish and Wildlife Habitat Area – the subject site contains Class A Upland Habitat along the north and east property lines (Exhibit C4). Upland habitat was originally identified based on the existence of contiguous patches of forest canopy with limited openings.

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

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C. When the Regionally Significant Fish and Wildlife Habitat map indicates there are resources on the site or within 50 feet of the site, the applicant shall provide plans that show the location of resources on the property. If resources are determined to be located on the property, the plans shall show the value of environmentally sensitive areas using the methodologies described in Sections 1 and 2 below. The Metro Regionally Significant Fish and Wildlife Habitat map shall be the basis for determining the location and value of environmentally sensitive habitat areas. In order to specify the exact locations on site, the following methodology shall be used to determine the appropriate boundaries and habitat values:

2. Verifying boundaries of inventoried upland habitat. Upland habitat was identified based on the existence of contiguous patches of forest canopy, with limited canopy openings. The "forest canopy" designation is made based on analysis of aerial photographs, as part of determining the vegetative cover status of land within the region. Upland habitat shall be as identified on the HCA map. The perimeter of an area delineated

as "forest canopy" on the Metro Vegetative Cover map may be adjusted to more precisely indicate the drip line of the trees within the canopied area.

ANALYSIS: The subject site contains Class A Upland Habitat along the north and east property lines (Exhibit C4). Upland habitat was originally identified based on the existence of contiguous patches of forest canopy with limited openings.

The applicant's narrative states the significant vegetation in this area has been removed, however, aerial photographs indicate a patch of vegetation is present along the east property line (Exhibit C3). The applicant is proposing Tract C Open Space in this area. Conditiosn of Approval B12 and B13 requires mapping and preservation of the existing trees in the Open Space tracts.

Sensitive habitat areas are also regulated by Clean Water Services (CWS). The applicant has provided Service Provider Letter(s) for the development and the applicant is required to comply with all CWS regulations.

FINDING: This criterion is met by Conditions of Approval B12 and B13 and as conditioned below.

RECOMMENDED CONDITION OF APPROVAL A16: The proposed development shall comply with the Conditions of Approval of the CWS Service Provider Letter.

DIVISION VI PUBLIC INFRASTRUCTURE

Chapter 16.104 - GENERAL PROVISIONS (PUBLIC INFRASTRUCTURE)
16.104.020 - Future Improvements
The location of future public improvements including water, sanitary sewer, storm water, streets, bicycle and pedestrian paths, and other public facilities and rights-of-way, as depicted in the Transportation System Plan (TSP) Chapters 4, 5, 6 and 7 of the Community Development Plan are intended as general locations only. The precise alignment and location of a public improvement shall be established during the land use process and shall be depicted on public improvement plans submitted and approved pursuant to § 16.108 and other applicable sections of this Code.

16.104.030 - Improvement Procedures
Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the Engineering Design Manual and installed in accordance with Chapter 16.108. The Council may establish additional specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan, a public improvements shall not be undertaken until land use approval has been granted, a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued.

ANALYSIS: The proposed public infrastructure is in the general location of the City's TSP and Comprehensive Plan. The applicant has provided a Preliminary Utility Plan that provides additional detail on the location of the utilities. The plan set also includes public and private street locations and profiles. The final design and location of public infrastructure will be reviewed and approved by the Engineering Department after land use approval.

FINDING: This criterion is met.

Chapter 16.106 - TRANSPORTATION FACILITIES
16.106.010 - Generally

A. Creation

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

Type of Street	ROW Width	Number of Lanes	Minimum Land Width	On Street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip (exclusive of curb)	Median Width
Local	52'	2	14'	8' on one side only	None	6'	5' with 1' buffer	None

ANALYSIS: The City of Sherwood Engineering comments state the subject property has street frontage along SW Ironwood Lane (standard residential street) and will need to widen out any remaining street frontage improvements that are not up to the standard

residential street standards and dedicate any right-of-way necessary to meet the standard residential standard. The subject property also has street frontage along a future street to be constructed within the Denali Meadows subdivision. The subject property will need to construct any remaining street frontage improvements that are not up to the standard residential street standards and dedicate any right-of-way necessary to meet the standard residential standard along this future street.

The subject property also has approximately 40 feet of frontage along SW Murdock Road at the intersection of SW Upper Roy Street. This frontage is due to a flag portion of the subject property. Since no access is being directly obtained from SW Murdock Road from this flag for the proposed subdivision and since the subject property only contains a portion of the property necessary to construct the street (remaining right of way located on the property to the north) , a payment-in-lieu of constructing street improvements for the extension of SW Upper Roy Street to a standard residential section will be required of the developer. Right-of-way dedication within the subject property for the future SW Upper Roy Street will be required. Also it is anticipated that due to the grades in this area that a future wall will be required for the construction of the future street improvements. A wall easement within the subject property will be required to be dedicated along the street frontage of the extension of SW Upper Roy Street.

Since the subject property only has 40 feet of frontage along SW Murdock Road, undergrounding of overhead utilities would not be practical. Therefore a payment in lieu of undergrounding these utilities will be required.

The cost of the payment-in-lieu for the future SW Upper Roy Street extension street improvements shall consist of a payment to the city in the amount of 125% for future street improvements within the subject property for the following items:

1. Excavation.
2. Geotextile fabric.
3. Base rock.
4. Curb and gutter.
5. Sidewalk.
6. Street trees.
7. Retaining wall.
8. Undergrounding overhead utilities (40').
9. Street light (1/2 of 1 street light).

The new street to be constructed within the eastern portion of the subject property will stub to the property to the north for future extension of the street. This street will end in a fill of approximately 15 feet in height resulting in a wall at the end of the street. It may be necessary to stop this street short of the north property line to minimize future fill impacts within the property to the north while still being able to provide storm sewer service for the public street. A payment-in-lieu shall be made to the city in the amount

of 125% for future street improvements to extend the street to the northern property line for the following items:

1. Fill.
2. Geotextile fabric.
3. Base rock.
4. Curb and gutter.
5. Sidewalk.
6. Street trees.

The above payment-in-lieu funds will be set aside in a dedicated account for the future development of the property to the north.

FINDING: These criteria are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL E1: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for street widening improvements along the subject property frontage of SW Ironwood Lane to meet a standard residential street section meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL E2: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for right-of-way dedication required to encompass the street widening improvements along the subject property frontage of SW Ironwood Lane meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL E3: Prior to Approval of Engineering Public Improvement Plans, the developer shall design public streets interior to the development including street lighting to meet a city standard residential street section meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL E4: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for right-of-way dedication required to encompass the public interior street improvements meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL G4: Prior to Acceptance of Public Improvements, the developer shall dedicate required street right-of-way and public easements via a recorded subdivision plat and shall have all platted monuments installed. This includes right-of-way, PUE and public wall easement for the future extension of SW Upper Roy Street.

RECOMMENDED CONDITION OF APPROVAL E5: Prior to Approval of Engineering Public Improvement Plans, the developer shall make a payment-in-lieu for the future

extension of SW Upper Roy Street in the amount of 125% an engineer's estimate meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL E6 : Prior to Approval of Engineering Public Improvement Plans, the developer shall make a payment-in-lieu for the future extension of the new interior street for the proposed subdivision for the amount of street left short of the northern property line in the amount of 125% an engineer's estimate meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL G5: Payment-in-lieu funds for future street improvements shall be set aside in a dedicated city account to be paid toward the future development of the property to the north.

B. Street Naming

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

C. Street Name Standards

1. **All streets named or renamed shall comply with the following criteria:**
   a. **Major streets and highways shall maintain a common name or number for the entire alignment.**
   b. **Whenever practicable, names as specified in this Section shall be utilized or retained.**
   c. **Hyphenated or exceptionally long names shall be avoided.**
   d. **Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.**
   e. **Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.**
2. **The following classifications (suffixes) shall be utilized in the assignment of all street names:**

a. Boulevards: North/south arterials providing through traffic movement across the community.
b. Roads: East/west arterials providing through traffic movement across the community.
c. Avenues: Continuous, north/south collectors or extensions thereof.
d. Streets: Continuous, east-west collectors or extensions thereof.
e. Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.
f. Lanes: Short east/west local streets under 1,000 feet in length.
g. Terraces: short north/south local streets under 1,000 feet in length.
h. Court: All east/west cul-de-sacs.
i. Place: All north/south cul-de-sacs.
j. Ways: All looped local streets (exceeding 180 degrees).
k. Parkway: A broad landscaped collector or arterial.

3. Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.
4. All proposed street names shall be approved, prior to use, by the City.

D. Preferred Street Names

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

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

STAFF ANALYSIS: The proposal will extend a public street being constructed as part of the Denali meadows subdivision. The land use approval for Denali Meadows requires naming of the street in conformance with the standards above.

The new public street along the east side of the development site will continue to the north before curving west and creating a new intersection with SW Upper Roy St. Naming of this street is required prior to approval of the final plat.

FINDING: These criteria are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL B15: Prior to final plat approval, the new public street created by the subdivision between SW Ironwood Lane and the north property line of Tax Lot 100 shall be named in accordance with SZCDC § 16.106.010(B) – (D).

16.106.020 - Required Improvements

A. Generally

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

B. Existing Streets

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

C. Proposed Streets

1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.

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

D. Extent of Improvements

1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and

roughly proportional to the impact of the development, pursuant to Section 16.106.090.

2. If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:

a. A partial improvement is not feasible due to the inability to achieve proper design standards;

b. A partial improvement may create a potential safety hazard to motorists or pedestrians.

c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;

d. The improvement would be in conflict with an adopted capital improvement plan;

e. The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or

f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.

ANALYSIS: As described in the findings above, the applicant is required to dedicate public right-of-way and construct street improvements to serve the new residential lots. The applicant has provided a street plan and profile for each new proposed public and private street.

FINDING: These criteria are met.

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.

ANALYSIS: As part of the PUD approval, the applicant has requested various Transportation Facility Modifications in order to achieve the proposed street and lot layout. The modifications will allow development of the site under the densities envisioned by SE Sherwood Master Plan and VLDR-PUD zoning. The applicant's narrative states the PUD is warranted because development of the site requires soil remediation due to historic pollution. In addition, the site's undulating topography and basalt bedrock create challenges for site grading.

The applicant has already applied for and obtained Engineering Department approval for four (4) design modifications to the transportation standards. A summary is provided below and full findings for each approval are included as Exhibit A5.

- Modification to reduce the intersection spacing required between Tract C of Denali Meadows & Tract F of the subject application
- Modification to reduce the intersection spacing required between Tracts D & E

- Modification to exceed maximum slope allowed for a street / driveway (Tract F)
- Modification to reduce curve radii required on a public street

In addition, the applicant is proposing exceptions to two additional standards through the land use approval process:

- Modification to exceed the number of lots that can be served by a private street. The current limit in the code is two (2)
- Modification to exceed the maximum street and block length allowed for public streets

Staff analysis and findings for these requests are provided below.

FINDING: The applicant is seeking Transportation Facility Modifications for various aspects of the transportation system. Findings each requested modifications are provided in Exhibit A5 and in the section below.

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.

ANALYSIS: The proposed modifications will enable development of the site at the density envisioned in the SE Sherwood Master Plan. The development will provide new public and private streets that implement Figure 18 Local Street Connectivity Map of the City's Transportation System Plan. A new north-south street is shown in the general vicinity of the new public street proposed off SW Ironwood Ln. The Local Street Connectivity Map also shows an eastern extension of SW Upper Roy St. through the property to the north of the subject development. The applicant has provided a future street circulation plan (Exhibit A1 – Sheet 13) that shows how the two new street extensions can be connected when the property to the north is developed. Exhibit A1 – Sheet 15 shows how the future street system can be constructed given the grade and alignment requirements. The proposed modifications therefore also allow development of the site in conformance with the City's Transportation System Plan.

Modifications to the following standards have been requested:
SZCDC § 16.106.030(B)(3) - Block Length.

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

SZCDC § 16.106.040(N)(1) Private Streets
The construction of a private street serving a single-family residential development is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).

FINDING: This criterion is met.

b. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.

ANALYSIS: The site faces an unusual hardship that warrants a modification to the underlying standards based on the physical conditions of the site including topography, hard subsurface bedrock, and soil contamination. In addition, the two existing homes on the site will be retained, creating a unique challenge for overall site design.

The applicant's narrative states *"the Applicant is requesting a design modification to allow for up to six (6) lots to be served by a private street. These short private streets are necessary due to the sloping and rocky topography of the site."*

Exceeding the block length standard and the use of private streets will provide greater flexibility in the location of streets and building pads for new lots. The proposed development pattern will require fill at the north end of the site but generally allow the overall neighborhood design to conform to the natural topography of the site. Use of private streets will also provide better options for providing access to the existing homes.

Although the maximum block length of 530 ft. will be exceeded, the development is providing two east-west pedestrian connection points that will reduce the block length for pedestrians to accomplish the circulation goals of the SE Sherwood Master Plan and development code. The private streets will also serve as pedestrian access easement and also help achieve the circulation requirements.

FINDING: This criterion is met.

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16.106.030 - Location
A. Generally

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

ANALYSIS: The proposed streets have been located to provide a new public street system in the area meeting the requirements of the City's Local Street Connectivity Map while allowing development of the area in accordance with the VLDR-PUD development standards. The new north-south public street will require approximately 15 ft. of fill its northern terminus. Based on the plans, the fill is required in order to provide a gravity sanitary and storm sewer system to the lots at the north end of the site. Exhibit A1 – Sheet 15 shows how the future street system can be constructed given the grade and alignment requirements.

FINDING: This criterion is met.

B. Street Connectivity and Future Street Systems

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

ANALYSIS: The development will provide new public and private streets that implement Figure 18 Local Street Connectivity Map of the City's Transportation System Plan. A new north-south street is shown in the general vicinity of the new public street proposed off SW Ironwood Ln. The Local Street Connectivity Map also shows an eastern extension of SW Upper Roy St. through the property to the north of the subject development. The applicant has provided a future street circulation plan (Exhibit A1 – Sheet 13) that shows how the two new street extensions can be connected when the property to the north is developed. Exhibit A1 – Sheet 15 shows how the future street system can be constructed given the grade and alignment requirements.

FINDING: This criterion is met.

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

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

a. A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the decision-maker.

b. Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.

c. Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.

d. Driveways that are more than 24 feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.

ANALYSIS: As discussed above, the applicant has provided a future street circulation plan (Exhibit A1 – Sheet 13) that shows how the two new street extensions can be connected when the property to the north is developed. The development will construct a new north-south public street off SW Ironwood Ln. that will ultimately connect with SW Murdock Road at SW Upper Roy St. While a retaining wall will be required, the applicant has provided plans that show how the street can be extended in the future. The City's Engineering comments indicate the street may need to stop short of the north property line in order to minimize future fill impacts on the property to the north. Condition of Approval E6 requires the developer to pay a fee-in-lieu to the City for future improvements that may be required to connect the public street to the adjoining development to the north.

FINDING: This criterion is met by Condition of Approval E6.

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

ANALYSIS: As part of the flexibility allowed in the PUD design, the applicant is proposing a block length that exceeds the 530 ft. maximum for vehicle circulation. The exception to this standard is warranted based on the analysis and findings in SZCDC § 16.106.020(E)(4) above.

FINDING: This criterion is met.

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

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

FINDING: This standard does not apply.

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

ANALYSIS: The new public street off SW Ironwood Lane will be approximately 1,200 ft. in length; however, the applicant has requested an exception to the block length standard as described in SZCDC § 16.106.020(E)(4) above. The block length will be broken up with private streets and pedestrian trails within easements and open space. East-west pedestrian connections are provided between the two new public streets running north-south that are being created via the Denali Meadows and Denali Summit subdivisions. The east-west connections are via Tract A Open Space and a pedestrian easement connecting Tracts E & F (Private Streets).

FINDING: This standard is met by granting the exception to the block length standards in SZCDC § 16.106.020(E)(4).

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

ANALYSIS: Instead of a full east-west running public street, the applicant is proposing an exception to providing a full street connection and instead utilizing the use of private streets, pedestrian easements, and open space tracts to provide bicycle and pedestrian connectivity.

FINDING: This standard is met.

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

a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.

b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or

c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

ANALYSIS: As described in this report, the applicant is requesting an exception to block length standards. An exception has not been requested for the bike and pedestrian connections.

FINDING: This criterion is met.

C. Underground Utilities

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

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

FINDING: This standard is met by Condition of Approval A11.

D. Additional Setbacks

Generally additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.

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

ANALYSIS: The applicant is required to dedicate street right-of-way to meet current standards. No additional setbacks are required for the development.

FINDING: This standard does not apply.

16.106.040 - Design

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

A. Reserve Strips

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

ANALYSIS: No reserve strips or street plugs are proposed.

FINDING: This standard does not apply.

B. Alignment

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

ANALYSIS: A new north-south public street is proposed that creates a “T” intersection with SW Ironwood Lane. Creating a T intersection is the only option for providing vehicle access to the site and is shown as such in the City’s TSP. The location of the intersection has been located to provide adequate separation between the driveways to the east.

FINDING: This standard is met.

C. Future Extension

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

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

ANALYSIS: The development will take all public streets to the adjoining land for future extension as far as practicable. Two new street stubs will be created where the development site abuts the private property to the north. A retaining wall will also be required for the new public street.

FINDING: This standard is as conditioned below.

RECOMMENDED CONDITION OF APPROVAL E7: Prior to Approval of Engineering Public Improvement Plans, due to the high wall at the end of the new street, the developer shall design for barrier protections between the wall and the end of the new street meeting the approval of the Sherwood Engineering Department.

D. Intersection Angles

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

ANALYSIS: New public and private streets have been designed to intersect at as near to ninety (90) degree angles as practical, as shown in the Preliminary Plat. All new public infrastructure is required to comply with the City's Engineering Design Manual unless an exception has been explicitly approved.

FINDING: This standard is met.

E. Cul-de-sacs

1. **All cul-de-sacs shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation. A cul-de-sac shall not be more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.**
2. **All cul-de-sacs shall terminate with a turnaround in accordance with the specifications in the Engineering Design Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.**
3. **Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where a cul-de-sac or dead-end street is planned, to connect the ends of the streets together, connect to other streets, or connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP, the Engineering Design Manual or other provisions identified in this Code for the preservation of trees.**

ANALYSIS: Two public streets will be stubbed to the north property line for future extension. No new cul de sacs are proposed as part of the development.

FINDING: This standard is met.

F. Grades and Curves

Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual.

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

FINDING: This standard will be met.

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

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

FINDING: This standard does not apply.

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

ANALYSIS: The development site has approximately 40 ft. of frontage on SW Murdock Rd., an arterial street. This portion of the frontage will be dedicated for right-of-way purposes. Additional buffering is not required.

FINDING: This standard is met.

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

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

FINDING: This standard does not apply.

J. Transit Facilities

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

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

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

FINDING: This standard does not apply.

K. Traffic Controls

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

ANALYSIS: The City of Sherwood Engineering Department has reviewed the proposal and determined that a Traffic Impact Analysis (TIA) is not required. At build-out the development will create 39 new residential homes. In the interim, all lots will be accessed from public and private streets stemming from SW Ironwood Lane. As part of the Denali Meadows subdivision, SW Ironwood Lane will be improved to City standards

along the site frontage, including improvements to the intersection of SW Ironwood Lane and SW Murdock Road (see Exhibit C5 – Denali Meadows Signage and Striping Plan). The public improvements required as part of the development, in addition to those constructed as part of the Denali Meadows subdivision, will be constructed to City standards and provide a local street system capable of handling the traffic created by the development.

FINDING: This standard is met.

L. Traffic Calming

1. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:

a. Curb extensions (bulb-outs).
b. Traffic diverters/circles.
c. Alternative paving and painting patterns.
d. Raised crosswalks, speed humps, and pedestrian refuges.
e. Other methods demonstrated as effective through peer reviewed Engineering studies.

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

ANALYSIS: The City of Sherwood Engineering Department has reviewed the proposal and no specific traffic calming measures have been identified above the standard local street standard requirements.

FINDING: This standard is met.

M. Vehicular Access Management

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

1. Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.

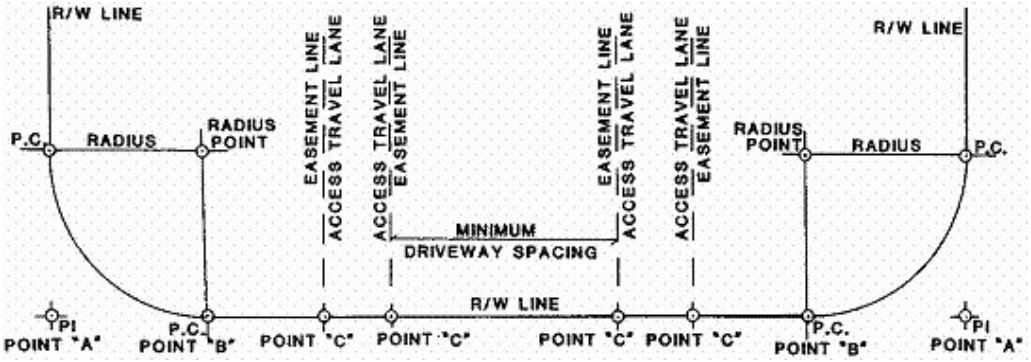
a. Minimum right-of-way radius at intersections shall conform to City standards.

b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to the Engineering Design Manual.

c. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.

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

e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:



2. Roadway Access

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

a. Local Streets

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

Where joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a

Collector within one- hundred (100) feet of any present Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.

3. Exceptions to Access Criteria for City-Owned Streets

a. Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is submitted to and approved by the City Engineer as the access management plan must be included as part of the land use submittal or an application for modification as described in § 16.106.020 E. (Transportation Facilities Modifications).

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

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

FINDING: These criteria are met.

N. Private Streets

1. The construction of a private street serving a single-family residential development is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).

2. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan.

3. **A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.**

4. **A private street shall also be signed differently from public streets and include the words "Private Street".**

ANALYSIS: Findings and conditions for private streets are addressed under SZCDC § 16.118.050 below.

FINDING: These criteria are met per Condition of Approval B5.

16.106.060 - Sidewalks

A. Required Improvements

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

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

FINDING: This standard is met.

B. Design Standards

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

Sidewalk handicapped ramps shall be provided at all intersections.

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

FINDING: These criteria are met.

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

ANALYSIS: Instead of a full east-west running public street, the applicant is proposing an exception to providing a full street connection and instead utilizing the use of private streets, pedestrian easements, and open space tracts to provide bicycle and pedestrian connectivity.

FINDING: This standard is met.

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

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

FINDING: This standard is met.

16.106.080 - Traffic Impact Analysis (TIA)

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

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

B. Applicability

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

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

C. Requirements

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

1. **Pre-application Conference. The applicant shall meet with the City Engineer prior to submitting an application that requires a TIA. This meeting will be coordinated with Washington County and ODOT when an approach road to a County road or**

Highway 99W serves the property, so that the TIA will meet the requirements of all relevant agencies.

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

D. Study Area

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

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

E. Analysis Periods

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

1. **Existing Year.**
2. **Background Conditions in Project Completion Year. The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should**

account for all City-approved developments that are expected to be fully built out in the proposed land use action horizon year, as well as all planned transportation system improvements.

3. **Full Buildout Conditions in Project Completion Year. The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.**
4. **Phased Years of Completion. If the project involves construction or occupancy in phases, the applicant shall assess the expected roadway and intersection conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.**
5. **Twenty-Year or TSP Horizon Year. For planned unit developments, comprehensive plan amendments or zoning map amendments, the applicant shall assess the expected future roadway, intersection, and land use conditions as compared to approved comprehensive planning documents.**

F. Approval Criteria

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

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

ANALYSIS: The City of Sherwood Engineering Department has reviewed the proposal and determined that a Traffic Impact Analysis (TIA) is not required. At build-out the development will create 39 new residential homes. In the interim, all lots will be

accessed from public and private streets stemming from SW Ironwood Lane. As part of the Denali Meadows subdivision, SW Ironwood Lane will be improved to City standards along the site frontage, including improvements to the intersection of SW Ironwood Lane and SW Murdock Road (see Exhibit C5 – Denali Meadows Signage and Striping Plan). The public improvements required as part of the development, in addition to those constructed as part of the Denali Meadows subdivision, will be constructed to City standards and provide a local street system capable of handling the traffic created by the development.

FINDING: This criterion is met.

G. Conditions of Approval

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

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

FINDING: This criterion is met.

16.106.090 - Rough Proportionality

A. Purpose

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

required transportation facility improvements. A proportionality determination can be appealed pursuant to Chapter 16.76. The following general provisions apply whenever a proportionality analysis is conducted.

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

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

1. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half-mile radius of the proposed development. If a TIA is required, the impact area is the TIA study area.

2. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.

3. The effect of increased demand on transportation facilities and other approved, but not yet constructed, development projects within the impact area that is associated with the proposed development.

4. Applicable TSP goals, policies, and plans.

5. Whether any route affected by increased transportation demand within the impact area is listed in any City program including school trip safety; neighborhood traffic management; capital improvement; system development improvement, or others.

6. Accident history within the impact area.

7. Potential increased safety risks to transportation facility users, including pedestrians and cyclists.

8. Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.

9. Other considerations as may be identified in the review process pursuant to Chapter 16.72.

ANALYSIS: All of the new or modified improvements required as part of the development will directly serve the new residential homes. The required public improvements are roughly proportional to the scope and intensity of the development, as described in this report and the agency comments.

FINDING: These criteria are met.

Chapter 16.108 – IMPROVEMENT PLAN REVIEW
16.108.010 – Preparation and Submission
An improvement plan shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of the plan shall be submitted to the City for review. An improvements plan shall be accompanied by a review fee as per this Section.

- **A. Review Fee**
  Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.
- **B. Engineering Agreement**
  A copy of an agreement or contract between the applicant and Registered Civil Engineer for:
  1. **Surveying sufficient to prepare construction plans.**
  2. **Preparation of construction plans and specifications.**
  3. **Construction staking, and adequate inspection.**
  4. **Construction notes sufficient to develop accurate as-built plans.**
  5. **Drawing of accurate as-built plans and submission of reproducible mylars for finals to the City.**
  6. **Certificate stating that construction was completed in accordance with required plans and specifications.**

ANALYSIS: The development will require new public infrastructure that requires City of Sherwood Engineering approval of the Public Improvement Plans. Condition of Approval C1 requires final engineering plan approval prior to issuance of an engineering compliance agreement.

FINDING: These criteria are met by Condition of Approval C1.

16.108.040 - Acceptance of Improvements

- **A. Final Inspection**
  At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.
- **B. Notification of Acceptance**

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

C. Maintenance Bond

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

ANALYSIS: The City will complete the final inspection of public improvements upon notification by the applicant. A maintenance bond is required at ten percent (10%) of the full value of the improvements.

FINDING: This standard is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL G6: Prior to acceptance of the public improvements, the applicant shall provide a maintenance bond at 10% of the full value of the improvements, for the purpose of correcting any defective work or maintenance that becomes apparent or arises within two (2) years after final acceptance of the public improvements.

Chapter 16.110 – SANITARY SEWERS

16.110.010 - Required Improvements

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

16.110.020 - Design Standards

A. Capacity

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

B. Over-Sizing

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

16.110.030 - Service Availability

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

ANALYSIS: Per the City of Sherwood Engineering comments, there is currently an 8-inch diameter public sanitary sewer main exists along the south side of SW Ironwood Lane along the subject property frontage. There will also be a new 8-inch diameter public sanitary sewer within the new public street to be constructed with the Denali Meadows subdivision. Sanitary sewer for the subject development will come from both locations. Since all surrounding properties are either on public sanitary sewer or have access to a public sanitary sewer, no extension of the public sanitary sewer system is required for this development except as necessary to provide service to all proposed lots and as required to be extended through new public streets. Due to the slope of the terrain heading north, the proposed sanitary sewer within the new public streets will not need to be extended to the north property line as it will be too high in elevation to serve the undeveloped property to the north.

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

FINDING: This standard is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL E8: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public sanitary sewer service to all proposed lots as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL H2: Prior to Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

RECOMMENDED CONDITION OF APPROVAL G7: Prior to Acceptance of the Public Improvements, any public sanitary sewer located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL G8: Prior to Acceptance of the Public Improvements, the public sanitary sewer within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL G9: Prior to Acceptance of the Public Improvements, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.

RECOMMENDED CONDITION OF APPROVAL G10: Prior to Acceptance of the Public Improvements, any existing unused sanitary lateral that is no longer being used by the site shall be abandoned at the main meeting the approval of the Sherwood Engineering Department.

Chapter 16.112– WATER SUPPLY
16.112.010 Required Improvements
Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with the Water System Master Plan.

16.112.020 - Design Standards

A. Capacity

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

B. Fire Protection

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

C. Over-Sizing

1. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.

2. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.

3. When over-sizing is required in accordance with the Water System Master Plan, it shall be installed per the Water System Master Plan. Compensation for over-sizing may be provided through direct reimbursement, from the City, after mainlines have been accepted. Reimbursement of this nature would be utilized when the cost of over-sizing is for system wide improvements.

16.112.030 - Service Availability

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

ANALYSIS: Per the City of Sherwood Engineering comments, there is currently an 8-inch diameter public water main exists along the south side of SW Ironwood Lane along the subject property frontage. There will also be a new 8-inch diameter public water main within the new public street to be constructed with the Denali Meadows subdivision. Public water access for the subject development will come from both locations. The subdivision will need to construct an 8-inch diameter public water interconnect between the 2 streets to establish a looped water system. The subject development will need to extend the water line to the north end of the streets (new Denali Meadows street and new street to be constructed with this development) to allow access to the public water system for the property to the north. The subject

development shall provide water service to all proposed lots within the subject development.

There appears to be at least one well located within the subject property. Wells to remain within private property shall meet all required setbacks of local, state, and federal regulations. Any property to have both public water and well water shall have a reduced pressure backflow assembly on the public water service. Any well located within public right-of-way shall be abandoned.

Water meters shall not be located in hardscape.

FINDING: These criteria are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL E9: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide water service to all proposed lots and as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL E10: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for an 8-inch diameter public water interconnect between the 2 streets (new Denali Meadows street and new street to be constructed with the subject development) through Tracts E and F of the subject development to establish a looped public water system meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL E11: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to extend public water lines to the end of the streets (new Denali Meadows street and new street to be constructed with the subject development) meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL H3: Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

RECOMMENDED CONDITION OF APPROVAL G11: Prior to Acceptance of the Public Improvements, any public water line located on private property shall have a recorded public water line easement encompassing the related public water improvements meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL G12: Prior to Acceptance of the Public Improvements, the public water system within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL B16: Prior to Final Plat, the developer shall submit certification that any existing well remaining meets all setback requirements or design for the abandonment of the existing well(s) on the engineering plans. Well abandonment shall be in accordance with all applicable regulations.

RECOMMENDED CONDITION OF APPROVAL G13: Prior to Acceptance of the Public Improvements, any well located within city right-of-way shall be abandoned in compliance with all applicable regulations.

RECOMMENDED CONDITION OF APPROVAL G14: Prior to Acceptance of the Public Improvements, any lot having both public water and well water shall have a reduced pressure backflow preventer on the public water service meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL G15: Prior to Acceptance of the Public Improvements, any existing unused water service that is no longer being used by the site shall be abandoned at the main meeting the approval of the Sherwood Engineering Department.

Chapter 16.114 – STORM WATER
16.114.010 - Required Improvements
Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement.
(Note: Section 16.114.015, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) to be removed from the SZCDC and permanently located in the Municipal Code).

16.114.020 - Design Standards

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

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

C. Conveyance System

The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.

16.114.030 - Service Availability

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

ANALYSIS: Per the City of Sherwood Engineering Comments, there is currently a 12-inch diameter public storm sewer main exists within SW Ironwood Lane along the subject property frontage. There will also be a new 12-inch diameter public storm sewer within the new public street to be constructed with the Denali Meadows subdivision. Storm sewer for the subject development will come from both locations. Since all surrounding properties are either on public storm sewer or have access to a public storm sewer, no extension of the public storm sewer system is required for this development except as necessary to provide service to all proposed lots and as required to be extended through new public streets. Due to the slope of the terrain heading north, the proposed storm sewer within the new public street will not need to be extended to the north property line as it will be too high in elevation to serve the undeveloped property to the north.

The subject development is required to provide storm water quality treatment and hydro-modification unless otherwise approved by the City of Sherwood and Clean Water Services. On site water quality facilities shall not have retaining walls unless otherwise approved by the Sherwood Engineering Department.

City policy requires that prior to grading, a permit is obtained from the Building Department for grading on the private portion of the site. The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans. The proposed development will disturb over 5 acres, therefore a DEQ NPDES 1200-C is required.

FINDING: These criteria is met as conditioned below

RECOMMENDED CONDITION OF APPROVAL E12: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public storm sewer service to all proposed lots and as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL H4: Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

RECOMMENDED CONDITION OF APPROVAL G16: Prior to Acceptance of the Public Improvements, any public storm sewer located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting Sherwood Engineering standards.

RECOMMENDED CONDITION OF APPROVAL G17: Prior to Acceptance of the Public Improvements, the public storm sewer within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.

RECOMMENDED CONDITION OF APPROVAL E13: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide on-site water quality treatment/hydro-modification facilities with maintenance access to all facility structures in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services.

RECOMMENDED CONDITION OF APPROVAL G18: Prior to Acceptance of the Public Improvements, the tract of land containing the public water quality facilities shall be dedicated to the City of Sherwood unless otherwise approved by the city.

RECOMMENDED CONDITION OF APPROVAL E14: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall obtain a DEQ NPDES 1200-C permit.

RECOMMENDED CONDITION OF APPROVAL E15: Prior to Approval of Engineering Public Improvement Plans, a CWS Storm Water Connection Permit Authorization shall be obtained.

Chapter 16.116 - FIRE PROTECTION
16.116.010 Required Improvements
When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.

A. Capacity

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

B. Fire Flow

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

C. Access to Facilities

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

D. Hydrants

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

16.116.030 - Miscellaneous Requirements

A. Timing of Installation

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

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

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

ANALYSIS: The proposal is for a residential subdivision and the applicant is required to install fire protection facilities that meet the standards of Tualatin Valley Fire & Rescue (TVF&R). TVF&R provided comments during the completeness review process which are dated July 28, 2020 (Exhibit B3). The comments list the applicable fire code standards and the following feedback:

- The plans indicate No Parking signs will be installed along Tracts D & E (Exhibit A1 – Sheet 10). The plans do not show No Parking signs for Tract F on Sheet 11.
- Documentation of a fire flow test is required

FINDING: These criteria are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL F2: Prior to issuance of building permits, provide documentation of a fire flow test that meets flow requirements for the development type.

RECOMMENDED CONDITION OF APPROVAL F3: Prior to issuance of building permits, submit documentation from TVF&R that indicates the requirements of the Fire Marshall's letter dated July 28, 2020 and other applicable requirements of the fire code have been satisfied.

Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES
16.118.010 Purpose
Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.

16.118.020 Standard

A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.

B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.

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

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

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

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

ANALYSIS: A minimum 8-foot wide public utility easement shall be provided on private property along all public street frontages. Sherwood Broadband utilities must also be installed along the subject properties frontage per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

FINDING: This standard is met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL G19: Prior to Acceptance of Public Improvements, the developer shall dedicate a minimum 8-foot wide PUE along all street frontages and tracks of land for private street/driveway usage unless otherwise approved by the City Engineer.

RECOMMENDED CONDITION OF APPROVAL G20: Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property street frontage and private track frontage for tracts of land containing private street/driveway per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074. A payment in lieu shall be made in place of installing Sherwood Broadband utilities along the street frontage of the extension of SW Upper Roy Street.

16.118.030 - Underground Facilities

Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically

authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.

ANALYSIS: Utility facilities including but not limited to electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground.

FINDING: These standards are met as conditioned below.

RECOMMENDED CONDITION OF APPROVAL A11: Per City of Sherwood standards, all new utilities shall be placed underground.

***

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

ANALYSIS: As part of the flexibility allowed in the PUD design, the applicant is proposing the use of three (3) private streets that provide access to three (3) or more residential lots each. Use of private streets is generally warranted when site constraints make a full public street unfeasible and/or when private streets facilitate a better overall design for the area.

The applicant's narrative states *"the Applicant is requesting a design modification to allow for up to six (6) lots to be served by a private street. These short private streets are necessary due to the sloping and rocky topography of the site."*

In addition to the hilly topography, both of the existing homes will be retained as part of the development. Providing access to these lots with a public street system would be a challenge and may require additional engineering of the site. Use of private streets provides greater flexibility in the location of streets to conform to the natural topography while providing access to existing homes.

Each private street will be 25 ft. wide and provide fire and emergency vehicle turnarounds in conformance with building and fire code. The applicant has provided a street plan and profile for each of the streets (Exhibit A1 – Sheets 11 and 12). The City of Sherwood Engineering Department will review and approve the final private street plans as part of the Public Improvement Plan review.

FINDING: This criterion is met.

***

Chapter 16.156 - Energy Conservation
16.156.020 Standards

A. Building Orientation - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.

B. Wind - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.

ANALYSIS: New streets within the subdivision run east-west and north-south. All lots are roughly rectangular and are situated so that each lot has the opportunity for a design that maximizes the advantages of natural light and wind. The street trees and new plantings in the open space will also provide opportunities to take advantage of seasonal changes in weather.

FINDING: These standards are met.

IV. CONDITIONS OF APPROVAL

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's submittal, staff finds that the proposed site plan does not fully comply with the standards but can be conditioned to comply. **Therefore, staff recommends approval of LU 2020-013 PUD/SUB Denali Summit subject to the following conditions of approval:**

A. GENERAL CONDITIONS

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. Development and construction on the site shall conform substantially to the preliminary plat plans submitted by Emerio Design as part of the land use review, except as modified in the conditions below, (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official, Clean Water Services, and Tualatin Valley Fire and Rescue, and Washington County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.
3. This approval is valid for a period of two (2) years from the date of the decision notice. Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
4. The preliminary plat approval is valid for two years from the date of the Notice of Decision. The final plat shall be approved by the City within two years of Notice of Decision, unless an extension is granted by the City prior to the two-year deadline.
5. Placement of construction trailers or temporary storage containers on the subject property shall require a Temporary Use Permit per Section 16.86 of the SZCDC.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.
7. All fences within the subdivision shall meet the requirements in Sherwood Zoning and Community Development Code Chapter 16.58.020.
8. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise determined by the City of Sherwood.
9. Restrict and maintain on-site landscaping, utilities, and any other obstructions in the sight distance triangles to provide adequate sight distance at access locations.
10. Prior to Building Permit application submittal, obtain address(es) for the site or parcels.
11. Per City of Sherwood standards, all new utilities shall be placed underground.
12. The required public improvements and common areas shall be substantially completed within one (1) year from the date of the Notice of Decision for the final plat and Final Development Plan.
13. The applicant shall submit for and obtain final plat and final development plan approval meeting all conditions of the preliminary plat and preliminary development plan approval.
14. No property created by the subdivision approval shall be disposed of, transferred, or sold unit required subdivision approvals are obtained, pursuant to Sherwood Zoning & Community Development Code.

15. Prior to submitting the plat to Washington County for review, the applicant shall obtain Final plat and Final Development Plan approval from the City of Sherwood.
16. The proposed development shall comply with the Conditions of Approval of the CWS Service Provider Letter.

B. PRIOR TO FINAL SUBDIVISION PLAT APPROVAL

1. Prior to Final Plat approval, show a clear vision area on the corners of each street intersection in accordance with SZCDC § 166.58.010 Clear Vision Areas.
2. Prior to Final Development Plan approval, provide a detailed landscaping plan that does not conflict with the planting requirements for Clear Vision Areas in SZCDC § 166.58.010(C).
3. Prior to Final Plat approval, show the final building setbacks and lot orientation in accordance with the Sherwood Zoning & Community Development Code as amended by the PUD overlay.
4. Prior to Final Plat approval, either the subdivision plat for the Denali Meadows development shall be recorded with Washington County Surveyor's Office or the portion of property currently belonging to the development to the west (Denali Meadows) that is included with this subject development shall be partitioned off from the property to the west (Denali Meadows) or a property line adjustment be performed between the properties conveying that portion of the western property to one of the eastern properties.
5. Each developer shall record final CC&Rs describing the reservations, restrictions, and maintenance responsibilities for the private street tracts.
6. Prior to Final Development Plan approval, submit revised plans that provide the location and quantity of landscaped open space areas in accordance with SZCDC § 16.92.020.
7. Prior to Development Plan approval, submit revised plans that provide installation and maintenance details in accordance with SZCDC § 16.92.040.
8. Prior to final plat approval, submit draft deeds for City review dedicating Open Space Tracts A, C, and G to the future HOAs. The deeds shall be recorded with the final plat.
9. Prior to final plat approval, submit draft CC&Rs to the City that describe how Open Space Tracts A, C, and G will be maintained by the future HOA. The final CC&Rs shall be recorded with the final plat.
10. All proposed open space tracts shall be available for use by the general public. Prior to final plat approval, submit draft CC&Rs to the City that describe Open Space Tracts A, C, and G as open to the general public.
11. Prior to Final Development Plan approval, a detailed street tree plan that complies with the size and spacing standards of SZCDC § 16.142.060 shall be submitted to the City.
12. Prior to Final Development Plan approval, revise the Tree Preservation and Removal Plan to show all existing trees within the proposed open space tracts.

13. Prior to Final Development Plan approval, an arborist report shall be provided for all trees within Open Space Tracts A, C, & G. Trees shall be protected and preserved through development unless the arborist report recommends removal. The Tree Protection Plan shall comply with the requirements of SZCDC § 16.142.070(G).
14. Prior to Final Development Plan approval, provide a landscape plan and tree canopy calculations that show how the tree canopy requirements of SZCDC § 16.142.070(D)(2) are met. A certified arborist or other qualified professional shall provide the estimated tree canopy.
15. Prior to final plat approval, the new public street created by the subdivision between SW Ironwood Lane and the north property line of Tax Lot 100 shall be named in accordance with SZCDC § 16.106.010(B) – (D).
16. Prior to Final Plat, the developer shall submit certification that any existing well remaining meets all setback requirements or design for the abandonment of the existing well(s) on the engineering plans. Well abandonment shall be in accordance with all applicable regulations.
17. Prior to Final Development Plan Approval, the applicant shall provide a detailed open space amenities plan for Tracts A, C, and G.

C. PRIOR TO ISSUANCE OF A CITY OF SHERWOOD ENGINEERING COMPLIANCE AGREEMENT

1. Prior to Issuance of an Engineering Compliance Agreement, final engineering plan approval by the Sherwood Engineering Department is required.

D. PRIOR TO ISSUANCE OF A SITE GRADING PERMIT

1. Prior to Site Disturbance, the applicant shall obtain an Engineering Compliance Agreement from the City of Sherwood Engineering Department.

E. PRIOR TO APPROVAL OF THE ENGINEERING PUBLIC IMPROVEMENT PLANS

1. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for street widening improvements along the subject property frontage of SW Ironwood Lane to meet a standard residential street section meeting the approval of the Sherwood Engineering Department.
2. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for right-of-way dedication required to encompass the street widening improvements along the subject property frontage of SW Ironwood Lane meeting the approval of the Sherwood Engineering Department.
3. Prior to Approval of Engineering Public Improvement Plans, the developer shall design public streets interior to the development including street lighting to meet a city standard residential street section meeting the approval of the Sherwood Engineering Department.

4. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for right-of-way dedication required to encompass the public interior street improvements meeting the approval of the Sherwood Engineering Department.
5. Prior to Approval of Engineering Public Improvement Plans, the developer shall make a payment-in-lieu for the future extension of SW Upper Roy Street in the amount of 125% an engineer's estimate meeting the approval of the Sherwood Engineering Department.
6. Prior to Approval of Engineering Public Improvement Plans, the developer shall make a payment-in-lieu for the future extension of the new interior street for the proposed subdivision for the amount of street left short of the northern property line in the amount of 125% an engineer's estimate meeting the approval of the Sherwood Engineering Department.
7. Prior to Approval of Engineering Public Improvement Plans, due to the high wall at the end of the new street, the developer shall design for barrier protections between the wall and the end of the new street meeting the approval of the Sherwood Engineering Department.
8. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public sanitary sewer service to all proposed lots as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.
9. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide water service to all proposed lots and as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.
10. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for an 8-inch diameter public water interconnect between the 2 streets (new Denali Meadows street and new street to be constructed with the subject development) through Tracts E and F of the subject development to establish a looped public water system meeting the approval of the Sherwood Engineering Department.
11. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to extend public water lines to the end of the streets (new Denali Meadows street and new street to be constructed with the subject development) meeting the approval of the Sherwood Engineering Department.
12. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public storm sewer service to all proposed lots and as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.
13. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide on-site water quality treatment/hydro-modification facilities with maintenance access to all facility structures in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services.

14. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall obtain a DEQ NPDES 1200-C permit.
15. Prior to Approval of Engineering Public Improvement Plans, a CWS Storm Water Connection Permit Authorization shall be obtained.

F. PRIOR TO ISSUANE OF BUILDING PERMITS

1. Prior to issuance of building permits, submit plot plans and building plans showing the residential structures meet the development standards of the VLDR-PUD zone, including any modifications to the development standards permitted in the land use Notice of Decision.
2. Prior to issuance of building permits, provide documentation of a fire flow test that meets flow requirements for the development type.
3. Prior to issuance of building permits, submit documentation from TVF&R that indicates the requirements of the Fire Marshall's letter dated July 28, 2020 and other applicable requirements of the fire code have been satisfied.
4. Prior to Issuance of Any Home Building Permits, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.

G. PRIOR TO ACCEPTANCE OF CONSTRUCTED PUBLIC IMPROVEMENTS

1. Prior to Acceptance of Public Improvements, applicant perform clean up of contamination in accordance with DEQ standards and shall submit a copy of the DEQ "No Further Action" confirmation letter to the Sherwood Engineering Department.
2. Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements and water quality/hydro-modification facilities meeting the approval of the Sherwood Engineering Department.
3. Prior to Acceptance of the Public Improvements, all common landscaped areas must have an irrigation system in accordance with SZCDC § 16.92.040(C).
4. Prior to Acceptance of Public Improvements, the developer shall dedicate required street right-of-way and public easements via a recorded subdivision plat and shall have all platted monuments installed. This includes right-of-way, PUE and public wall easement for the future extension of SW Upper Roy Street.
5. Payment-in-lieu funds for future street improvements shall be set aside in a dedicated city account to be paid toward the future development of the property to the north.
6. Prior to acceptance of the public improvements, the applicant shall provide a maintenance bond at 10% of the full value of the improvements, for the purpose

of correcting any defective work or maintenance that becomes apparent or arises within two (2) years after final acceptance of the public improvements.

7. Prior to Acceptance of the Public Improvements, any public sanitary sewer located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.
8. Prior to Acceptance of the Public Improvements, the public sanitary sewer within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.
9. Prior to Acceptance of the Public Improvements, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.
10. Prior to Acceptance of the Public Improvements, any existing unused sanitary lateral that is no longer being used by the site shall be abandoned at the main meeting the approval of the Sherwood Engineering Department.
11. Prior to Acceptance of the Public Improvements, any public water line located on private property shall have a recorded public water line easement encompassing the related public water improvements meeting the approval of the Sherwood Engineering Department.
12. Prior to Acceptance of the Public Improvements, the public water system within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.
13. Prior to Acceptance of the Public Improvements, any well located within city right-of-way shall be abandoned in compliance with all applicable regulations.
14. Prior to Acceptance of the Public Improvements, any lot having both public water and well water shall have a reduced pressure backflow preventer on the public water service meeting the approval of the Sherwood Engineering Department.
15. Prior to Acceptance of the Public Improvements, any existing unused water service that is no longer being used by the site shall be abandoned at the main meeting the approval of the Sherwood Engineering Department.
16. Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public storm sewer located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting Sherwood Engineering standards.
17. Prior to Acceptance of the Public Improvements, the public storm sewer within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.
18. Prior to Acceptance of the Public Improvements, the tract of land containing the public water quality facilities shall be dedicated to the City of Sherwood unless otherwise approved by the city.

19. Prior to Acceptance of Public Improvements, the developer shall dedicate a minimum 8-foot wide PUE along all street frontages and tracks of land for private street/driveway usage unless otherwise approved by the City Engineer.
20. Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property street frontage and private track frontage for tracts of land containing private street/driveway per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074. A payment in lieu shall be made in place of installing Sherwood Broadband utilities along the street frontage of the extension of SW Upper Roy Street.

H. PRIOR TO OCCUPANCY OF STRUCTURES

1. Prior to occupancy of each residence, one off-street parking space per dwelling unit shall be provided. Each driveway shall be improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.
2. Prior to Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
3. Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
4. Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

V. EXHIBITS

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

1. Development Plan Set
2. Architectural Pattern Books
3. Covenants, Conditions, & Restrictions
4. Development Compliance Narrative

5. Engineering Design Modifications
6. Clean Water Services Pre-Screen Forms
7. Preliminary Stormwater Report
8. Geotechnical Report
9. Oregon DEQ Site Contamination Information
10. Land Use Forms
11. Title Reports
12. Public Notice
13. Neighborhood Meeting Summaries

B. Agency Comments

1. City of Sherwood Engineering
2. City of Sherwood Public Works
3. Tualatin Valley Fire & Rescue
4. Clean Water Services Memorandum
5. Pride Disposal

C. Additional Information

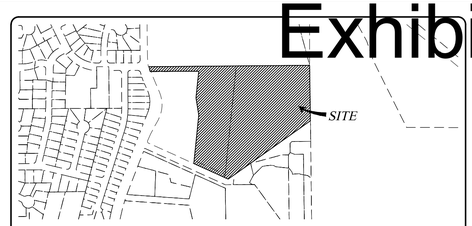
1. SE Sherwood Master Plan – Figure 15 Alternative B/C
2. Natural Resources and Recreation Plan Map
3. Aerial Photo of Subject Site
4. Title 13 Map
5. Denali Meadows Signage & Striping Plan

Exhibit A1

YUZON PUD

SUBDIVISION / PLANNED UNIT DEVELOPMENT
TAX LOTS 100 & 200 & TRACT 'E' OF DENALI MEADOWS
TAX MAP 2S133CB
SHERWOOD, OREGON





LEGEND

BOUNDARY LINE	EXISTING SANITARY SEWER LINE
EASEMENT	EXISTING WATER LINE
EXISTING 2' CONTOUR LINE	EXISTING UNDERGROUND POWER LINE
EXISTING 10' CONTOUR LINE	EXISTING GAS LINE
EXISTING CROWN (CENTER LINE OF ROAD)	EXISTING FENCE LINE
EXISTING TREE	PROPOSED STORM LINE
EXISTING DOWNSPOUT	PROPOSED SANITARY LINE
EXISTING STORM DRAIN MANHOLE	PROPOSED WATERLINE
EXISTING SANITARY SEWER MANHOLE	PROPOSED STORM LATERAL
EXISTING CATCH BASIN	PROPOSED SANITARY LATERAL
EXISTING WATER METER	PROPOSED SINGLE WATER METER
EXISTING WELL	PROPOSED DOUBLE WATER METER
EXISTING WATER VALVE	PROPOSED STORM MANHOLE
EXISTING FIRE HYDRANT	PROPOSED CATCH BASIN
EXISTING TRANSFORMER	PROPOSED SANITARY MANHOLE
EXISTING COMMUNICATION PEDESTAL	PROPOSED BLOWOFF
EXISTING ELECTRICAL METER	PROPOSED WATER VALVE
EXISTING JUNCTION BOX	PROPOSED 2' CONTOUR LINE
EXISTING LIGHT	PROPOSED 10' CONTOUR LINE
EXISTING SIGN	PROPOSED SEDIMENT FENCE
EXISTING ROW OF TREES	
EXISTING STORM DRAIN LINE	

OWNERS:

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12600 SW 72ND #200
PORTLAND, OR 97223
CONTACT: TIM ROTH
503-639-2639 | TEL

TIMOTHY M. MILLER
23008 SW MURDOCK ROAD
SHERWOOD, OR 97140

DENNIS A. AND PAULA B. YUZON
23120 SW MURDOCK ROAD
SHERWOOD, OR 97140

APPLICANT:

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BEAVERTON, OR 97008
CONTACT: STEVE MILLER
541-318-7487 | CELL

LAND USE & CIVIL ENGINEER:

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6445 SW FALLBROOK PL, SUITE 100
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LAND USE CONTACT: STEVE MILLER
ENGINEER CONTACT: ERIC EVANS
503-746-8812 | TEL

SURVEYOR:

EMERIO DESIGN, LLC
6445 SW FALLBROOK PL, SUITE 100
BEAVERTON, OR 97008
CONTACT: KING PHELPS
503-746-8812 | TEL

DRAWING INDEX:

01	COVERSHEET
02	EXISTING CONDITIONS
03	TREE PRESERVATION & REMOVAL PLAN
04	PRELIMINARY PLAT
05	PRELIMINARY GRADING AND EROSION CONTROL PLAN
06	SW IRONWOOD LANE IMPROVEMENT PLAN & PROFILE
07	PUBLIC STREET PLAN & PROFILE (ST STA 10+00.00 TO STA 16+25.00)
08	PUBLIC STREET PLAN & PROFILE (ST STA 16+25.00 TO END)
09	TRACT A & PUBLIC STREET 2 PLAN & PROFILE
10	TRACT C PLAN & PROFILE
11	TRACTS D & E PLANS & PROFILES
12	TRACT F & LOT 34 DRIVEWAY PLANS & PROFILES
13	FUTURE STREET PLAN & PROFILE
14	PRELIMINARY UTILITY PLAN
15	AERIAL AND NEIGHBORHOOD CIRCULATION MAP
16	OPEN SPACE LANDSCAPING PLAN
17	STREET TREE PLAN

SITE INFORMATION:

SITE ADDRESS:	23120 & 23008 SW MURDOCK ROAD
TAX MAPS:	2S 1W 33CB
TAX LOTS:	100 & 200
GROSS AREA:	5.27 AC (BEFORE DEDICATION)
ZONING:	VERY LOW DENSITY RESIDENTIAL

BENCH MARK INFORMATION

THE DATUM FOR THIS SURVEY IS BASED UPON WASHINGTON COUNTY BENCHMARK NO 111. ELEVATION=213.55 NGVD29 DATUM.

YUZON PUD
TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

COVERSHEET

REVISIONS

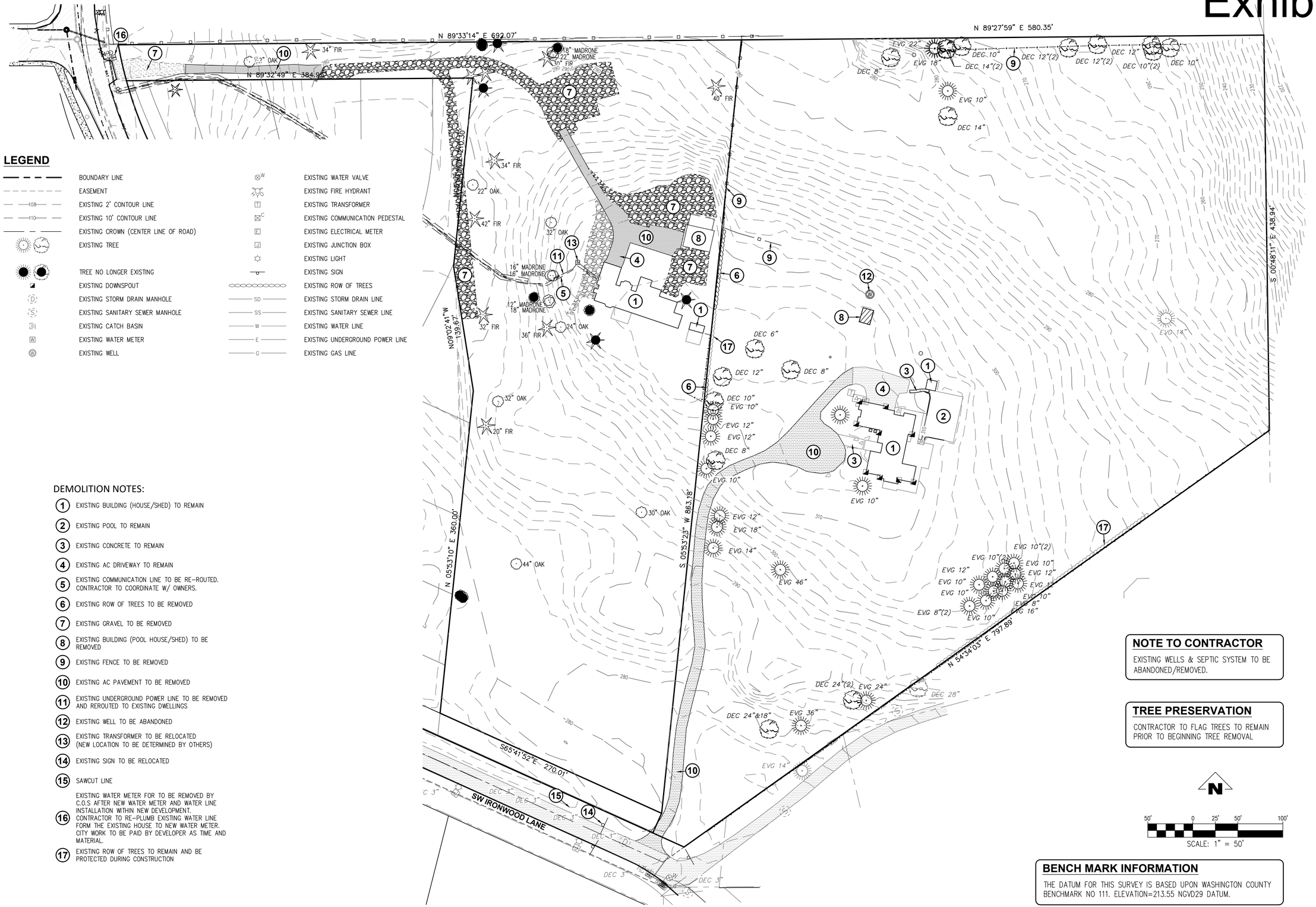
NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

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www.emeriodesign.com

SHEET 01 OF 17

FILE:P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009_01cvr, Layout: 01_COVERSHEET, Plot Date: 8/31/2020 4:06 PM, by: Kyung Han

Exhibit A1



LEGEND

BOUNDARY LINE	EXISTING WATER VALVE
EASEMENT	EXISTING FIRE HYDRANT
EXISTING 2' CONTOUR LINE	EXISTING TRANSFORMER
EXISTING 10' CONTOUR LINE	EXISTING COMMUNICATION PEDESTAL
EXISTING CROWN (CENTER LINE OF ROAD)	EXISTING ELECTRICAL METER
EXISTING TREE	EXISTING JUNCTION BOX
TREE NO LONGER EXISTING	EXISTING LIGHT
EXISTING DOWNSPOUT	EXISTING SIGN
EXISTING STORM DRAIN MANHOLE	EXISTING ROW OF TREES
EXISTING SANITARY SEWER MANHOLE	EXISTING STORM DRAIN LINE
EXISTING CATCH BASIN	EXISTING SANITARY SEWER LINE
EXISTING WATER METER	EXISTING WATER LINE
EXISTING WELL	EXISTING UNDERGROUND POWER LINE
	EXISTING GAS LINE

DEMOLITION NOTES:

1. EXISTING BUILDING (HOUSE/SHED) TO REMAIN
2. EXISTING POOL TO REMAIN
3. EXISTING CONCRETE TO REMAIN
4. EXISTING AC DRIVEWAY TO REMAIN
5. EXISTING COMMUNICATION LINE TO BE RE-ROUTED. CONTRACTOR TO COORDINATE W/ OWNERS.
6. EXISTING ROW OF TREES TO BE REMOVED
7. EXISTING GRAVEL TO BE REMOVED
8. EXISTING BUILDING (POOL HOUSE/SHED) TO BE REMOVED
9. EXISTING FENCE TO BE REMOVED
10. EXISTING AC PAVEMENT TO BE REMOVED
11. EXISTING UNDERGROUND POWER LINE TO BE REMOVED AND REROUTED TO EXISTING DWELLINGS
12. EXISTING WELL TO BE ABANDONED
13. EXISTING TRANSFORMER TO BE RELOCATED (NEW LOCATION TO BE DETERMINED BY OTHERS)
14. EXISTING SIGN TO BE RELOCATED
15. SAWCUT LINE
16. EXISTING WATER METER FOR TO BE REMOVED BY C.O.S AFTER NEW WATER METER AND WATER LINE INSTALLATION WITHIN NEW DEVELOPMENT. CONTRACTOR TO RE-PLUMB EXISTING WATER LINE FORM THE EXISTING HOUSE TO NEW WATER METER. CITY WORK TO BE PAID BY DEVELOPER AS TIME AND MATERIAL.
17. EXISTING ROW OF TREES TO REMAIN AND BE PROTECTED DURING CONSTRUCTION

NOTE TO CONTRACTOR

EXISTING WELLS & SEPTIC SYSTEM TO BE ABANDONED/REMOVED.

TREE PRESERVATION

CONTRACTOR TO FLAG TREES TO REMAIN PRIOR TO BEGINNING TREE REMOVAL

N

50' 0 25' 50' 100'

SCALE: 1" = 50'

BENCH MARK INFORMATION

THE DATUM FOR THIS SURVEY IS BASED UPON WASHINGTON COUNTY BENCHMARK NO 111. ELEVATION=213.55 NGVD29 DATUM.

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

EXISTING CONDITIONS

REVISIONS

NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

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SHEET 02 OF 17

FILE:P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009_02con, Layout: 02_EXISTING CONDITIONS, Plot Date: 8/31/2020 4:08 PM, by: Kyung Han

Exhibit A1

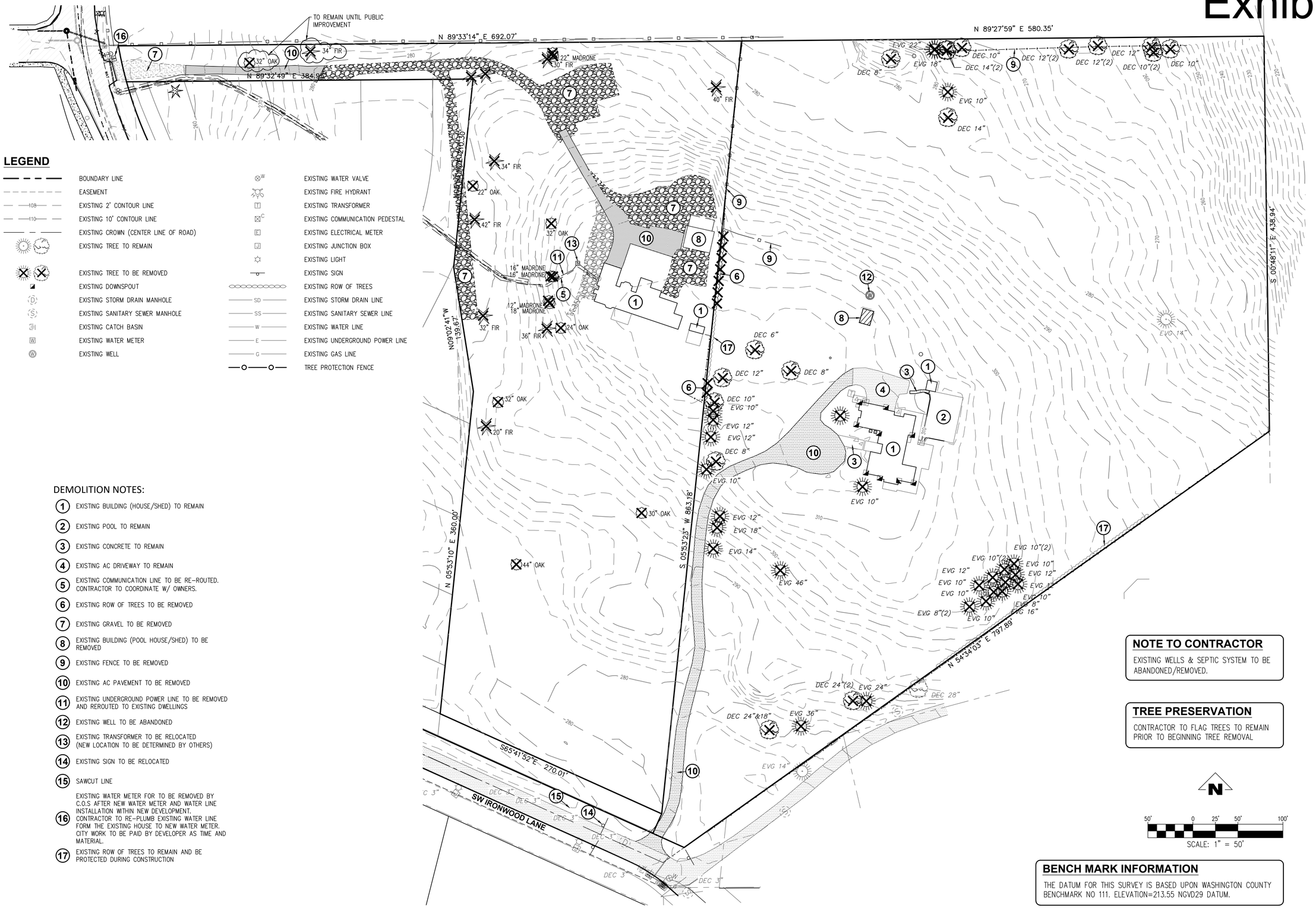

TO REMAIN UNTIL PUBLIC IMPROVEMENT
N 89°33'14" E 692.07'
N 89°32'49" E 384.98'
N 89°27'59" E 580.35'
S 00°48'11" E 438.94'
N 00°02'41" W 139.69'
N 05°53'10" E 360.00'
S 05°53'23" W 863.78'
N 54°34'03" E 797.89'
S65°41'52"E 270.01'
SW IRONWOOD LANE
32" OAK
34" FIR
22" MADRONE
30" FIR
40" FIR
22" OAK
42" FIR
32" OAK
16" MADRONE
16" MADRONE
12" MADRONE
18" MADRONE
32" FIR
36" FIR
24" OAK
32" OAK
20" FIR
30" OAK
44" OAK
DEC 6"
DEC 12"
DEC 8"
DEC 10"
EVG 10"
EVG 12"
EVG 12"
DEC 8"
EVG 10"
EVG 12"
EVG 18"
EVG 14"
EVG 46"
EVG 22"
DEC 8"
EVG 18"
DEC 10"
DEC 14"(2)
DEC 12"(2)
DEC 12"(2)
DEC 12"
DEC 10"(2)
DEC 10"
EVG 10"
DEC 14"
EVG 14"
EVG 10"(2)
EVG 10"(2)
EVG 10"
EVG 12"
EVG 12"
EVG 10"
EVG 10"
EVG 10"
EVG 10"
EVG 8"
EVG 16"
EVG 8"(2)
EVG 10"
DEC 24"(2)
EVG 24"
DEC 28"
DEC 24"&18"
EVG 36"
EVG 14"
DEC 3"
DEC 3"
DEC 3

Exhibit A1



PROPOSED SETBACKS

FRONT: 15 FT.
GARAGE: 20 FT.
REAR: 20 FT. (EXCEPT LOTS 11 & 12 15 FT.)
SIDE: 5 FT.
STREET SIDE: 15 FT. (LOTS 3, 19, 20, 29, 30, 36 & 37)

N

50' 0 25' 50' 100'
SCALE: 1" = 50'

LEGEND

BOUNDARY LINE
EASEMENT

YUZON PUD
TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

PRELIMINARY PLAT

REVISIONS

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SHEET 04 OF 17

FILE:P:\2200-009 Yuzon Subdivision\dwg\plan\2200-009_04ppvt, Layout: 04_PRELIMINARY PLAT, Plot Date: 8/31/2020 4:10 PM, by: Kyung Han

Exhibit A1



LEGEND

- BOUNDARY LINE
- EASEMENT
- 108 — EXISTING 2' CONTOUR LINE
- 110 — EXISTING 10' CONTOUR LINE
- EXISTING CROWN (CENTER LINE OF ROAD)
- EXISTING TREE
- EXISTING DOWNSPOUT
- D — EXISTING STORM DRAIN MANHOLE
- CB — EXISTING CATCH BASIN
- S — EXISTING SIGN
- EXISTING ROW OF TREES
- SD — EXISTING STORM DRAIN LINE
- EXISTING FENCE LINE
- PROPOSED STORM LINE
- PROPOSED STORM LATERAL
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- 108 — PROPOSED 2' CONTOUR LINE
- 110 — PROPOSED 10' CONTOUR LINE
- X — X — PROPOSED SEDIMENT FENCE

EROSION CONTROL NOTES:

1. CONSTRUCTION ENTRANCE
2. SEDIMENT FENCE
3. STOCK PILE AREA
4. CONCRETE WHEEL WASH
5. BIO-BAG AT CATCH BASIN/AREA DRAIN
6. CONSTRUCTION STAGING AREA

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

PRELIMINARY GRADING AND EROSION CONTROL PLAN

REVISIONS

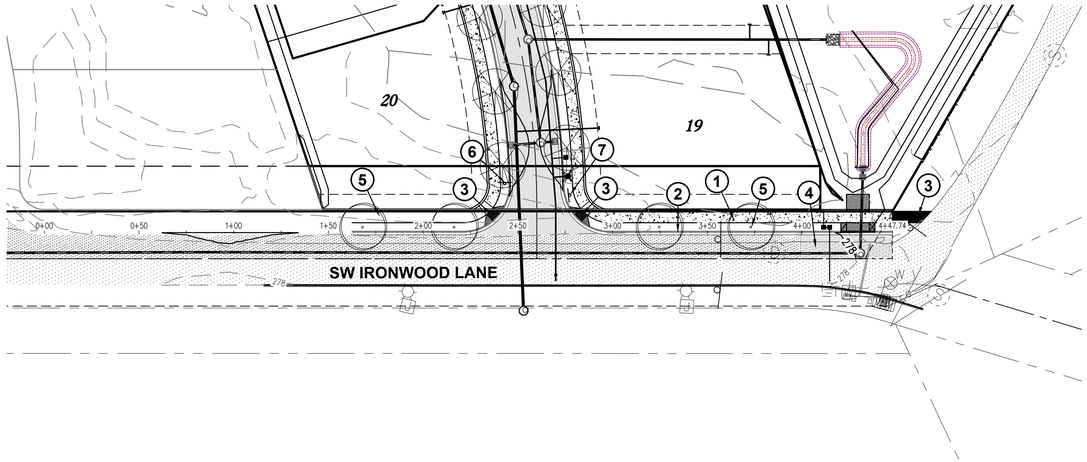
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1	05/22/20	1ST SUBMITTAL

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SHEET 05 OF 17

FILE:P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009_05grd, Layout: 05_PRELIMINARY GRADING AND EROSION CONTROL PLAN, Plot Date: 8/31/2020 4:11 PM, by: Kyung Han

Exhibit A1

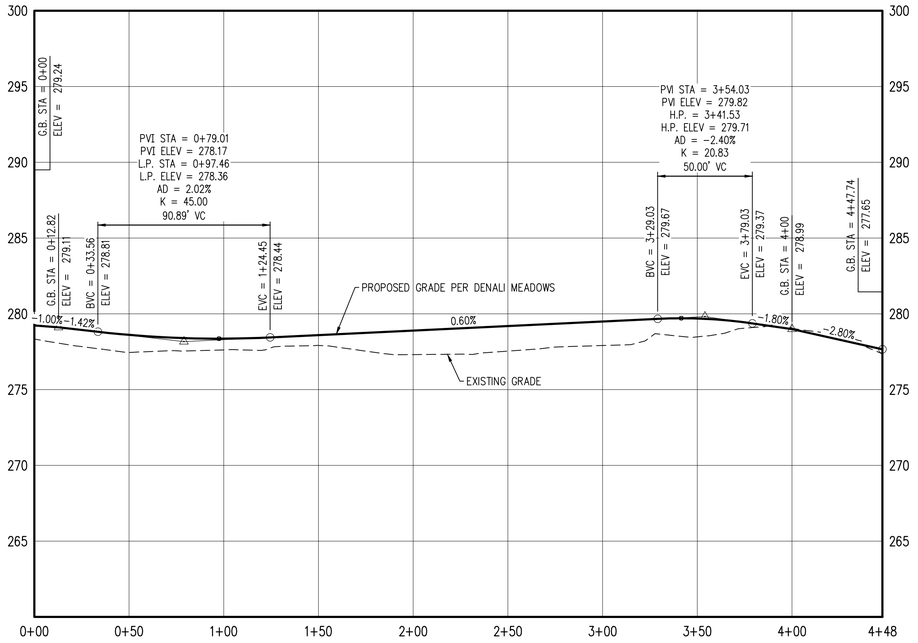


SW IRONWOOD LANE - PLAN

SCALE: 1" = 40'

40' 0 20' 40' 80'

SCALE: 1" = 40'



SW IRONWOOD LANE CURB - PROFILE

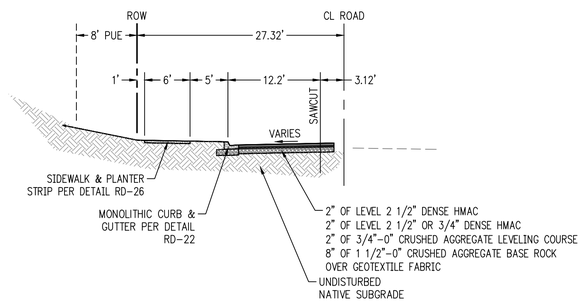
SCALE: 1" = 40' H, 1" = 5' V

LEGEND

- BOUNDARY LINE
- EASEMENT
- 108 EXISTING 2' CONTOUR LINE
- 110 EXISTING 10' CONTOUR LINE
- EXISTING CROWN (CENTER LINE OF ROAD)
- EXISTING TREE TO REMAIN
- EXISTING DOWNSPOUT
- EXISTING STORM DRAIN MANHOLE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING WATER METER
- EXISTING WELL
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING TRANSFORMER
- EXISTING COMMUNICATION PEDESTAL
- EXISTING ELECTRICAL METER
- EXISTING JUNCTION BOX
- EXISTING LIGHT
- EXISTING SIGN
- EXISTING ROW OF TREES
- SD EXISTING STORM DRAIN LINE
- SS EXISTING SANITARY SEWER LINE
- W EXISTING WATER LINE
- E EXISTING UNDERGROUND POWER LINE
- G EXISTING GAS LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED SANITARY MANHOLE
- PROPOSED BLOWOFF
- PROPOSED WATER VALVE
- 108 PROPOSED 2' CONTOUR LINE
- 110 PROPOSED 10' CONTOUR LINE

NOTES:

1. PROPOSED SIDEWALK
2. PROPOSED MONOLITHIC CURB & GUTTER
3. PROPOSED ADA RAMP
4. PROPOSED AC PAVEMENT
5. PROPOSED STREET TREE (TYP)
6. PROPOSED STREET & STOP SIGN LOCATION
7. PROPOSED 'NO PARKING' SIGN



SW IRONWOOD LANE - SECTION

NTS

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

SW IRONWOOD LANE
IMPROVEMENT PLAN &
PROFILE

REVISIONS

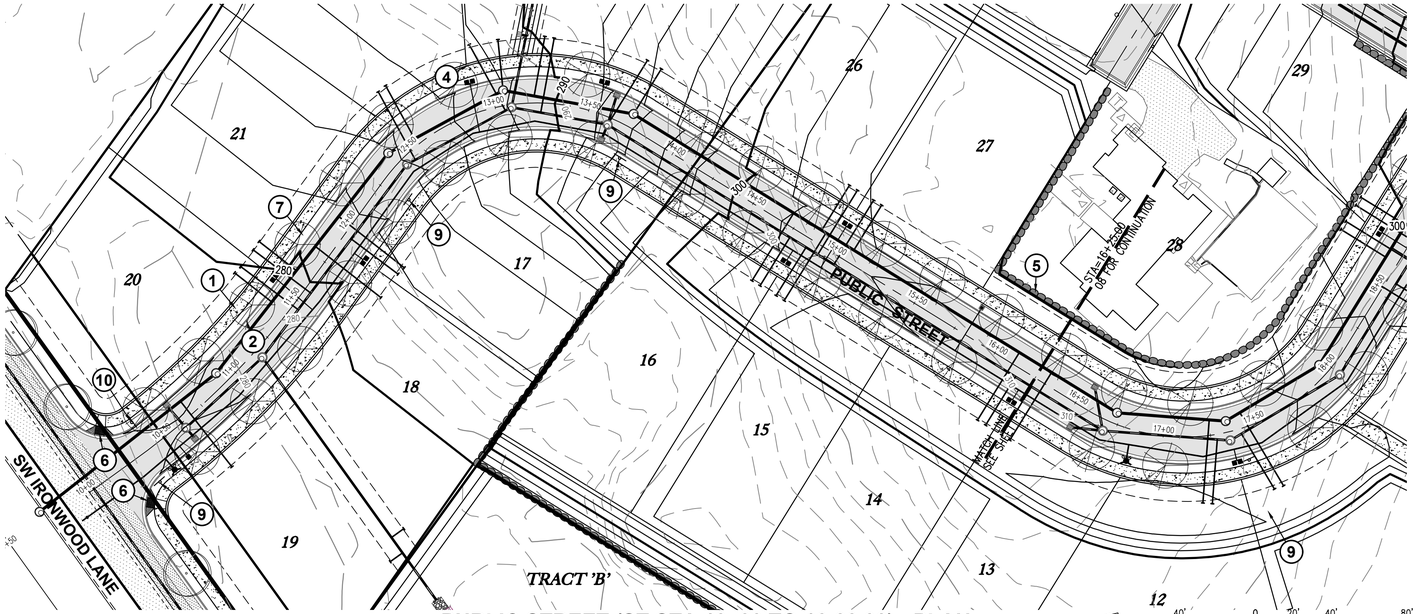
NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

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SHEET 06 OF 17

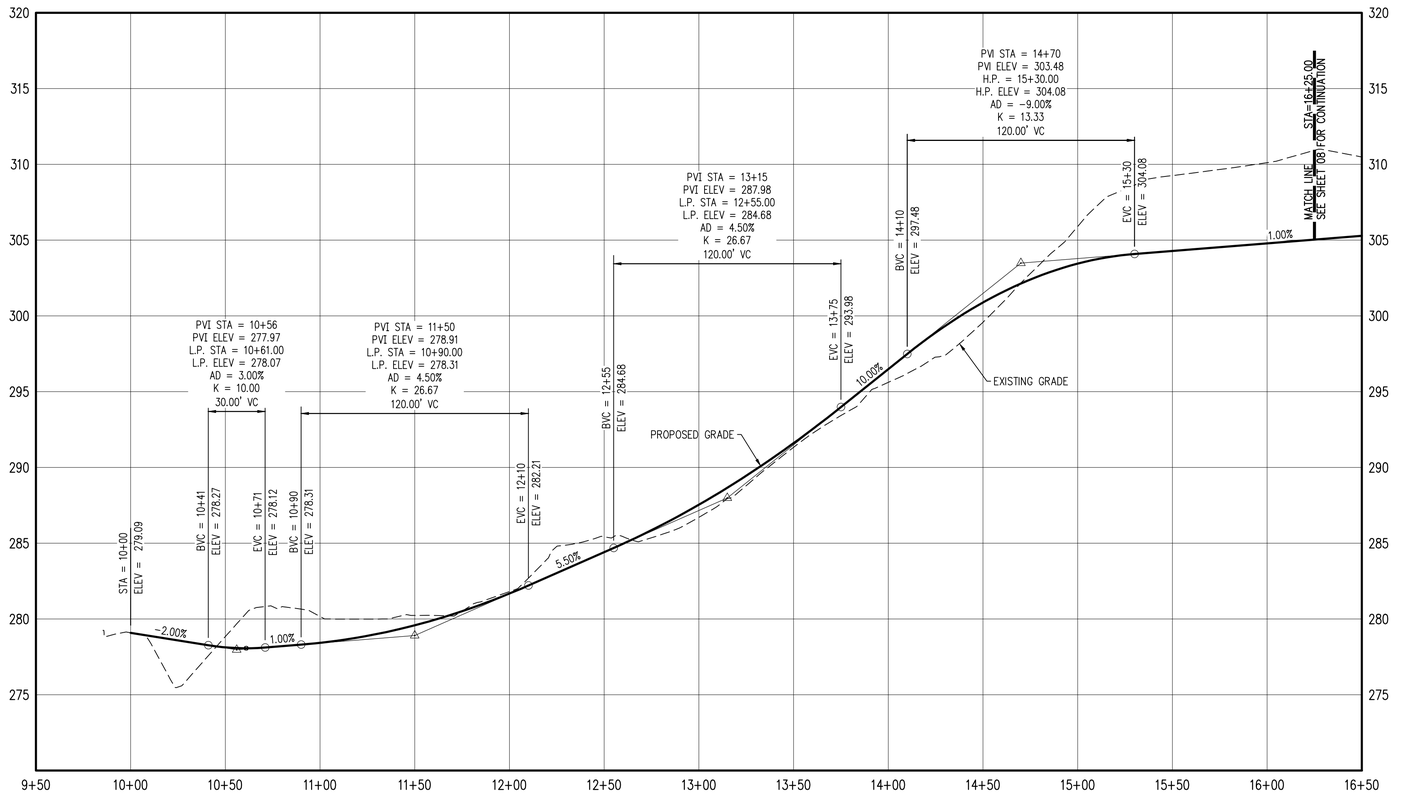
FILE:P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009_06pst1, Layout: 06_SW IRONWOOD LANE IMPROVEMENT PLAN & PROFILE, Plot Date: 8/31/2020 4:16 PM, by: Kyung Han

Exhibit A1



PUBLIC STREET (ST STA 10+00 TO 16-00.00) - PLAN

SCALE: 1" = 40'



PUBLIC STREET (ST STA 10+00 TO 16-00.00) - PROFILE

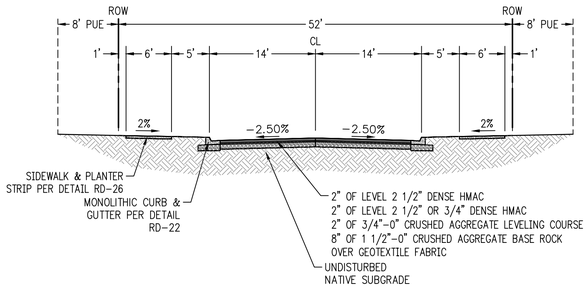
SCALE: 1" = 40' H, 1" = 5' V

LEGEND

- BOUNDARY LINE
- EASEMENT
- 108 — EXISTING 2' CONTOUR LINE
- 110 — EXISTING 10' CONTOUR LINE
- EXISTING CROWN (CENTER LINE OF ROAD)
- EXISTING DOWNSPOUT
- SD — EXISTING STORM DRAIN LINE
- SS — EXISTING SANITARY SEWER LINE
- W — EXISTING WATER LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED SANITARY MANHOLE
- PROPOSED WATER VALVE
- 108 — PROPOSED 2' CONTOUR LINE
- 110 — PROPOSED 10' CONTOUR LINE

NOTES:

1. PROPOSED SIDEWALK
2. PROPOSED MONOLITHIC CURB & GUTTER
3. PROPOSED DRIVEWAY APPROACH
4. PROPOSED AC PAVEMENT
5. PROPOSED WALL
6. PROPOSED ADA RAMP
7. PROPOSED STREET TREE (TYP)
8. PROPOSED ADA RAMP
9. PROPOSED 'NO PARKING' SIGN
10. PROPOSED STREET & STOP SIGN



PUBLIC STREET - SECTION

NTS

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

PUBLIC STREET PLAN & PROFILE (ST STA 10+00.00 TO STA 16+25.00)

REVISIONS

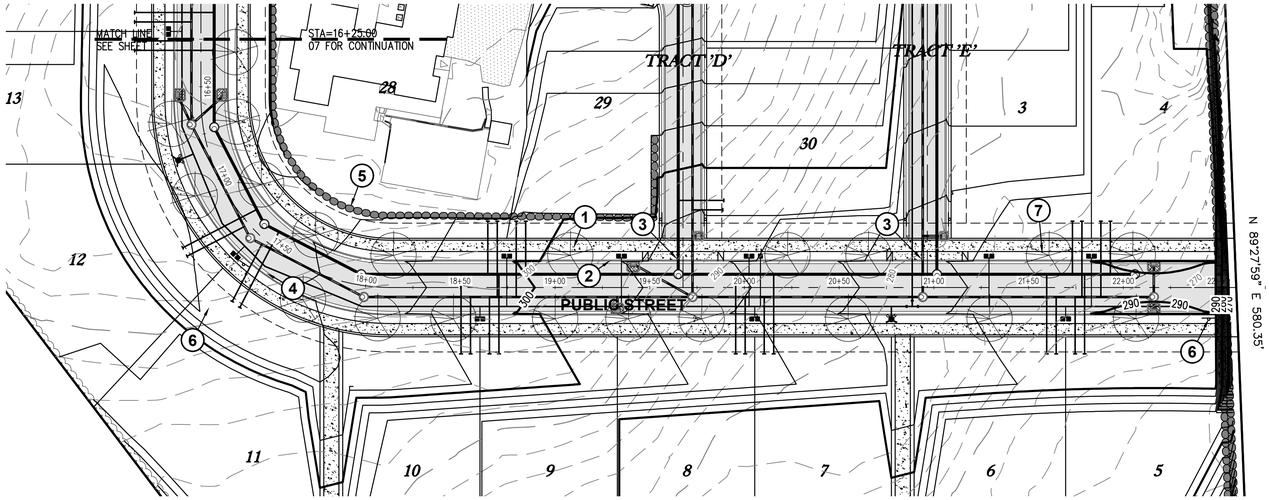
NO.	DATE	DESCRIPTION
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SHEET 07 OF 17

FILE:P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009_07psh2, Layout: 07_PUBLIC STREET PLAN & PROFILE (ST STA 10+00.00 TO STA 16+25.00, Plot Date: 8/31/2020 4:21 PM, By: Kyung Han

Exhibit A1



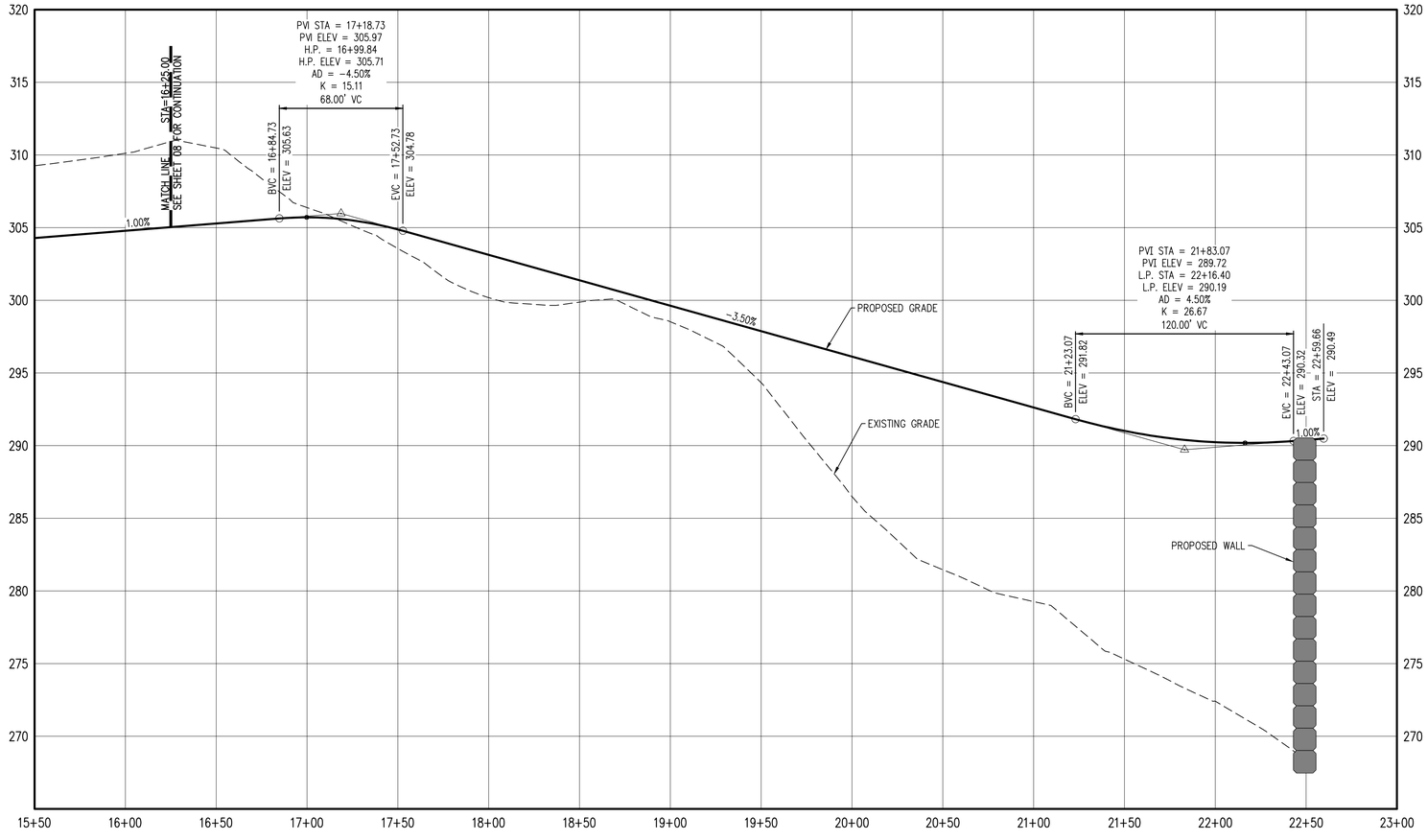
PUBLIC STREET (ST STA 16+00 TO END) - PLAN

SCALE: 1" = 40'

N

40' 0 20' 40' 80'

SCALE: 1" = 40'



PUBLIC STREET (ST STA 16+00 TO END) - PROFILE

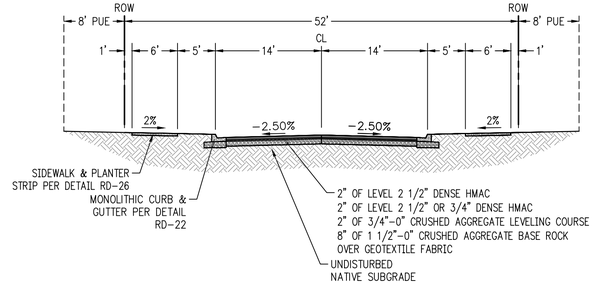
SCALE: 1" = 40' H, 1" = 5' V

LEGEND

- BOUNDARY LINE
- EASEMENT
- 108 — EXISTING 2' CONTOUR LINE
- 110 — EXISTING 10' CONTOUR LINE
- EXISTING CROWN (CENTER LINE OF ROAD)
- EXISTING DOWNSPOUT
- SD — EXISTING STORM DRAIN LINE
- SS — EXISTING SANITARY SEWER LINE
- W — EXISTING WATER LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED SANITARY MANHOLE
- PROPOSED BLOWOFF
- PROPOSED WATER VALVE
- 108 — PROPOSED 2' CONTOUR LINE
- 110 — PROPOSED 10' CONTOUR LINE

NOTES:

1. PROPOSED SIDEWALK
2. PROPOSED MONOLITHIC CURB & GUTTER
3. PROPOSED DRIVEWAY APPROACH
4. PROPOSED AC PAVEMENT
5. PROPOSED WALL
6. PROPOSED 'NO PARKING' SIGN
7. PROPOSED STREET TREE (TYP)



PUBLIC STREET - SECTION

NTS

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

PUBLIC STREET PLAN & PROFILE (ST STA 16+25.00 TO END)

REVISIONS

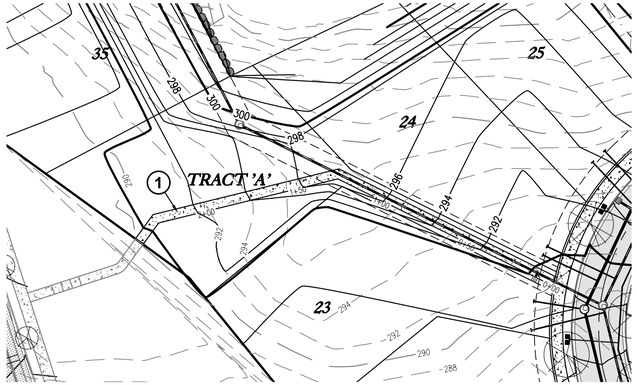
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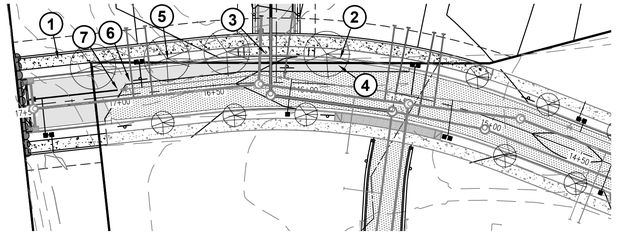
SHEET 08 OF 17

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Exhibit A1



TRACT 'A' PATH - PLAN
SCALE: 1" = 40'



PUBLIC STREET 2 - PLAN
SCALE: 1" = 40'

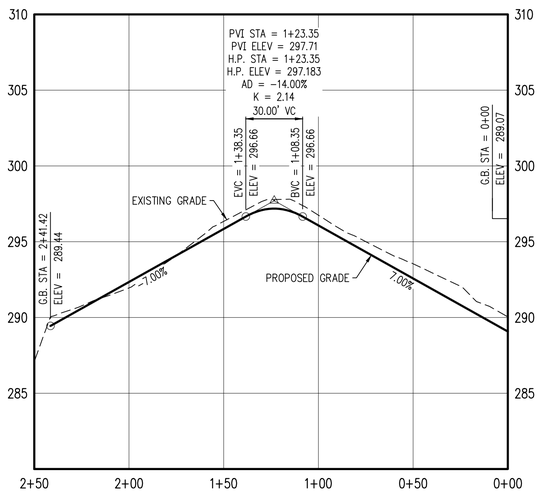
40' 0 20' 40' 80'
SCALE: 1" = 40'

LEGEND

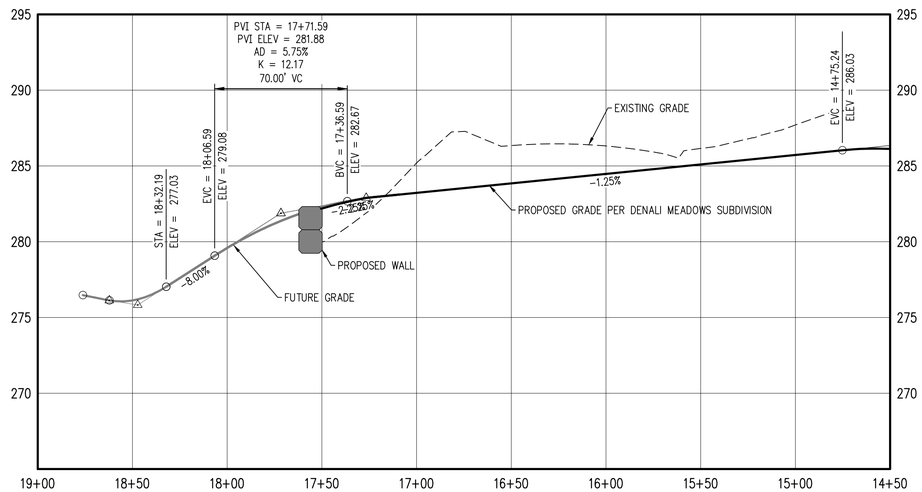
- BOUNDARY LINE
- EASEMENT
- 108 EXISTING 2' CONTOUR LINE
- 110 EXISTING 10' CONTOUR LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- 108 PROPOSED 1' CONTOUR LINE
- 110 PROPOSED 5' CONTOUR LINE

NOTES:

1. PROPOSED SIDEWALK
2. PROPOSED MONOLITHIC CURB & GUTTER
3. PROPOSED DRIVEWAY APPROACH
4. PROPOSED AC PAVEMENT
5. PROPOSED STREET TREE (TYP)
6. TEMPORARY CATCH BASIN TO BE REMOVED
7. BLOWOFF TO BE REMOVED



TRACT 'A' PATH - PROFILE
SCALE: 1" = 40' H, 1" = 5' V



PUBLIC STREET 2 - PROFILE
SCALE: 1" = 40' H, 1" = 5' V

YUZON PUD
TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

TRACT A & PUBLIC STREET
2 PLAN & PROFILE

REVISIONS		
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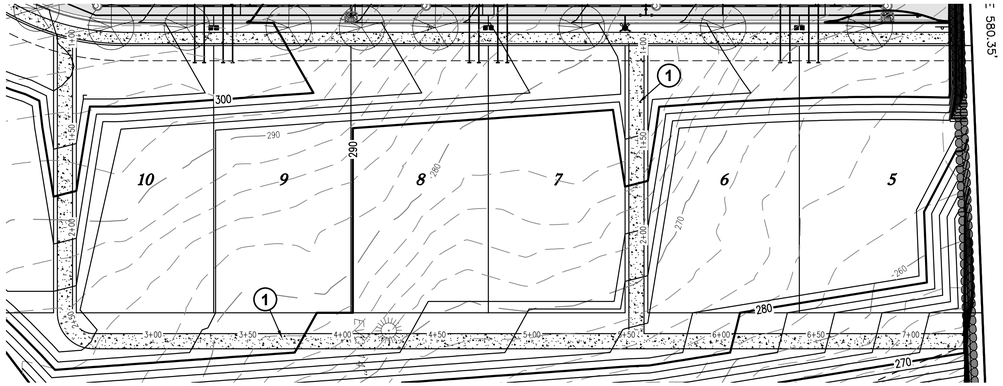
SHEET 09 OF 17

FILE:P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009_09pst4, Layout: 09_TRACT A & PUBLIC STREET 2 PLAN AND PROFILE, Plot Date: 8/31/2020 4:29 PM, by: Kyung Han

Exhibit A1

NOTES:

1. PROPOSED 5' WIDE CONCRETE PATH



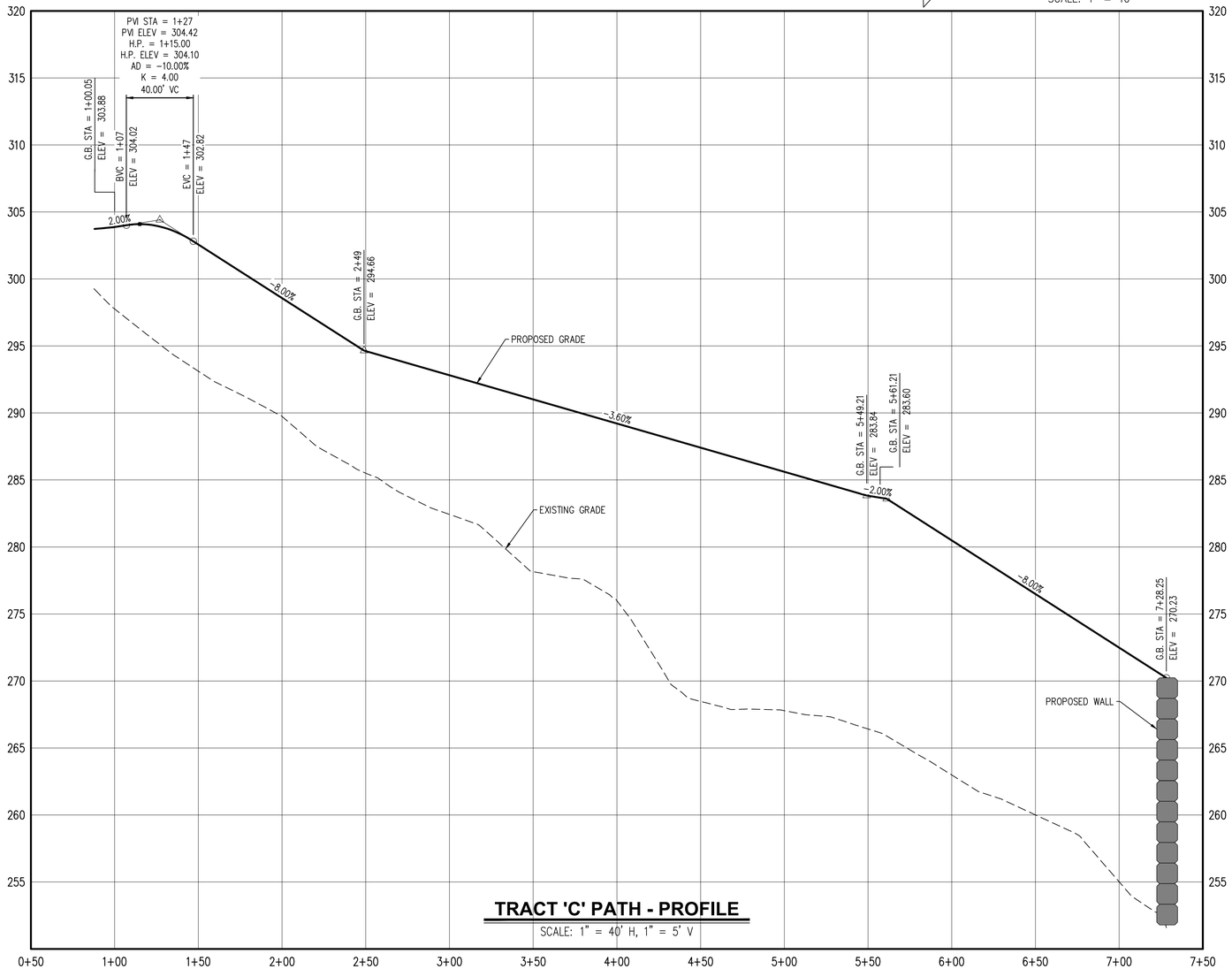
TRACT 'C' PATH - PLAN

SCALE: 1" = 40'

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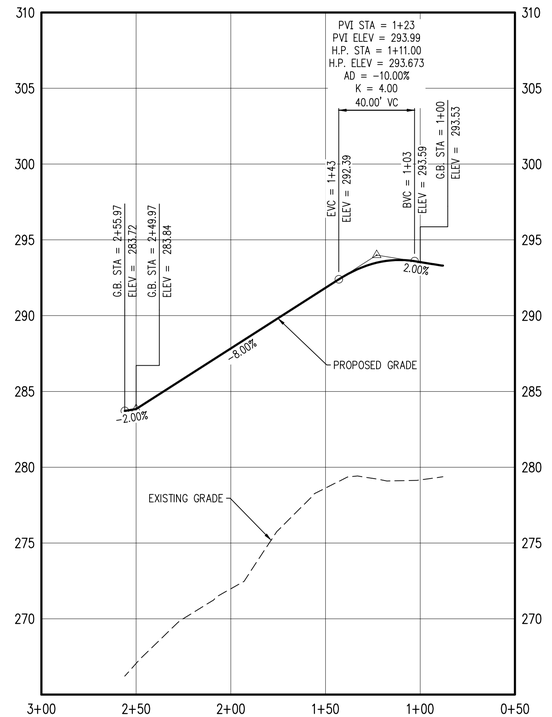
40' 0 20' 40' 80'

SCALE: 1" = 40'



TRACT 'C' PATH - PROFILE

SCALE: 1" = 40' H, 1" = 5' V



TRACT 'C' PATH 2 - PROFILE

SCALE: 1" = 40' H, 1" = 5' V

LEGEND

- BOUNDARY LINE
- EASEMENT
- 108 EXISTING 2' CONTOUR LINE
- 110 EXISTING 10' CONTOUR LINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- 108 PROPOSED 2' CONTOUR LINE
- 110 PROPOSED 10' CONTOUR LINE

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

TRACT C PLAN & PROFILE

REVISIONS

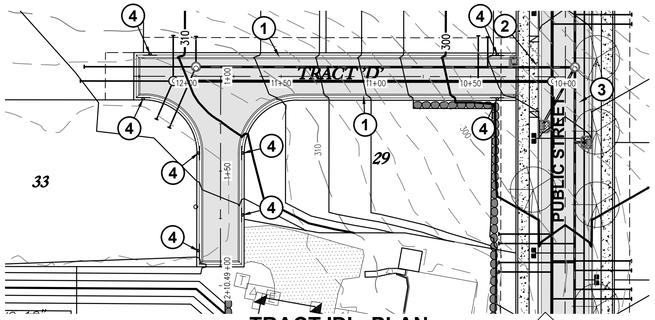
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SHEET 10 OF 17

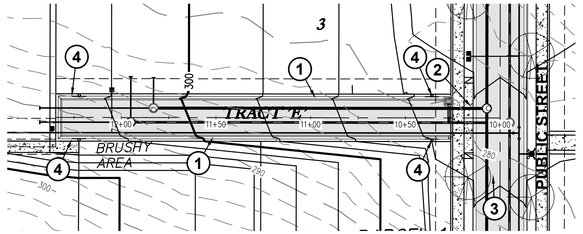
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Exhibit A1



TRACT 'D' - PLAN

SCALE: 1" = 40'

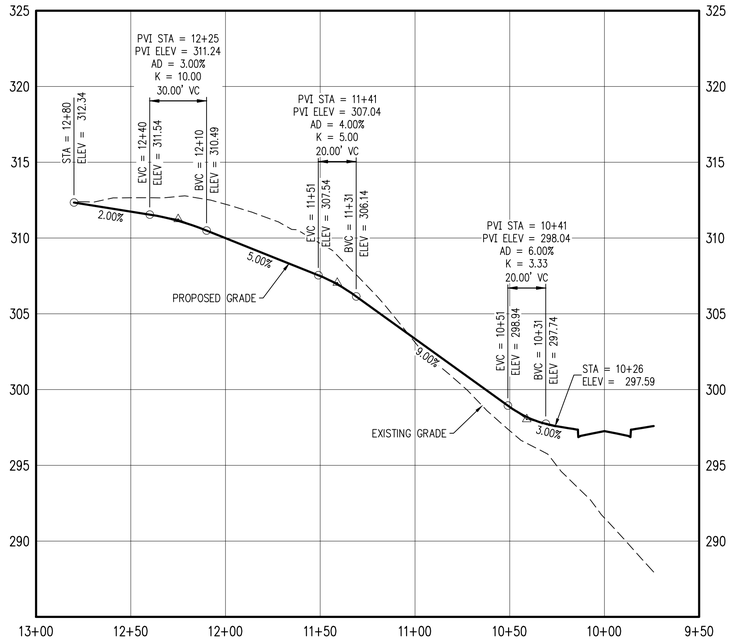


TRACT 'E' - PLAN

SCALE: 1" = 40'

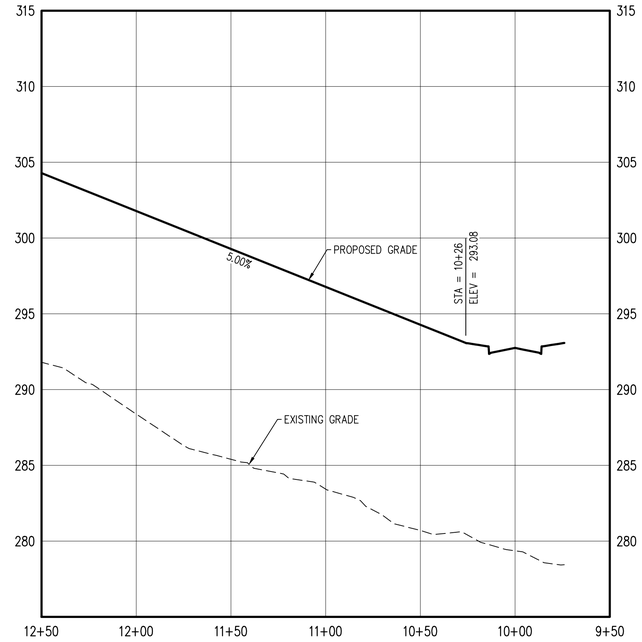
40' 0 20' 40' 80'

SCALE: 1" = 40'



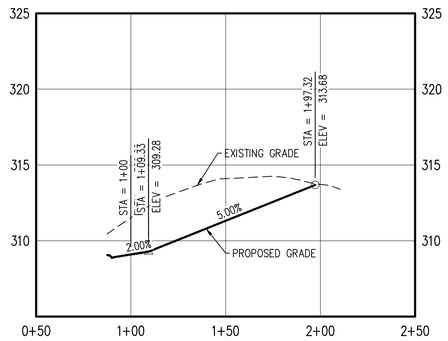
TRACT 'D' - PROFILE

SCALE: 1" = 40' H, 1" = 5' V



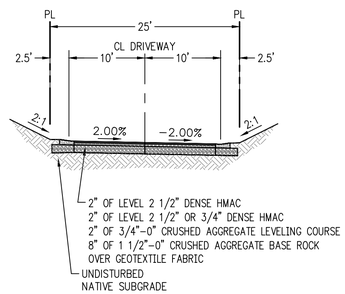
TRACT 'E' - PROFILE

SCALE: 1" = 40' H, 1" = 5' V



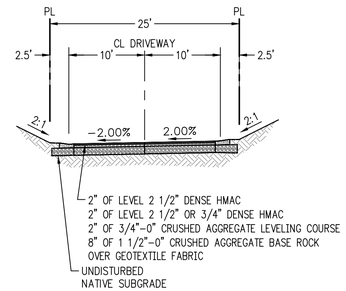
TRACT 'D2' - PROFILE

SCALE: 1" = 40' H, 1" = 5' V



TRACT 'D' & 'E' DRIVEWAY - SECTION

NTS



TRACT 'D2' DRIVEWAY - SECTION

NTS

LEGEND

- BOUNDARY LINE
- EASEMENT
- 108 — EXISTING 2' CONTOUR LINE
- 110 — EXISTING 10' CONTOUR LINE
- EXISTING CROWN (CENTER LINE OF ROAD)
- EXISTING DOWNSPOUT
- SD — EXISTING STORM DRAIN LINE
- SS — EXISTING SANITARY SEWER LINE
- W — EXISTING WATER LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED SANITARY MANHOLE
- PROPOSED BLOWOFF
- PROPOSED WATER VALVE
- 108 — PROPOSED 2' CONTOUR LINE
- 110 — PROPOSED 10' CONTOUR LINE

NOTES:

1. PROPOSED MOUNTABLE CURB
2. PROPOSED DRIVEWAY APPROACH
3. PROPOSED AC PAVEMENT
4. PROPOSED 'NO PARKING' SIGN

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

TRACTS D & E PLANS & PROFILES

REVISIONS

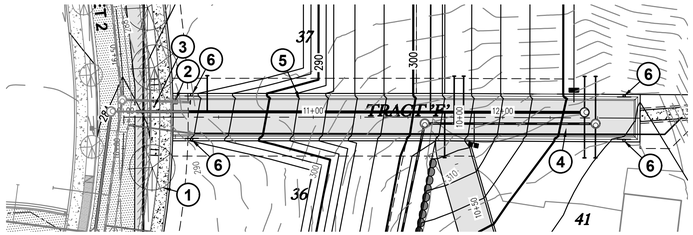
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SHEET 11 OF 17

FILE P: \0200-009 Yuzon Subdivision \dwg \plan \0200-009_11pst6, Layout: 11_TRACTS D & E PLANS & PROFILES, Plot Date: 8/31/2020 4:37 PM, by: Kyung Han

Exhibit A1

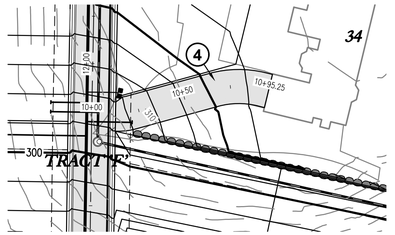


TRACT 'F' - PLAN

SCALE: 1" = 40'



SCALE: 1" = 40'



LOT 34 DRIVEWAY - PLAN

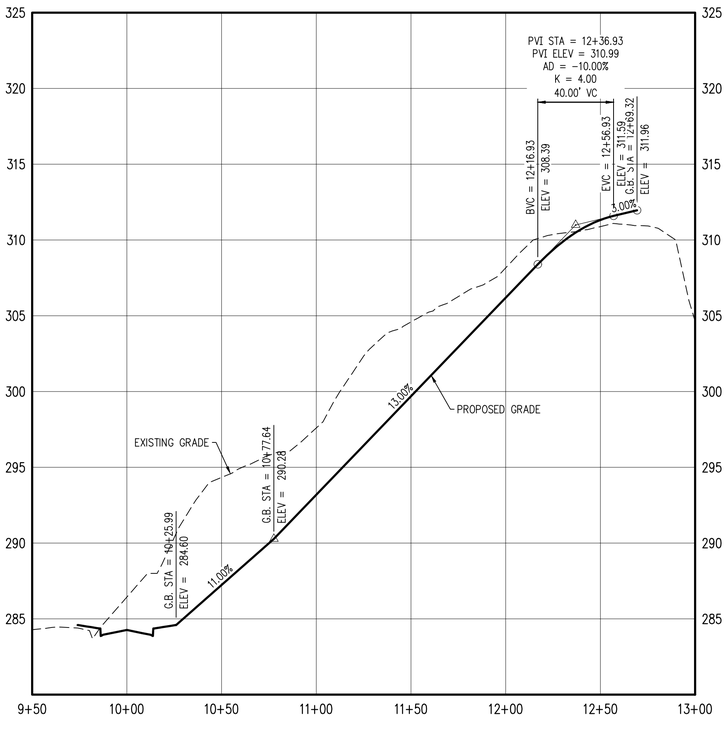
SCALE: 1" = 40'

LEGEND

- BOUNDARY LINE
- EASEMENT
- 108 — EXISTING 2' CONTOUR LINE
- 110 — EXISTING 10' CONTOUR LINE
- EXISTING CROWN (CENTER LINE OF ROAD)
- EXISTING DOWNSPOUT
- SD — EXISTING STORM DRAIN LINE
- SS — EXISTING SANITARY SEWER LINE
- W — EXISTING WATER LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED SANITARY MANHOLE
- PROPOSED BLOWOFF
- PROPOSED WATER VALVE
- 108 — PROPOSED 2' CONTOUR LINE
- 110 — PROPOSED 10' CONTOUR LINE

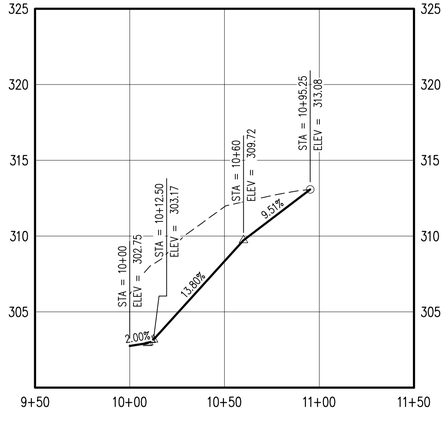
NOTES:

1. PROPOSED SIDEWALK
2. PROPOSED LYNCH TYPE CATCH BASIN
3. PROPOSED DRIVEWAY APPROACH
4. PROPOSED AC PAVEMENT
5. PROPOSED MOUNTABLE CURB
6. PROPOSED 'NO PARKING' SIGN



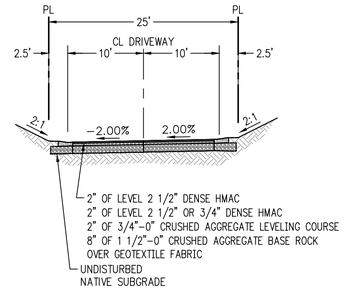
TRACT 'F' - PROFILE

SCALE: 1" = 40' H, 1" = 5' V



LOT 34 DRIVEWAY - PROFILE

SCALE: 1" = 40' H, 1" = 5' V



TRACT 'F' DRIVEWAY - SECTION

NTS

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

TRACT F & LOT 34
DRIVEWAY PLANS &
PROFILES

REVISIONS

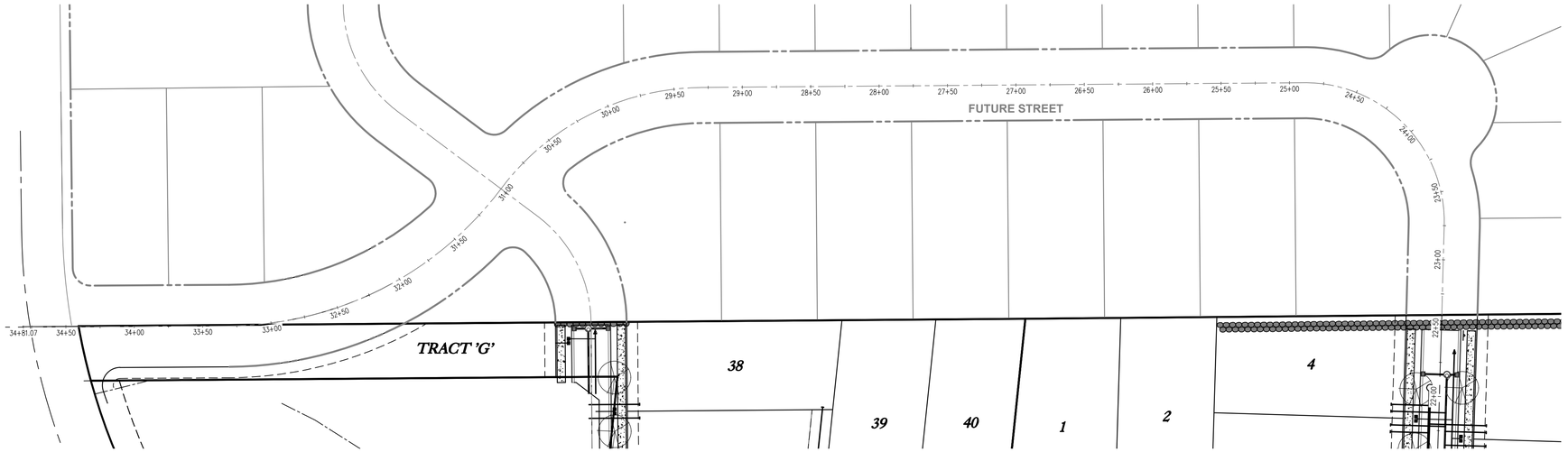
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SHEET 12 OF 17

FILE:P:\2200-009 Yuzon Subdivision\dwg\plan\2200-009_12pst7, Layout: 12_TRACT F & LOT 34 DRIVEWAY PLANS & PROFILES, Plot Date: 8/31/2020 4:42 PM, by: Kyung Hon

Exhibit A1

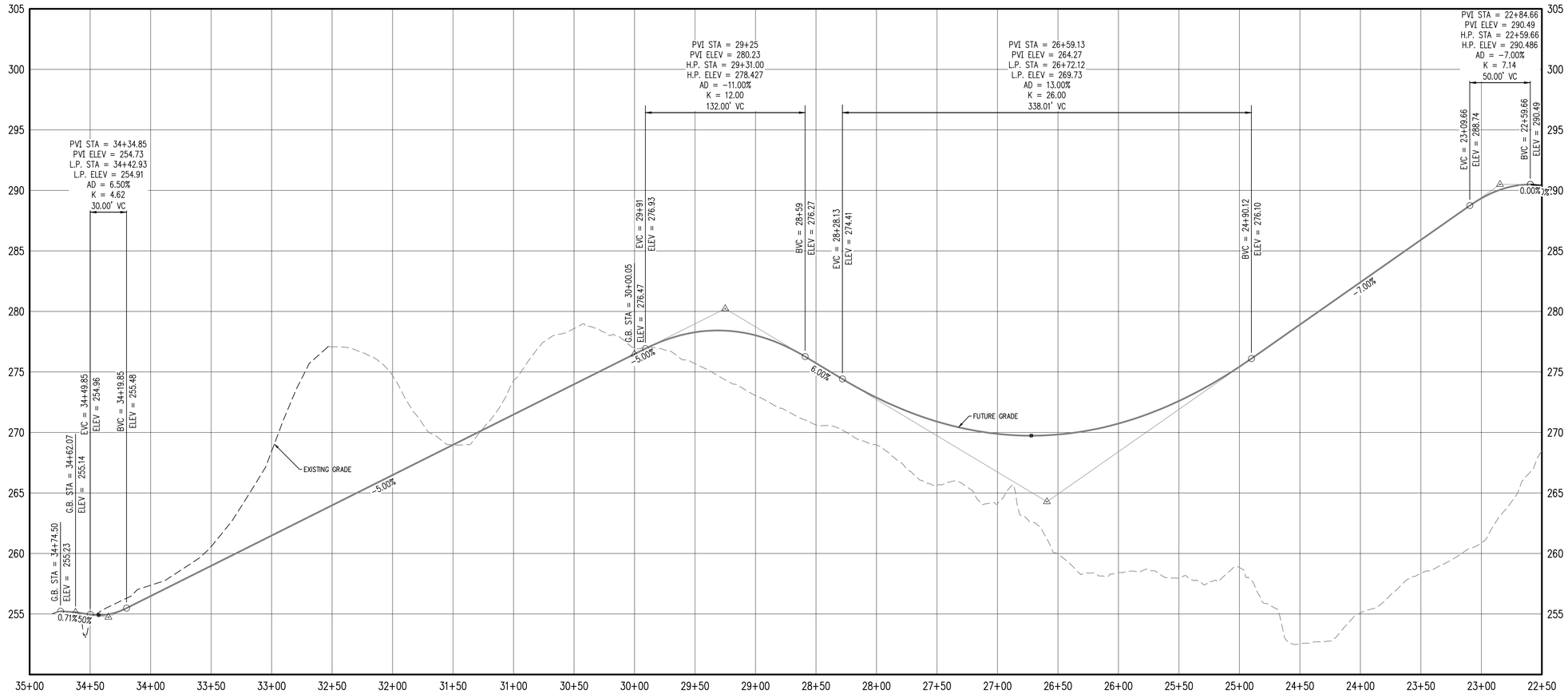


FUTURE STREET - PLAN

SCALE: 1" = 50'

50' 0 25' 50' 100'

SCALE: 1" = 50'



FUTURE STREET - PROFILE

SCALE: 1" = 50' H, 1" = 5' V

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

FUTURE STREET PLAN & PROFILE

REVISIONS

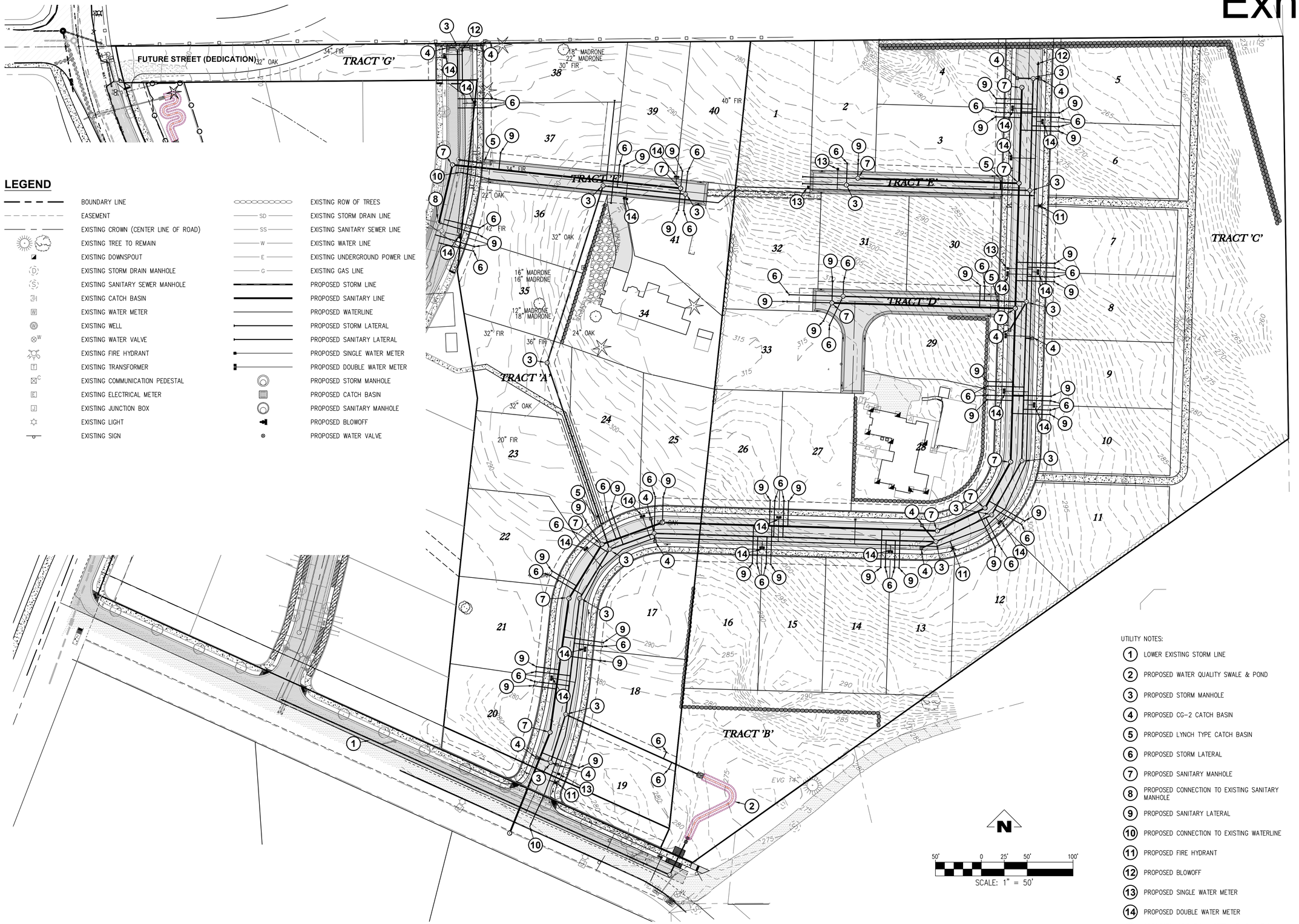
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SHEET 13 OF 17

FILE:P:\2020-009 Yuzon Subdivision\dwg\plan\2020-009_13pst8, Layout: 13_FUTURE STREET PLAN & PROFILE, Plot Date: 8/31/2020 4:48 PM, by: Kyung Hon

Exhibit A1



LEGEND

- BOUNDARY LINE
- EASEMENT
- EXISTING CROWN (CENTER LINE OF ROAD)
- EXISTING TREE TO REMAIN
- EXISTING DOWNSPOUT
- EXISTING STORM DRAIN MANHOLE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING CATCH BASIN
- EXISTING WATER METER
- EXISTING WELL
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING TRANSFORMER
- EXISTING COMMUNICATION PEDESTAL
- EXISTING ELECTRICAL METER
- EXISTING JUNCTION BOX
- EXISTING LIGHT
- EXISTING SIGN
- EXISTING ROW OF TREES
- EXISTING STORM DRAIN LINE
- EXISTING SANITARY SEWER LINE
- EXISTING WATER LINE
- EXISTING UNDERGROUND POWER LINE
- EXISTING GAS LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED SANITARY MANHOLE
- PROPOSED BLOWOFF
- PROPOSED WATER VALVE

UTILITY NOTES:

1. LOWER EXISTING STORM LINE
2. PROPOSED WATER QUALITY SWALE & POND
3. PROPOSED STORM MANHOLE
4. PROPOSED CG-2 CATCH BASIN
5. PROPOSED LYNCH TYPE CATCH BASIN
6. PROPOSED STORM LATERAL
7. PROPOSED SANITARY MANHOLE
8. PROPOSED CONNECTION TO EXISTING SANITARY MANHOLE
9. PROPOSED SANITARY LATERAL
10. PROPOSED CONNECTION TO EXISTING WATERLINE
11. PROPOSED FIRE HYDRANT
12. PROPOSED BLOWOFF
13. PROPOSED SINGLE WATER METER
14. PROPOSED DOUBLE WATER METER
15. PROPOSED IRRITATION METER WITH BACKFLOW PREVENTOR

N

50' 0 25' 50' 100'

SCALE: 1" = 50'

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

PRELIMINARY UTILITY PLAN

REVISIONS

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SHEET 14 OF 17

FILE P: \2200-009 Yuzon Subdivision \dwg \plan \2200-009_14pull, Layout: 14_PRELIMINARY UTILITY PLAN, Plot Date: 8/31/2020 4:50 PM, by: Kyung Hon

Exhibit A1



YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

AERIAL AND NEIGHBORHOOD CIRCULATION MAP

REVISIONS

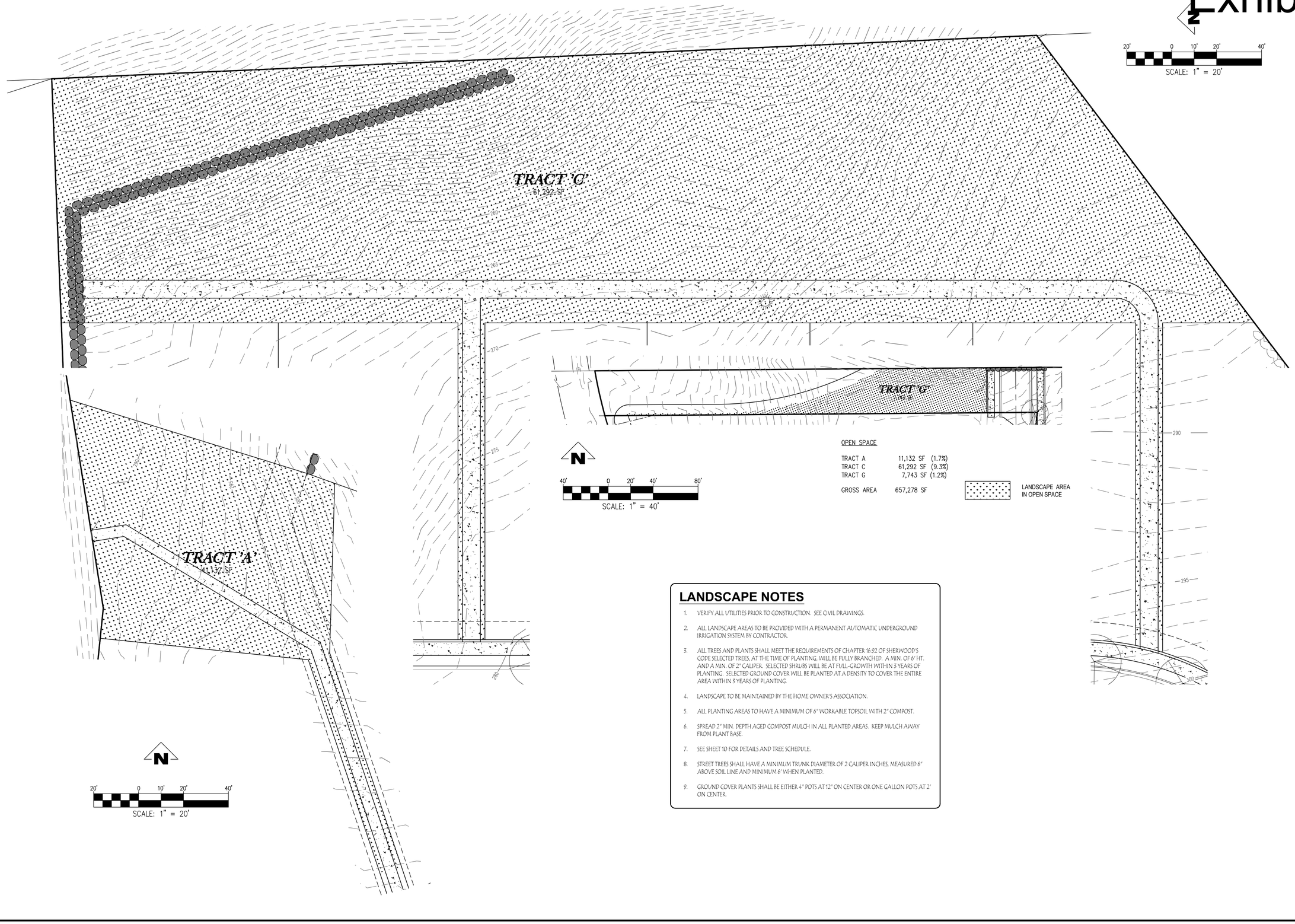
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SHEET 15 OF 17

FILE:P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009_15prer, Layout: 15_AERIAL AND NEIGHBORHOOD CIRCULATION MAP, Plot Date: 8/31/2020 4:51 PM, by: Kyung Han

Exhibit A1



OPEN SPACE

TRACT A	11,132 SF	(1.7%)
TRACT C	61,292 SF	(9.3%)
TRACT G	7,743 SF	(1.2%)
GROSS AREA	657,278 SF	

LANDSCAPE AREA IN OPEN SPACE

LANDSCAPE NOTES

1. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION. SEE CIVIL DRAWINGS.
2. ALL LANDSCAPE AREAS TO BE PROVIDED WITH A PERMANENT AUTOMATIC UNDERGROUND IRRIGATION SYSTEM BY CONTRACTOR.
3. ALL TREES AND PLANTS SHALL MEET THE REQUIREMENTS OF CHAPTER 16.92 OF SHERWOOD'S CODE SELECTED TREES, AT THE TIME OF PLANTING, WILL BE FULLY BRANCHED. A MIN. OF 6' HT. AND A MIN. OF 2" CALIPER. SELECTED SHRUBS WILL BE AT FULL-GROWTH WITHIN 3 YEARS OF PLANTING. SELECTED GROUND COVER WILL BE PLANTED AT A DENSITY TO COVER THE ENTIRE AREA WITHIN 3 YEARS OF PLANTING.
4. LANDSCAPE TO BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION.
5. ALL PLANTING AREAS TO HAVE A MINIMUM OF 6" WORKABLE TOPSOIL WITH 2" COMPOST.
6. SPREAD 2" MIN. DEPTH AGED COMPOST MULCH IN ALL PLANTED AREAS. KEEP MULCH AWAY FROM PLANT BASE.
7. SEE SHEET 10 FOR DETAILS AND TREE SCHEDULE.
8. STREET TREES SHALL HAVE A MINIMUM TRUNK DIAMETER OF 2 CALIPER INCHES, MEASURED 6" ABOVE SOIL LINE AND MINIMUM 6' WHEN PLANTED.
9. GROUND COVER PLANTS SHALL BE EITHER 4" POTS AT 12" ON CENTER OR ONE GALLON POTS AT 2' ON CENTER.

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

OPEN SPACE
LANDSCAPING PLAN

REVISIONS

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SHEET 16 OF 17

FILE P: \2020-009 Yuzon Subdivision \dwg \plan \2020-009_16plot, Layout: 16_OPEN SPACE LANDSCAPING PLAN, Plot Date: 8/31/2020 4:52 PM, by: Kyung Han

Exhibit A1



PLANT LIST

SYMBOL	QTY.	SUGGESTED PLANT MATERIAL	SIZE	SPACING
	4	ACER RUBRUM 'FRANKSRED' RED SUNSET MAPLE	2" CAL.	AS SHOWN
	52	ZELKOVA SERRATA 'VILLAGE GREEN' VILLAGE GREEN ZELKOVA	2" CAL.	AS SHOWN

TREE NAME	QUANTITY	MATURE SPREAD (FT.)	CANOPY AREA (SF)	CANOPY COVERAGE (SF)
EXISTING TREES (COUNT AS TWO)				
EVERGREEN				
DECIDOUS				
PROPOSED NEW TREES				
ACER RUBRUM ' FRANKSRED'				
ZELKOVA SERRATA 'VILLAGE GREEN'				
TOTAL CANOPY COVERAGE				
TOTAL SITE AREA (SF)				
PERCENT CANOPY COVERAGE				

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

STREET TREE PLAN

REVISIONS

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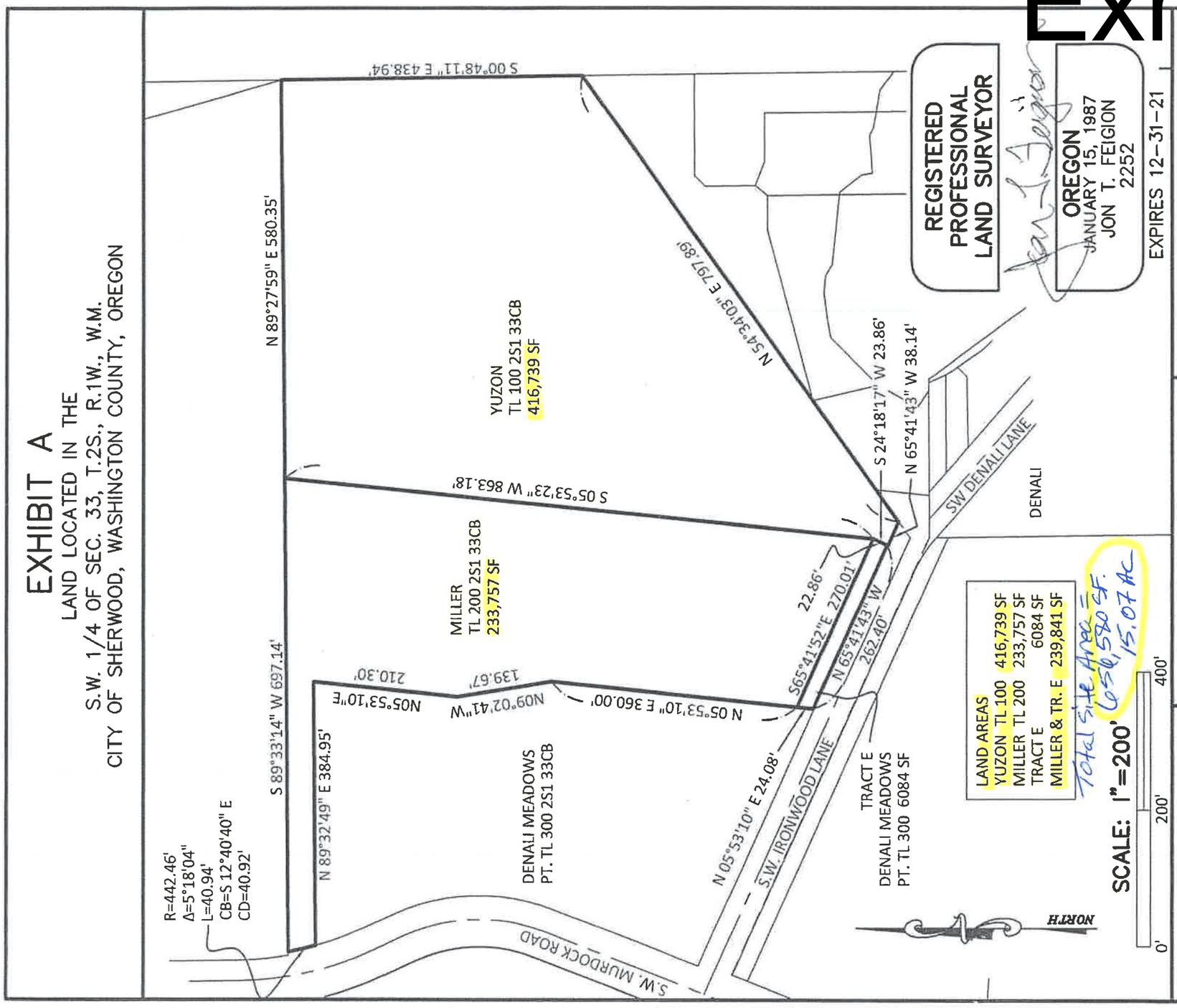
SHEET 17 OF 17

FILE:P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009_17plot2. Layout: 17_STREET TREE PLAN. Plot Date: 8/31/2020 4:53 PM, by: Kyung Hon

Exhibit A1

EXHIBIT A

LAND LOCATED IN THE
S.W. 1/4 OF SEC. 33, T.2S., R.1W., W.M.
CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JANUARY 15, 1987
JON T. FEIGION
2252

EXPIRES 12-31-21

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DRAWN BY: JTF
JOB NO.: 0200-009
SCALE: 1" = 200'
DATE: 8-11-20

LAND AREA EXHIBIT
MILLER, YUZON, TRACT E
0200-009-EXH_8-10-20.DWG

Denali Summit PUD Architectural Pattern Book Lots 17-25; 34-41

Issued To: City of Sherwood

Project Name: Denali Summit PUD

Applicant: Jacob Miller, LLC.

Date: July 1, 2020

23008 SW Murdock, Sherwood, Or. 97140 Office: 503-515-9281

Description

The Denali Summit (Lots 17-25 and 34-41) PUD development project is approximately a 5-acre site located within the Southeast Sherwood Master Plan, east of SW Murdock Road and north of SW Ironwood Lane. The development project is being submitted as a 17-lot single family detached development with minimum lot size being 10,000 sq. ft., in compliance with the current zoning overlay. The 17 lots consist of one lot with an existing home and 16 lots intended for new residential construction.

The project is being submitted as a Planned Unit Development (PUD) to allow for flexibility and creativity in the overall site design and layout. As part of the PUD standards, the Applicant has prepared this Pattern Book to describe the architectural design features that guide the design and development of the new residential structures to be constructed on each of the approved lots.

The purpose of this Pattern Book is to act as an illustrative guide on how the PUD standards will be applied.

This Pattern Book shall address the architectural design criteria contained in the Sherwood Zoning and Development Code (section 16.40.020(G) "Architectural Pattern Book").

> ***Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in Section 16.90.020(G) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:***
>
> ***a. Illustrative areas within the development application covered by the pattern book.***
> ***b. An explanation of how the pattern book is organized, and how it is to be used.***
> ***c. Define specific standards for architecture, color, texture, materials, and other design elements.***
> ***d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.***
> ***e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:***
>
> ***(1) Massing, facades, elevations, roof forms, proportions, materials, and color palette.***
> ***(2) Architectural relevance or vernacular to the Pacific Northwest.***
> ***(3) Doors, windows, siding, and entrances, including sash and trim details.***
> ***(4) Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.***
> ***(5) A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.020***

The proposed Denali Summit development project has completed its' pre-app meeting with the City of Sherwood and is preparing the final documents to be submitted for land-use approval, and until such time that the City of Sherwood has approved the application/submittal we will not be able to complete the exact house plan design(s) and exterior elevation features. Once the development has been accepted and approved by the City, defining total number of lots and lot dimensions, we can proceed with the details of the house design and architectural features, utilizing the guidelines defined in this document.

The basic floor plan designs will range from a Contemporary to Traditional Modern to Traditional to Early American and Modern Farmhouse styles that will complement the surrounding community. We have included, in this submittal, examples of homes styles that we believe will meet the demand of the new home market and become an asset to the Sherwood community.

a. Illustrative Areas

The Illustrative areas within the development application covered by this Pattern Book are focused on the architecture design features that each home will uniquely characterize.

b. Organization and Use

The organization and use of this Pattern Book is broken down in order to address the criteria listed in the development code standards.

Through the process of design and development of each of the residential structures this criteria shall govern how and where the design features best apply.

The overall design and architecture of the structures are subject to final approval by the Architectural Review Committee (ARC), as shall be outlined within the subdivision CCR's. The CCR's will be drafted once the development project is approved and all conditions are determined.

Building Design

1. All residential structures shall comply with the requirements defined in the CCR's specific to this project.
2. Each structure shall have an individual and distinctive appearance.
3. There shall be no duplicate elevation of a single family home within sight of each other.
4. The mix of housing types shall feature materials that are compatible with the surrounding community and the topography of each lot.
5. Each structure shall be constructed to utilize the characteristics of the lot with the front of the home oriented toward the driveway approach, as shown on the approved design.
6. All new home plans must be drafted and engineered by a qualified person licensed to perform their trade. All engineering shall be stamped and signed by the person(s) performing or inspecting the final engineered plans.
7. The exterior siding shall be comprised of i) composite siding, ii) wood siding, iii) brick,
   iv) stone, or other materials specifically approved by the ARC.
8. Siding, trim and roof colors will be approved by the ARC with each submittal. No duplication of colors will be allowed, with the exception of roof color.
9. Height of the structure shall comply with existing zoning regulations.

Landscaping

1. Every landscape plan shall have an individual and distinctive design.
2. Landscape front and side yards must be completed within 30 days of final inspection (weather permitting)
3. The design and type of plantings are to enhance the building architecture and be consistent with the neighborhood and environment.
4. Extensive use of colored rocks and gravel for ground cover is prohibited.

c. Design Specifics

The specific standards for architecture, color, texture, materials, and other design elements are illustrated with the following examples.

Examples of Building Elevations








The design theme is intended to follow a land use plan that provides for a mix of housing types that are compatible with current trends.

Examples of Siding Materials



Stained Cedar Tongue & Grove



Composite Lap Siding



Composite Lap Siding with Bead



Cedar Board & Batten



Composite Painted Shake



Composite Board & Batten

Examples of Masonry Materials

Cultured stone/Brick are versatile materials with many options in order to achieve individuality and uniformity at the same time. There are a multitude of colors and types available to be used to compliment design and color themes. These examples are not intended to dictate exact colors.



Profit Alpine Ledgestone



Profit Terrain Ledgestone



Profit Platinum Ledgestone



Slate S. Ledgestone



Shale Profit Ledgestone



Chardonnay S. Ledgestone

Example of Roofing Colors

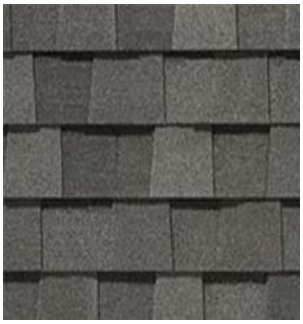
Architectural Composition shingles



Weatherwood



Black



Georgetown Gray



Colonial Slate

Examples of Exterior Lighting

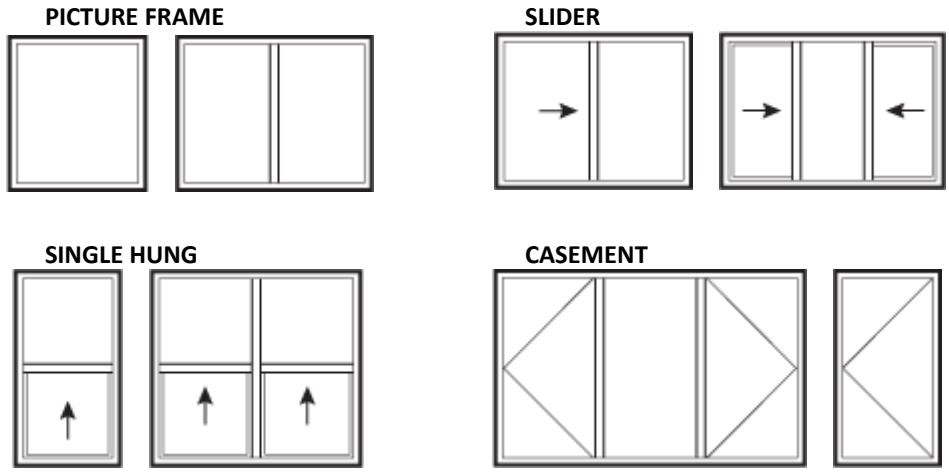
Finish: Oil Rubbed Bronze or Nickel





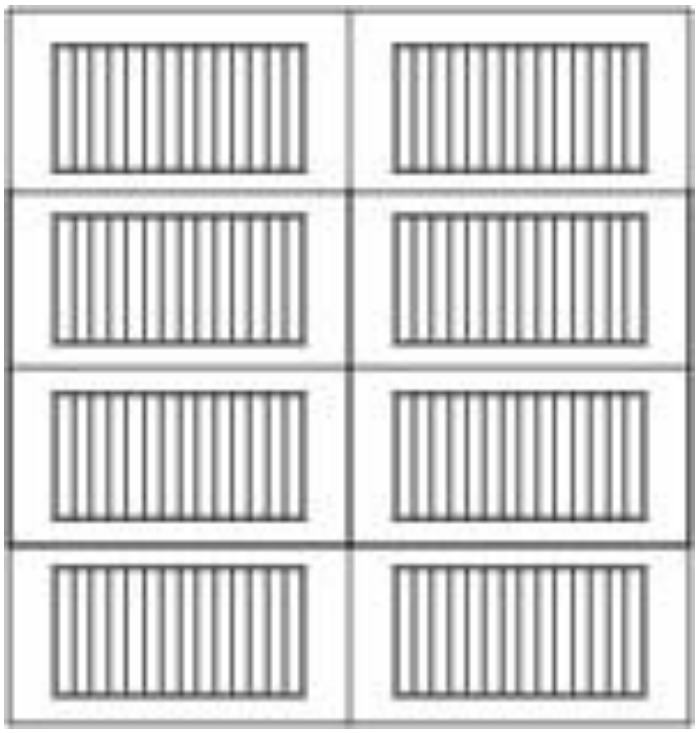
Examples of Window Styles

Window frames are a vinyl material in **Almond, White, Black**

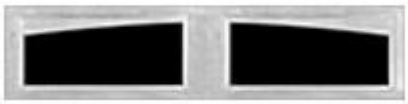


Examples of Overhead Doors

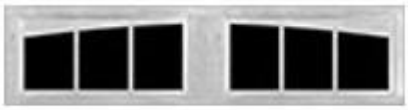
Door design and style will vary with house type. Below are pictures of different door and window styles that could apply. Windows may be configured horizontally or vertically with clear, obscured, satin etched, or white laminated glass. Finish paint color will vary with color scheme.



Sonoma Garage Door



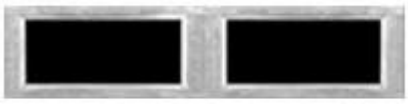
Sonoma Arched Windows



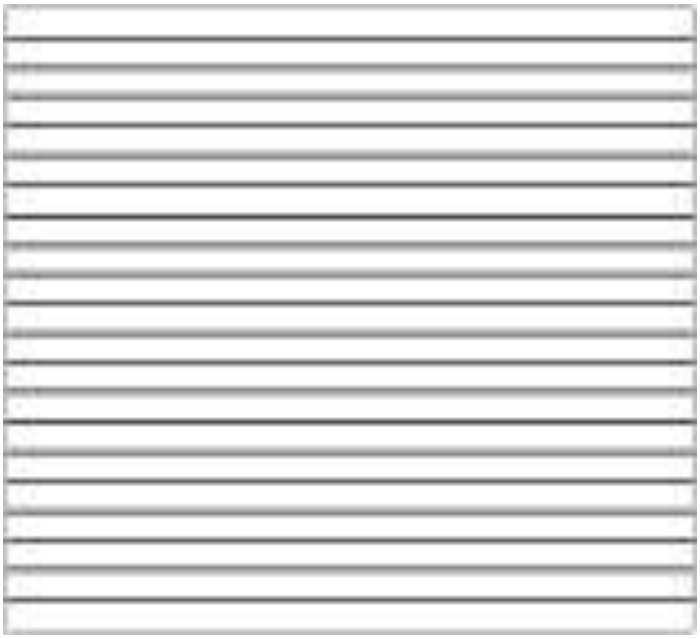
Sonoma Arched Windows w/ Grids



Sonoma Plain Windows w/ Grids



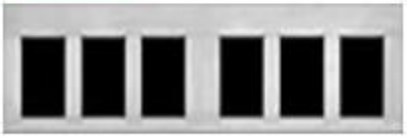
Sonoma Plain Windows



Horizantal Garage Door



Horizantal Window Pattern



Vertical Window Pattern

Examples of Front Door and Hardware

(Door Material: Fiberglass or Stained Wood)



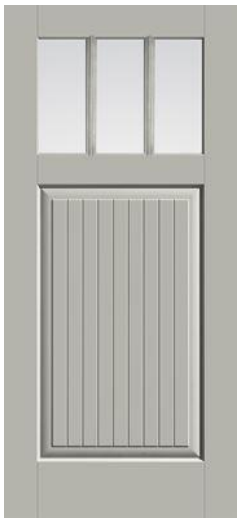
Full Lite Door w/ Panels



Shaker Style



2 Panel 1 Lite



1 Panel w/ Grid Lite







Door Hardware Finish: Oil Rubbed Bronze, Black, Nickel, Iron, Chrome & Polished Chrome

Example Exterior Paint Colors

Sample Color Palettes

There are no pre-determined exterior color selections made at this time. The following color palettes are provided only as examples of color opportunities that would be used in making the selections once the homes designs are completed.



Taupe Tones **Brown Tone** **Green Tones** **Blue Tones** **Gray Tones**

Examples of Stain Colors for Wood Siding



d. Checklist

The following represents an example of the ARC checklist form that will be submitted with each house plan designed specific to each lot. This checklist will be incorporated into the final CCR's for the development.

Architectural Checklist - New Home Construction

Property Owner: _____ *Phone #* _____

Lot # _____ *Property Address* _____

Contractor Name and Phone Number _____

Complete this checklist and submit with full set of plans and samples as necessary. A submitted plan will not be reviewed by ARC until all items required by this form are received. The submittal must be complete and not submitted as "piece-meal".

CHECKLIST

_____ **One full set of plans to scale (1/4" or 1/8") to include:*

☐ *Site Plan showing:*

- *-Lot # and house address*
- *-Property corner elevations / contour (topo) lines / easements*
- *-Dimensions for all perimeter boundary lines*
- *-Sq. ft. of lot, sq. ft. of house/garage footprint*
- *-Street Trees, location and type*
- *-Garage and House setback dimensions / Easements*
- *-Finish Floor elevation of Main, Lower, Garage Floor*
- *-Approach and Driveway w/dimensions*
- *-Location of AC units, trash and recycling containers. Must be screened from street view*
- *-Fence location and type, Retaining wall location and type*
- *-Utility meters*
- *-Owner & Contractor name, contact info (phone/email)*

☐ *Front, Side(s), Rear elevations showing:*

- *-Exterior siding and trim materials*
- *-Window locations, size and operable function*
- *-Decks (include stairs if applicable)*
- *-Note height at highest ridge in relationship to the street*

☐*Front and corner (street side) Landscaping Plan showing:*

- *-Street trees, noting size and type*
- *-Yard trees, noting size and type*
- *-Grass planting areas, noting total coverage area*
- *-Shrub planting areas, noting type, number and size*
- *-Show water features*
- *-Note any exterior lighting*

MATERIALS USED

_____ *1. <u>Roof material:</u> *color ☐Weatherwood ☐Black ☐Georgetown Gray ☐Colonial Slate*

_____ *2. <u>Building Siding:</u> *type ☐Composite Lap, ☐Cedar Lap, ☐Cedar T&G*
☐ Other

*describe:*_____

** On additional page, submit paint or stain colors for each siding type*
selected

_____ *3. <u>Exterior Masonry</u>: *type ☐ Cultured Stone describe:* _____

*location:*_____

☐ Natural Stone describe: _____

*location:*_____

☐ Brick describe: _____

*location:*_____

☐ Other describe: _____

*location:*_____

_____ 4. *Exterior Lighting*: *color ☐Black ☐Chrome ☐Stainless ☐Brass Exhibit A2
☐Other describe

_____

_____ 5. *Vinyl Windows*: *vinyl frame color ☐Black ☐White ☐Almond ☐Clay

_____ 6. *Overhead Door*: *Describe

_____

_____ 7. Entry Door: *Describe _____
-Hardware *Describe _____

_____ 8. Exterior Paint Color: Body _____
Trim _____
Accent Color _____
Stain Color _____
Garage Door _____
Entry Door _____

Please provide any other information that you would like in regard to this request:

_____
_____
_____
_____
_____
_____

The undersigned agrees to complete all construction as shown on submitted plans and completed ARC checklist and to not make changes or additions to the ARC approvals without first obtaining prior approval from the City of Sherwood Planning Staff

Owners Signature/s: _____
*DATE*_____

_____
*DATE*_____

Contractor Signature: _____
*DATE*_____

xxxx

e. **Information for Each Building Type**

(1) *Massing, facades, elevations, roof forms, proportions, materials, and color palette.*

**** See information provided above***

(2) *Architectural relevance or vernacular to the Pacific Northwest.*

**** The architectural relevance of the intended building designs and styles is consistent with the current market trends for our metropolitan area and the Pacific NW. The application of the Contemporary and Traditional designs has been applied in our market for several years and the introduction of the Modern and Modern Farmhouse design has adapted to current market demands.***

(3) *Doors, windows, siding, and entrances, including sash and trim details.*

****See information provided above***

(4) *Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.*

****The specific details of the architectural features will not be determined until the final house plan designs are completed. And the houses cannot be designed until the plat is approved. Examples have been provided above.***

(5) *A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.020*

**** A fence plan delineating the length and location of fencing cannot not be created until the house plan/site plans are completed, which first requires acceptance of the project by the city.***

This completes the Architectural Pattern Book for the Denali Summit PUD.

Denali Summit PUD

Architectural Pattern Book

Lots 1 – 16; 26 - 33

Issued To: City of Sherwood

Project Name: Denali Summit PUD

Applicant: JT Roth Construction, Inc.

Date: July 2020

12600 SW 72nd Ave, suite 200, Portland, Or. 77223 off 503 639 2639 CCB# 31700

Description

The Denali Summit PUD development project is approx. 9.95-acre site located within the Southeast Sherwood Master Plan, east of SW Murdock Road and north of SW Ironwood Lane. The development project is being submitted as a 24-lot single family detached development with minimum lot size being 10,000 sq. ft., in compliance with the current zoning overlay. The 24 lots consist of one lot with an existing home and 23 lots intended for new residential construction.

The project is being submitted as a Planned Unit Development (PUD) to allow for flexibility and creativity in the overall site design and layout. As part of the PUD standards, the Applicant has prepared this Pattern Book to describe the architectural design features that guide the design and development of the new residential structures to be constructed on each of the approved lots.

The purpose of this Pattern Book is to act as an illustrative guide on how the PUD standards will be applied.

This Pattern Book shall address the architectural design criteria contained in the Sherwood Zoning and Development Code (section 16.40.020(G) "Architectural Pattern Book").

> ***Architectural Pattern Book: A compendium of architectural elevations, details, and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in Section 16.90.020(G) or any other applicable standards in this Code. A pattern book shall act as the architectural control for the homeowner's association or the commercial owner. An Architectural Pattern Book shall address the following:***
>
> ***a. Illustrative areas within the development application covered by the pattern book.***
> ***b. An explanation of how the pattern book is organized, and how it is to be used.***
> ***c. Define specific standards for architecture, color, texture, materials, and other design elements.***
> ***d. Include a measurement or checklist system to facilitate review of the development for conformity with the pattern book.***
> ***e. Include the following information for each building type permitted outright or conditionally proposed in the PUD:***
> ***(1) Massing, facades, elevations, roof forms, proportions, materials, and color palette.***
> ***(2) Architectural relevance or vernacular to the Pacific Northwest.***
> ***(3) Doors, windows, siding, and entrances, including sash and trim details.***
> ***(4) Porches, chimneys, light fixtures, and any other unique details, ornamentation, or accents.***
> ***(5) A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.020***

The proposed Denali Summit development project has completed its' pre-app meeting with the City of Sherwood and is preparing the final documents to be submitted for land-use approval, and until such time that the City of Sherwood has approved the application/submittal we will

not be able to complete the exact house plan design(s) and exterior elevation features. Once the development has been accepted and approved by the City, defining total number of lots and lot dimensions, we can proceed with the details of the house design and architectural features, utilizing the guidelines defined in this document.

The basis for our house designs will range from a Contemporary to Transitional to Modern to Traditional to Early American and Modern Farmhouse styles that will complement the surrounding community. We have included, in this submittal, examples of homes styles that we believe will meet the demand of the new home market and become an asset to the Sherwood community.

a. Illustrative Areas

The Illustrative areas within the development application covered by this Pattern Book are focused on the architecture design features that each home will uniquely characterize. Each of the 23 house plan designs will be unique to themselves with features that are dissimilar to the other designs.

b. Organization and Use

The organization and use of this Pattern Book is broken down in order to address the criteria listed in the development code standards.

Through the process of design and development of each of the residential structures this criteria shall govern how and where the design features best apply.

The overall design and architecture of the structures are subject to final approval by the Architectural Review Committee (ARC), as shall be outlined within the subdivision CCR's. The CCR's will be drafted once the development project is approved and all conditions are determined.

Building Design

1. All residential structures shall comply with the requirements defined in the CCR's specific to this project.
2. Each structure shall have an individual and distinctive appearance.
3. There shall be no duplicate elevation of a single family home within sight of each other.
4. The mix of housing types shall feature materials that are compatible with the surrounding community and the topography of each lot.
5. Each structure shall be constructed to utilize the characteristics of the lot with the front of the home oriented toward the driveway approach, as shown on the approved design.
6. All new home plans must be drafted and engineered by a qualified person licensed to perform their trade. All engineering shall be stamped and signed by the person(s) performing or inspecting the final engineered plans.
7. The exterior siding shall be comprised of i) composite siding, ii) wood siding, iii) brick, iv) stone, or other materials specifically approved by the ARC.
8. Siding, trim and roof colors will be approved by the ARC with each submittal. No duplication of colors will be allowed, with the exception of roof color.
9. Height of the structure shall comply with existing zoning regulations.

Landscaping

1. Every landscape plan shall have an individual and distinctive design.
2. Landscape with irrigation systems must be completed within 30 days of final inspection (weather permitting)
3. The design and type of plantings are to enhance the building architecture and be consistent with the neighborhood and environment.
4. Extensive use of colored rocks and gravel for ground cover is prohibited.

c. Design Specifics

The specific standards for architecture, color, texture, materials, and other design elements are illustrated with the following examples.

Building Elevations (conceptual)

Contemporary



Transitional



Modern



Traditional



Early American



Modern Farmhouse



The design theme is intended to follow a land use plan that provides for a mix of housing types that are compatible with current trends.

Siding Materials (examples)

(Not limited to these examples). These are to be used to flow with the style of the home and add character.



*(stained cedar T&G *vertical or horizontal)*



(composite lap siding)



(staggered composite siding)



(stained cedar lap siding)



(batt & board)



(accent Shingle)



(smooth panel)

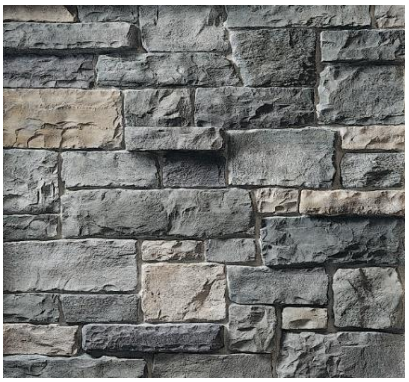


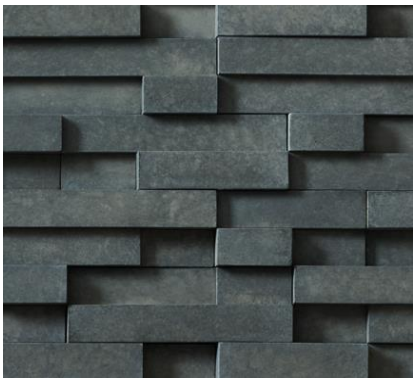
(vertical siding)

Masonry Materials (examples)

Cultured stone/Natural Stone/Brick are versatile materials with many options in order to achieve individuality and uniformity at the same time. There are a multitude of colors and types available to be used to compliment design and color themes. These examples are not intended to dictate exact colors.









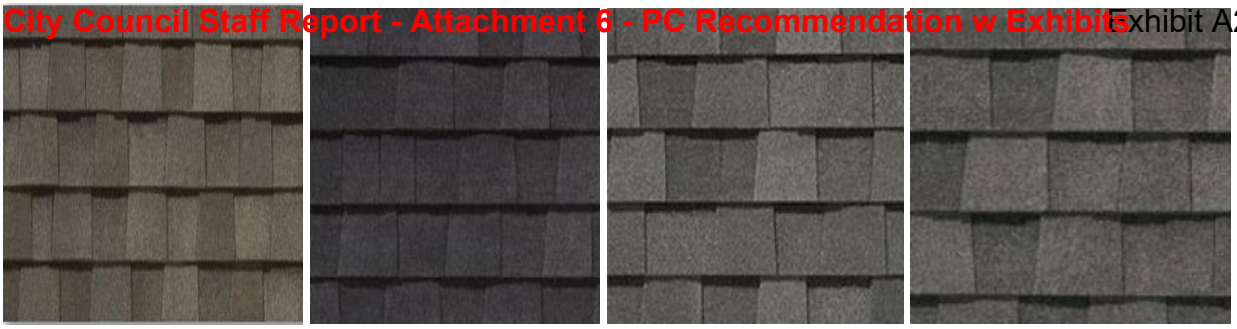




Roofing Material (examples)

Composition shingles are the most widely used roofing material. The color choices are noted below.

Weatherwood **Black** **Georgetown Gray** **Colonial Slate**



Exterior Lighting (examples)

Examples of exterior lighting that are proposed for exterior use.
Note: Fixture finish color may change based on home style and application. Finish color options include: *Black, *Satin Nickel, *Bronze, *Chrome

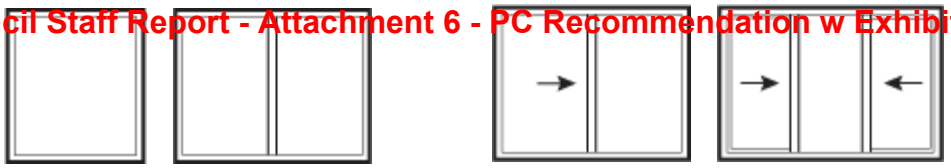


Windows Styles (examples)

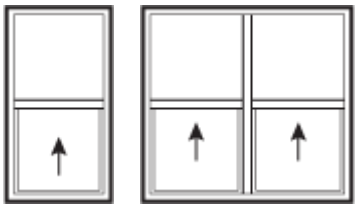
Window frames are a vinyl material. Color options are: *Almond, *Clay, *White, *Black

Example of window types

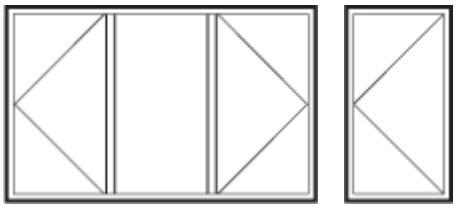
PICTURE FRAME **SLIDER**



SINGLE HUNG

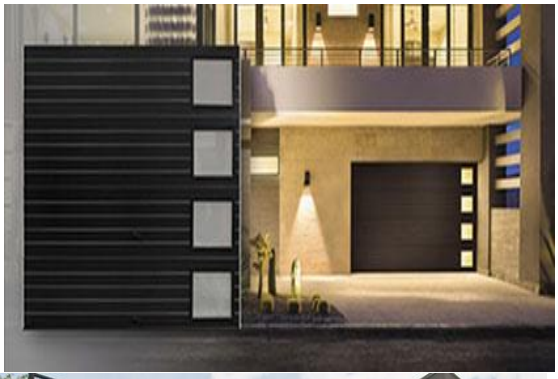


CASEMENT



Overhead Doors (examples)

Door design and style will vary with house type. Below are pictures of different door styles that could apply to the finish house design. Finish paint color will vary with color scheme.









Entry Doors/Hardware (examples)

Door style













Exterior Paint (examples)
Sample Color Palette

There are no complete stained exterior color selections made at this time. The following color palettes are provided only as examples of color opportunities that would be used in making the selections once the homes designs are completed.





Stain Samples (examples)

*Used for the cedar siding applications



d. Checklist

The following represents an example of the ARC checklist form that will be submitted with each house plan designed specific to each lot. This checklist will be incorporated into the final CCR's for the development.

Architectural Checklist - New Home Construction

Property Owner: _____ *Phone #* _____

Lot # _____ *Property Address* _____

Contractor Name and Phone Number _____

Complete this checklist and submit with full set of plans and samples as necessary. A submitted plan will not be reviewed by ARC until all items required by this form are received. The submittal must be complete and not submitted as "piece-meal".

CHECKLIST

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☐ *Site Plan showing:*

- *-Lot # and house address*
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- *-Approach and Driveway w/dimensions*
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- *-Utility meters*
- *-Owner & Contractor name, contact info (phone/email)*

☐ *Front, Side(s), Rear elevations showing:*

- *-Exterior siding and trim materials*
- *-Window locations, size and operable function*
- *-Decks (include stairs if applicable)*
- *-Note height at highest ridge in relationship to the street*

☐ *Front and corner (street side) Landscaping Plan showing:*

- *-Street trees, noting size and type*
- *-Yard trees, noting size and type*
- *-Grass planting areas, noting total coverage area*
- *-Shrub planting areas, noting type, number and size*
- *-Show water features*
- *-Note any exterior lighting*

MATERIALS USED

____ *1. <u>Roof material:</u> *color ☐Weatherwood ☐Black ☐Georgetown Gray ☐Colonial Slate*

____ *2. <u>Building Siding:</u> *type ☐Composite Lap, ☐Cedar Lap, ☐Cedar T&G*
*☐ Other describe:*_____
** On additional page, submit paint or stain colors for each siding type selected*

____ *3. <u>Exterior Masonry</u>: *type ☐ Cultured Stone describe:* _____
*location:*_____
☐ Natural Stone describe: _____

location: _____

☐ Brick describe: _____

location: _____

☐ Other describe: _____

location: _____

____ 4. Exterior Lighting: *color ☐Black ☐Chrome ☐Satin Nickel ☐Bronze ☐Other describe _____

____ 5. Vinyl Windows: *vinyl frame color ☐Black ☐White ☐Almond ☐Clay

____ 6. Overhead Door: *Describe _____

____ 7. Entry Door: *Describe _____

-Hardware *Describe _____

____ 8. Exterior Paint Color: Body _____

Trim _____

Accent Color _____

Stain Color _____

Garage Door _____

Entry Door _____

Please provide any other information that you would like in regard to this request:

_____

_____

_____

_____

_____

The undersigned agrees to complete all construction as shown on submitted plans and completed ARC checklist and to not make changes or additions to the ARC approvals without first obtaining prior approval from the City of Sherwood Planning Staff

Owners Signature/s: _____ *DATE*_____

_____ *DATE*_____

Contractor Signature: _____ *DATE*_____

xxxx

e. Information for Each Building Type

(1) Massing, facades, elevations, roof forms, proportions, materials, and color palette.

**** See information provided above***

(2) Architectural relevance or vernacular to the Pacific Northwest.

**** The architectural relevance of the intended building designs and styles is consistent with the current market trends for our metropolitan area and the Pacific NW. The application of the Contemporary and Traditional designs has been applied in our market for several years and the introduction of the Modern and Modern Farmhouse design has adapted to current market demands.***

(3) Doors, windows, siding, and entrances, including sash and trim details.

****See information provided above***

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****The specific details of the architectural features will not be determined until the final house plan designs are completed. And the houses cannot be designed until the plat is approved. Examples have been provided above.***

(5) A fencing plan with details that addresses the relationship between public space and maintaining individual privacy subject to Section 16.58.020

**** A fence plan delineating the length and location of fencing cannot not be created until the house plan/site plans are completed, which first requires acceptance of the project by the city.***

This completes the Architectural Pattern Book for the Denali Summit PUD

AFTER RECORDING RETURN TO:
Bradley T. Miller
18025 SW Brookman Rd.
Sherwood, OR 97140

DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS FOR DENALI SUMMIT

Declarant: Jacob Miller, LLC

(Bylaws of Denali Summit Homeowners Association attached as Exhibit "A")

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DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS FOR DENALI SUMMIT

THIS DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR DENALI SUMMIT ("Declaration") is made by JACOB MILLER, LLC, an Oregon Limited Liability Company ("Declarant").

Recitals

This is the Declaration of Protective Covenants, Conditions and Restrictions for Denali Summit. No Lots have been sold to third parties.

Jacob Miller, LLC an Oregon Limited Liability Company, platted the real property known as Denali Summit in the City of Sherwood, Washington County, Oregon. The following real property shall be subject to this Declaration:

> Lots 17-25 and 34-41, inclusive, and Tracts A, F, G as shown on the plat map of Denali Summit (the "Property") recorded on _____ in Washington County, Oregon, Deed Records as Document No. _____.
>
> Tracts A and G are useable common area. Tract F is a private street.

Declarant intends to make Denali Summit as a Class I planned community pursuant to the Oregon Planned Community Act. To establish Denali Summit as a planned community, Declarant desires to impose these mutually beneficial covenants, conditions, restrictions, easements, assessments and liens on the Property, under a comprehensive general plan of improvement and development for the benefit of all Lots and Common Area in Denali Summit. The site underwent remedial clean-up action through the Oregon Department of Environmental Quality ("ODEQ") to ensure any hazardous materials on site did not present a danger to public health or the environment.

Declarant has deemed it desirable for the efficient preservation of the values and amenities in Denali Summit to create a nonprofit corporation, to which will be delegated and assigned the powers and authority to own, maintain and administer the Common Area, to maintain the Commonly Maintained Property, to administer and enforce the covenants, conditions, and restrictions of this Declaration, and to collect and disburse the assessments and charges hereinafter created.

NOW THEREFORE, Declarant declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the Oregon Planned Community Act as may be amended from time to time (ORS 94.550 to 94.783) and subject to the following covenants, conditions, restrictions, easements, charges and liens, which shall run with the land, which shall be binding upon all parties having or acquiring any right, title or interest in the Property or any part thereof, and which shall inure to the benefit of the Association and of each Owner.

DEFINITIONS

1.1 "Additional Property" shall mean and refer to any Lots and Common Area Tracts which may be subsequently annexed to Denali Summit and subjected to this Declaration.

1.2 "Architectural Review Committee" or "ARC" shall refer to that committee constituted and acting pursuant to Article 6 of this Declaration.

1.1 "Articles" shall mean the Articles of Incorporation for the nonprofit corporation, Denali Summit Homeowners Association, as filed with the Oregon Secretary of State.

1.2 "Association" shall mean and refer to Denali Summit Homeowners Association, its successors and assigns.

1.3 "Board" shall mean the Board of Directors of the Association.

1.4 "Bylaws" shall mean and refer to the Bylaws of the Association which shall be recorded in the Washington County, Oregon, deed records.

1.5 "Common Area" shall mean and refer to Tracts A, F and G as shown on the recorded Plat of the Property, including any irrigation systems and improvements located thereon and any Common Area created by annexation of Additional Property and designation of all as a portion of such property as common area by a supplemental declaration and plat or by acquisition of any common property by the Association.

1.6 "Commonly Maintained Property" shall mean any property owned by a person or entity other than the Association for which the Association has the obligation to maintain, repair and replace. Commonly Maintained Property shall include, but not be limited to, the private driveway access easement located on Tract F and G.

1.7 "Declaration" shall mean the covenants, conditions, restrictions, and all other provisions set forth in this Declaration.

1.8 "Declarant" shall mean and refer to Jacob Miller, LLC, an Oregon Limited Liability Company, and its successors or assigns, or any successor or assign to all or the remainder of its interest in the Property.

1.9 "Denali Summit" shall mean Lots 17-41 of the Property and Tracts as designated on the Plat of Denali Summit, and any Lots or Tracts subsequently annexed to Denali Summit.

1.10 "Home" shall mean and refer to any portion of a structure situated on a Lot and designed and intended for use and occupancy as a residence by a single family or household.

1.10.1 "Lot" shall mean and refer to each and any of Lots 17-25, AND 34-41, and any additional Lots subsequently annexed to Denali Summit; provided, however, that "Lot" shall not include any Tracts.

1.11 "Members" shall mean and refer to the Owners of Lots in Denali Summit.

1.12 "Mortgage" means a recorded first mortgage, first trust deed, a first contract of sale that creates a first lien against a Lot, and "mortgagee" means the holder, beneficiary or vendor of such mortgage, trust deed or contract of sale, but only when such holder, beneficiary or vendor notifies the Association in writing of the existence of such mortgage and gives the Association a current name and mailing address.

1.13 "Occupant" shall mean and refer to the occupant of a Home, whether such person is an Owner, a lessee or any other person authorized by the Owner to occupy the Home.

1.14 "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot or a purchaser in possession of a Lot under a land sale contract. The foregoing does not include persons or entities that hold an interest in any Lot merely as security for the performance of an obligation.

1.15 "Plat" shall mean and refer to the Plat of Denali Summit recorded in the Plat Records of Washington County, Oregon, and any supplemental plat(s) subsequently recorded annexing additional Lots and Common Area to Denali Summit.

1.16 "Property" shall have the meaning attributed to such term in the Recitals of this Declaration and all such Lots and Common Area subsequently annexed to Denali Summit.

1.17 "Reserve Account(s)" shall mean and refer to an account set up, if any, by the Board to hold funds for repair, replacement or maintenance of the Common Area and the Commonly Maintained Property.

1.18 "Rules and Regulations" shall mean and refer to the documents containing rules and regulations and policies adopted by the Board or the Architectural Review Committee, as may be from time to time amended.

ARTICLE 2
PROPERTY SUBJECT TO THIS DECLARATION

2.1 Initial Development. The Property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Washington County, Oregon, and described in that certain Plat maps entitled "Denali Summit", filed in the plat records of Washington County, Oregon. The initial development consists of Lots 17 through 25 and 34-41, and Tracts A, F and G. Declarant does not intend to build any Common Area improvements in Denali Summit not described in this Declaration.

2.2 Annexation of Additional Property. Additional Property may be added by Declarant to Denali Summit without the approval of any other Owner or the Association. Additional Property must be annexed by a supplemental declaration not later than twenty (20) years from the date the Declaration is recorded. The annexation of such real property shall be accomplished as follows:

2.2.1 Supplemental Declaration. The Owner or Owners of such real property shall record a supplemental declaration which shall be executed by or bear the approval of Declarant and shall among other things, describe the real property to be annexed, establish land classifications for the Additional Property, establish any additional limitations, uses, restrictions, covenants and conditions which are intended to be applicable to such property, and declare that such property is held and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to this Declaration.

2.2.2 Annexed Property a Part of Denali Summit. The property included in any such annexation shall thereby become a part of Denali Summit and the Association shall accept and exercise administration of any supplemental declaration with respect to such property.

2.2.3 Voting Rights of Annexed Lots. Upon annexation, additional Lots so annexed shall be entitled to voting rights as set forth in Section 7.3 below.

2.2.4 Annexed Lot Owners as Members. After complying with the procedures for annexation and upon conveyance of the first Lot in the annexed property to an Owner, Owners of Lots in the annexed property shall be Members, shall be subject to this Declaration and shall be entitled to the use and enjoyment of all Common Area and Commonly Maintained Property in Denali Summit in the manner and for the purpose for which such Common Areas and/or Commonly Maintained Property are intended to be used and enjoyed. The Association shall reallocate the assessments to assess each Owner of a Lot in Denali Summit as provided in Article 10.

2.3 Amendment. After the conversion of Class B membership to Class A membership, this Article may not be amended without the consent of Declarant as long as the Declarant owns a Lot or has a right to annex Additional Property to Denali Summit.

2.4 Annexation with Approval of Membership. In addition to the rights of Declarant pursuant to Section 2.2, the Association or Declarant may subject any real property to the provisions of this Declaration with the consent of the Owner of such property, the affirmative vote of holders of at least seventy-five percent (75%) of the Class A voting power of the Association, and the written consent of the Class B Member, if any. Such annexation shall be accomplished by filing a supplemental declaration in the official records of Washington County, Oregon describing the property to be annexed and specifically subjecting it to the terms of this Declaration. Any such supplemental declaration shall be signed by the President and Secretary of the Association and by the Owner of the annexed property. Any such annexation shall be effective upon the filing for record of such supplemental declaration, unless otherwise provided therein.

ARTICLE 3
OWNERSHIP AND EASEMENTS

3.1 Non-Severability. The interest of each Owner in the use and benefit of the Common Area shall be appurtenant to the Lot owned by the Owner. No Lot shall be conveyed by the Owner separately from the interest in the Common Area. Any conveyance of any Lot shall automatically transfer the right to use the Common Area, subject to restrictions contained in the Declaration and Bylaws, without the necessity of express reference in the instrument of conveyance. There shall be no judicial partition of the Common Area. Each Owner, whether by deed, gift, devise or operation of law, for such Owner's benefit and for the benefit of all other Owners, specifically waives and abandons all rights, interests and causes of action for judicial partition of any interest in the Common Area and agrees that no action for judicial partition shall be instituted, prosecuted or reduced to judgment. Ownership interests in the Common Area and Lots are subject to the easements granted and reserved in this Declaration. Each of the easements granted or reserved herein shall be deemed to be established upon the recordation of this Declaration and shall thenceforth be deemed to be covenants running with the land for the use and benefit of the Owners and their Lots and shall be superior to all other encumbrances applied against or in favor of any portion of Denali Summit.

3.2 Ownership of Lots. Title to each Lot shall be conveyed in fee to an Owner. If more than one person and/or entity owns an undivided interest in the same Lot, such persons and/or entities shall constitute one Owner.

3.3 Ownership of Common Area. Subject to subsection 3.5, title to any Common Area shall be conveyed to the Association.

3.4 Easements. Individual deeds to Lots may, but shall not be required to, set forth the easements specified in this Article.

3.4.1 Easements on Plat. The Common Area and Lots are subject to the easements and rights-of-way shown on the Plat and on any supplemental plat(s).

3.4.2 Easements for Tracts. Subject to the restrictions contained herein, every Owner shall have a non-exclusive right and easement of use and enjoyment in and to Common Area Tract A. Tract F and G are private drives and/or a right of way.

3.4.3 Easements Reserved by Declarant. So long as Declarant owns any Lot, Declarant reserves an easement over, under and across the Common Area and Commonly Maintained Property in order to carry out sales activities necessary or convenient for the sale of Lots. Declarant, for itself and its successors and assigns, hereby retains a right and easement of ingress and egress to, from, over, in, upon, under and across the Common Area and Commonly Maintained Property and the right to store materials thereon and to make such other use thereof as may be reasonably necessary or incident to the construction of the improvements on the Property in such a way as not to interfere unreasonably with the occupancy, use, enjoyment or access to an Owner's Lot by such Owner or such Owner's family, tenants, employees, guests or invitees.

3.4.4 Additional Utility and Drainage Easements. Notwithstanding anything expressed or implied to the contrary, this Declaration shall be subject to all easements granted or acquired by Declarant for the installation and maintenance of utilities and drainage facilities necessary for the development of Denali Summit. No structure, planting or other material that may damage or interfere with the installation or maintenance of utilities, that may change the direction of flow of drainage channels in the easements, or that may obstruct or retard the flow of water through drainage channels in the easement areas shall be placed or permitted to remain within any easement area.

3.4.5 Association's Easements. Declarant grants to the Association and its duly authorized agents and representatives such easements over the Lots and Common Area as are necessary to perform the duties and obligations of the Association, as set forth in this Declaration, the Bylaws, and the Articles, as the same may be amended.

3.4.6 Easement to Governmental Entities. Declarant grants a non-exclusive easement over the Common Area to all governmental and quasi-government entities, agencies, utilities, and their agents for the purposes of performing their duties as utility and service providers.

3.4.7 Perimeter Easement Benefiting Association. Declarant grants to the Association and its duly authorized agents and representatives an easement over that perimeter portion of each Lot that is included within the building setbacks set by applicable ordinances for the purposes of installation, maintenance, repair, and replacement of utilities, communication lines, and drainage. The Board may grant or convey the easements reserved herein to any governmental body or agency and/or any public or private utility company or provider, upon a two-thirds (2/3) vote of the Board members at a duly called and held Board meeting.

3.5 Declarant's Right to Dedicate Common Area and Grant Easements; Board's Authority After Title Transferred to Association. Declarant reserves the right and power to dedicate and/or convey any portion or all of Tracts to any governmental body or agency. Declarant further reserves the right and power to grant an easement over Tracts to any governmental body or agency or any public or private utility company or provider without the approval of any other Owner or the Association. Declarant's rights and power under this Section shall expire as to each Tract when it is conveyed. Thereafter, the Board shall have the same powers reserved to Declarant and may exercise such power upon a two-thirds (2/3rds) or greater vote of the Board members at any duly called and held Board meeting. The provisions of this Section shall control over any provisions to the contrary contained in any other Section of the Declaration.

ARTICLE 4
USE, MAINTENANCE AND OCCUPANCY; RULES OF CONDUCT

4.1 Residential Use. Lots shall only be used for residential purposes. Except with the Board's consent no trade, craft, business, profession, commercial or similar activity of any kind shall be conducted on any Lot or in any Home, and no goods, equipment, vehicles, materials or supplies used in connection with any trade, service or business shall be kept or stored on any Lot or in any Home. Nothing in this Section shall be deemed to prohibit (a) activities relating to the sale of residences, (b) the right of Declarant or any contractor or homebuilder to construct residences on any Lot, to store construction materials and equipment on such Lots in the normal course of construction, and to use any residence as a sales office or model home for purposes of sales in Denali Summit, and (c) the right of the Owner of a Lot to maintain such Owner's personal business or professional library, keep such Owner's personal business or professional records or accounts, handle such Owner's personal business or professional telephone calls or confer with business or professional associates, clients or customers in such Owner's residence. The Board shall not approve commercial activities otherwise prohibited by this Section unless the Board determines that only normal residential activities would be observable outside of the residence and that the activities would not be in violation of applicable local government ordinances.

4.2 Construction of Homes. No construction of a Home or any other structure shall occur on a Lot unless the approval of the ARC is first obtained pursuant to Article 6. Consideration such as siting, shape, size, color, design, height, solar access, or material may be taken into account by the ARC in determining whether or not to consent to any proposed work.

4.3 Landscaping. Declarant shall install the front landscaping of each Lot. The Owner shall install the landscaping in the back of their Lot within six (6) months after the sale of a Home from the Declarant and shall be responsible for maintaining the landscaping of their Lot. Each Owner other than Declarant shall obtain the ARC's prior approval of any modification to the front yard landscaping before commencing. No ARC approval shall be required prior to installation of backyard landscaping.

4.4 Maintenance of Lots and Homes. Each Owner shall maintain such Owner's Lot and all improvements thereon in a clean and attractive condition, in good repair and in such fashion as not to create a fire hazard. Such maintenance shall include, without limitation, maintenance of windows, doors, screens, garage doors, accessory buildings, driveways, walks, patios, chimneys, gutter cleaning, landscaping, trees and other exterior improvements and glass surfaces. All repainting or restaining and exterior remodeling shall be subject to prior review and approval by the ARC. Each Owner shall repair damage caused to such Owner's Lot or improvements located thereon by fire, flood, storm, earthquake, riot, vandalism, or other

causes within a reasonable period. Provided, however, the Association shall have such obligation with respect to the Commonly Maintained Property.

4.5 Rental of Homes. An Owner may rent or lease such Owner's Home or a portion thereof, provided that the following conditions are met:

4.5.1 Written Rental Agreements Required. The Owner and the tenant enter into a written rental or lease agreement specifying that (i) the tenant shall be subject to all provisions of the Declaration, Bylaws and Rules and Regulations, and (ii) a failure to comply with any provision of the Declaration, Bylaws and Rules and Regulations shall constitute a default under the rental or lease agreement;

4.6 Animals. No animals, livestock or poultry of any kind, other than a reasonable number of household domestic pets that are not kept, bred or raised for commercial purposes and that are reasonably controlled so as not to be a nuisance, shall be raised, bred, kept or permitted within any Lot. Any Lot Owner who maintains any pet upon any portion of Denali Summit shall be deemed to have agreed to indemnify and hold the Association, each of its members and the Declarant free and harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping or maintaining such pet. Such Owner shall further abide by all governmental sanitary laws and regulations, leash and other local and state laws relating to pets and rules or regulations of the Association created by the Board of Directors. The Board of Directors shall have the right to order any person whose pet is a nuisance to remove such pet from the premises upon the delivery of the third notice in writing of a violation of any rule, regulation or restriction governing pets within Denali Summit. All pets shall be registered and inoculated as required by law.

4.7 Nuisance. No noxious, harmful or offensive activities shall be carried on upon any Lot or Common Area. Nor shall anything be done or placed on any Lot or Common Area that interferes with or jeopardizes the enjoyment of, or that is a source of annoyance to, the Owner or other Occupants. No Owner or Occupant shall cause or permit such Owner's representatives, agents, employees, or family members to cause any nuisance or to make any use or engage in any practice on the Property that is a source of annoyance to other Owners and Occupants or that interferes with other Owners' and Occupants' peaceful possession and proper use of the Property. Owners and Occupants shall exercise extreme care about creating disturbances, making noises or using musical instruments, radios, televisions and amplifiers that may disturb other Owners and Occupants. Owners and Occupants shall keep all parts of their respective Lots in a clean and sanitary condition, free of any accumulation of rubbish, refuse or garbage and free of any fire hazard and shall not cause any accumulation of rubbish, refuse or garbage or any fire hazard on any other part of the Property. Owners and Occupants shall place all of their rubbish, refuse and garbage inside disposal containers. No Owner shall make or permit any use of such Owner's Lot or of the Common Area that will increase the cost of insurance upon the Common Area. No outside burning of leaves, debris, trash, garbage or household refuse shall be permitted. No marijuana plants may be grown, in pots or otherwise, outside of a Home, and no marijuana plants may be placed on the exterior of the Home for any temporary period.

4.8 Improper, Offensive, Illegal or Unlawful Use. No Owner or Occupant shall make any improper, offensive, illegal or unlawful use of any part of the Property. Owners and Occupants shall observe all valid laws, zoning ordinances and regulations of governmental bodies having jurisdiction over the Property. The responsibility for meeting the requirements of governmental bodies for maintenance, modification or repair of the Property shall be carried out and paid for in the same manner as the responsibility for the maintenance and repair of the Property concerned.

4.9 Parking. Boats, trailers, commercial vehicles, mobile homes, campers, and other recreational vehicles or equipment, regardless of weight, shall not be parked on any part of the Common Area, or on any streets on or adjacent to the Property for more than twenty-four (24) hours, including loading or unloading, and may not be parked on any Lot, including the driveway, for more than seven (7) days unless they are fully enclosed in the garage or behind an approved screening system approved by the ARC.

4.10 Vehicles in Disrepair. No Owner shall permit any vehicle that is in a state of disrepair (e.g. including, but not limited to, fails to run, cannot be moved under its own power in current condition, flat tires, unpainted or body parts missing) or that is not currently licensed to be abandoned or to remain parked upon the Common Area or on any street on or adjacent to the Property at any time and may not permit them on a Lot for a period in excess of seven (7) days. A vehicle shall be deemed in a "state of disrepair" when the

Board reasonably determines that its presence offends the occupants of the neighborhood. If an Owner fails to remove such vehicle within five (5) days following the date on which the Association mails or delivers to such Owner a notice directing such removal, the Association may have the vehicle removed from the Property and charge the expense of such removal to the Owner as an assessment, which may be collected and enforced as any other assessments imposed pursuant to the Declaration and Bylaws.

4.11 Signs. No signs shall be erected or maintained on any Lot except that not more than one (1) "For Sale" or "For Rent" sign placed by the Owner or by a licensed real estate agent, not exceeding twenty-four (24) inches high and thirty-six (36) inches long, may be temporarily displayed on any Lot. The restrictions contained in this Section shall not prohibit the temporary placement of "political" signs on any Lot by the Owner or Occupant. Provided, however, political signs shall be removed within three (3) days after the election day pertaining to the subject of the sign. Real estate signs shall be removed within three (3) days after the sale closing date.

4.12 Rubbish and Trash. No Lot or part of the Common Area shall be used as a dumping ground for trash or rubbish of any kind. All garbage and other waste shall be kept in appropriate containers for proper disposal and out of public view. Solid waste, garbage and recycling containers shall be brought to the nearest public road on collection dates. Yard rakings, dirt and other material resulting from landscaping work shall not be dumped onto streets, the Common Area or any other Lots. If an Owner fails to remove any trash, rubbish, garbage, yard rakings or any similar materials from any Lot, any streets or the Common Area where deposited by such Owner or the Occupants of such Owner's Lot after notice has been given by the Board to the Owner, the Association may have such materials removed and charge the expense of such removal to the Owner. Such charge shall constitute an assessment, which may be collected and enforced as any other assessments imposed pursuant to the Declaration and Bylaws.

4.13 Fences and Hedges. No fences or boundary hedges shall be installed or replaced without prior written approval of the ARC.

4.14 Service Facilities. Service facilities (garbage containers, fuel tanks, clotheslines, etc.) shall be screened such that such facilities are not visible at any time from the street. All telephone, electrical, cable television and other utility installations shall be placed underground in conformance with applicable law and subject to approval by the ARC. No on-site storage of gasoline, heating or other fuels or any flammable liquids or gases shall be permitted on any part of a Lot, including any Home, except that up to five (5) gallons of fuel may be stored in each Home for emergency purposes and for the operation of lawn mowers and similar tools or equipment.

4.15 Antennas and Satellite Dishes. Except as otherwise provided by law or this Section, no exterior antennas, satellite dishes, microwave, aerial, tower or other devices for the transmission or reception of television, radio or other forms of sound or electromagnetic radiation shall be erected, constructed or placed on any Common Area or Lot. Exterior satellite dishes with a surface diameter of one (1) meter or less and antennas designed to receive television broadcast signals or multi-channel multi-point distribution (wireless cable), may be placed on an Owner's Home. They shall be screened from neighboring Home to the extent possible. The Board or ARC may adopt reasonable rules and regulations governing the installation, safety, placement and screening of antennas, satellite dishes and other similar devices. This section and any rules adopted hereunder shall not unreasonably delay or increase the cost of installation, maintenance or use, or preclude reception of a signal of acceptable quality.

4.16 Exterior Lighting or Noise-making Devices. Except with the consent of the ARC, no exterior lighting or noise-making devices, other than security and fire alarms, shall be installed or maintained on any Home.

4.17 Basketball Hoops. No Owner may install a permanent basketball hoop on any Lot without the ARC's prior approval. The ARC may, in its discretion, prohibit such basketball hoops.

4.18 Grades, Slopes and Drainage. There shall be no interference with the established drainage patterns or systems over or through any Lot within Denali Summit so as to affect any other Lot or Common Area or any real property outside Denali Summit unless adequate alternative provision is made for proper drainage and is approved by the ARC. The term "established drainage" shall mean the drainage swales, conduits, inlets and outlets designed and constructed for Denali Summit.

4.19 Damage or Destruction to Home and/or Lot. If all or any portion of a Lot or Home is damaged by fire or other casualty, the Owner shall either (i) restore the damaged improvements or (ii) remove all damaged improvements, including foundations, and leave the Lot in a clean and safe condition. Any restoration proceeding under (i) above must be performed so that the improvements are in substantially the same condition in which they existed prior to the damage, unless the provisions of Article 6 are complied with by the Owner. The Owner must commence such work within sixty (60) days after the damage occurs and must complete the work within six (6) months thereafter.

4.20 Right of Maintenance and Entry by Association. If an Owner fails to perform maintenance and/or repair that such Owner is obligated to perform pursuant to this Declaration, and if the Board determines, after notice, that such maintenance and/or repair is necessary to preserve the attractiveness, quality, nature and/or value of Denali Summit, the Board may cause such maintenance and/or repair to be performed and may enter any such Lot whenever entry is necessary in connection with the performance thereof. An Owner may request, and the Board shall conduct, a hearing on the matter. The Owner's request shall be in writing delivered within five (5) days after receipt of the notice, and the hearing shall be conducted within not less than five (5) days nor more than twenty (20) days after the request for a hearing is received. Entry shall be made with as little inconvenience to an Owner as practicable and only after advance written notice of not less than forty-eight (48) hours, except in emergency situations. The costs of such maintenance and/or repair shall be chargeable to the Owner of the Lot as an assessment, which may be collected and enforced as any other assessments authorized hereunder.

4.21 Association Rules and Regulations. The Board from time to time may adopt, modify or revoke such Rules and Regulations governing the conduct of persons and the operation and use of Lots and the Common Area as it may deem necessary or appropriate to assure the peaceful and orderly use and enjoyment of the Property and the administration and operation of the Association. A copy of the Rules and Regulations, upon adoption, and a copy of each amendment, modification or revocation thereof, shall be delivered by the Board promptly to each Owner and shall be binding upon all Owners and occupants of all Lots upon the date of delivery or actual notice thereof. Subject to approval or consent by the Board, the ARC may adopt rules and regulations pertinent to its functions.

4.22 Ordinances and Regulations. The standards and restrictions set forth in this Article 4 shall be the minimum required. To the extent that local governmental ordinances and regulations are more restrictive or provide for a higher or different standard, such local governmental ordinances and regulations shall prevail.

4.23 Temporary Structures. No structure of a temporary character or any trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot as a residence, either temporarily or permanently.

4.24 Declarant Exemptions. The Declarant shall be exempt from the application of Section 4.11.

4.25 Accessory Buildings. All accessory buildings and structures shall require prior approval of the ARC. All accessory buildings and structures shall be designed, constructed and maintained compatible with the exterior materials, character and style of the Home. The ARC may require the accessory buildings to be painted the same color as the Home.

ARTICLE 5
COMMON AREA AND COMMONLY MAINTAINED PROPERTY

5.1 Use of Common Areas. Use of the Common Area is subject to the provisions of the Declaration, Bylaws, Articles and the Rules and Regulations adopted by the Board. There shall be no obstruction of any part of the Common Area. Nothing shall be stored or kept in the Common Area without the prior written consent of the Board. No Owner shall place or cause to be placed on any portion of the Common Area any trash, structure, equipment, improvement, furniture, package or object of any kind. Common Areas shall be used for no purpose other than what is customary for such areas. No alterations or additions to the Common Area shall be permitted without the prior written consent of the Board. The initial Common Area owned by the Association consists solely of Tracts A, F .and G. Additional Common Area may be created by annexation of Additional Property by a supplemental declaration and plat.

5.2 Maintenance of Common Area and Commonly Maintained Property. The Association shall be responsible for maintenance, repair, replacement, and upkeep of the Common Area (except to the extent such maintenance is done by a government agency) and Commonly Maintained Property. The cost shall be at the equal expense of the Owners of Lots subject to assessment. The Association shall keep the Common Area and Commonly Maintained Property in good condition and repair, provide for all necessary services and cause all acts to be done which may be necessary or proper to assure the maintenance of the Common Area and Commonly Maintained Property.

5.3 Alterations to Common Area. Only the Association or governmental agency have jurisdiction over the area and shall construct, reconstruct, or alter any improvement located on the Common Area. A proposal for any construction of or alteration, maintenance or repair to any such improvement may be made at any Board meeting.

5.4 Funding. Expenditures for alterations, maintenance or repairs to an existing improvement for which a reserve has been collected shall be made from the Reserve Account. The Board may levy a special assessment to fund any construction, alteration, repair or maintenance of the Common Area and Commonly Maintained Property for which no reserve has been collected or for which the Reserve Account is insufficient to cover the cost.

5.5 Condemnation of Common Area. If all or any portion of the Common Area is taken for any public or quasi-public use under any statute, by right of eminent domain or by purchase in lieu of eminent domain, the entire award shall be received by and expended by the Board in a manner that, in the Board's discretion, is in the best interest of the Association and the Owners. The Association shall represent the interest of all Owners in any negotiations, suit, action or settlement in connection with such matters.

5.6 Damage or Destruction of Common Area. If all or any portion of the Common Area or Commonly Maintained Property is damaged or destroyed by an Owner or any of Owner's guests, Occupants, tenants, licensees, agents or members of Owner's family, such Owner hereby authorizes the Association to repair such damage. The Association shall repair the damage and restore the area in workmanlike manner as originally constructed or as may be modified or altered subsequently by the Association in the discretion of the Board. Reasonable costs incurred in connection with affecting such repairs shall become a special assessment upon the Lot and against the Owner who caused or is responsible for such damage.

5.7 Power of Association to Sell, Convey or Grant Security Interest in Common Area. The Association may sell, convey or subject to a security interest any portion of the Common Area pursuant to the processes and limitations set forth in ORS 94.665.

ARTICLE 6
ARCHITECTURAL REVIEW COMMITTEE

6.1 Architectural Review. No improvement shall be commenced, erected, placed or altered on any Lot until the construction plans and specifications showing the nature, shape, heights, materials, colors, and proposed location of the improvement have been submitted to and approved in writing by the ARC. This Article's purpose is to assure quality of workmanship and materials and harmony between exterior design and the existing improvements and landscaping and as to location with respect to topography and finished grade elevations. The ARC shall not be responsible for determining compliance with structural and building codes, solar ordinances, zoning codes or other governmental regulations, all of which are the applicant's responsibility. The procedure and specific requirements for review and approval of construction shall be set forth in design guidelines and standards adopted from time to time by the ARC. The provisions of this Article shall apply in all instances in which this Declaration requires the ARC's consent.

6.2 Architectural Review Committee, Appointment and Removal. Declarant shall act as the ARC until Denali Summit is one hundred percent (100%) built out. After build out, or such earlier time as the Declarant may elect in writing, the Board shall have the right to appoint and remove members of the ARC. After the Board has the right to appoint the members of the ARC, the ARC shall consist of no fewer than three (3) members and no more than five (5) members. The Board may appoint itself as the ARC or any of its members to the ARC. If an ARC has not been appointed, the Board shall serve as the ARC. Homes built by the Declarant shall not require ARC approval.

6.3 Majority Action. Except as otherwise provided in this Declaration, a majority of the members of the ARC shall have the power to act on behalf of the ARC, without the necessity of a meeting and without the necessity of consulting the remaining member or members of the ARC. The ARC may render its decision only by written instrument setting forth the action taken by the members consenting thereto.

6.4 Duties. The ARC shall consider and act upon the proposals and/or plans submitted pursuant to this Article. The ARC, from time to time and at its sole discretion, may adopt architectural rules, regulations and guidelines ("Architectural Standards").

6.5 ARC Decision. The ARC shall render its written decision approving or denying each application submitted to it within fifteen (15) working days after its receipt of all materials required with respect to such application. If the ARC fails to render such written decision within fifteen (15) days of its receipt of all required materials or request an extension, the application shall be deemed approved. The ARC shall be entitled to request one or more extensions of time, not to exceed thirty (30) days. In the event of such extension requests, if the ARC does not render a written decision within the extension period, the application shall be deemed approved. Provided, however, the applicant may agree to further extensions to allow the applicant to complete or supplement the application.

6.6 ARC Discretion. The ARC, at its sole discretion, may withhold consent to any proposed work if the ARC finds the proposed work would be inappropriate for the particular Lot or incompatible with the design standards that the ARC intends for Denali Summit. The ARC may consider siting, shape, size, color, design, height, view preservation, solar access or other effect on the enjoyment of other Lots or the Common Area, and any other factors that it reasonably believes to be relevant in determining whether or not to consent to any proposed work.

6.7 Nonwaiver. Consent by the ARC to any matter proposed to it or within its jurisdiction shall not be deemed to constitute precedent or waiver impairing its right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.

6.8 Appeal. Once the Board has the right to appoint ARC members, any Owner adversely impacted by action of the ARC may appeal such action to the Board. Such appealing Owner shall submit to the Board a written notice of appeal, setting forth specific objections or mitigating circumstances justifying the appeal, to the Board within ten (10) days after the ARC's action. The Board shall issue a final, conclusive decision within forty-five (45) days after receipt of such notice, and such decision shall be final and binding upon the appealing Owner and the ARC. Provided, however, the Board shall make reasonable efforts to reach a decision within twenty (20) days. If the Board is serving as the ARC, then such appeal shall be deemed a request for reconsideration.

6.9 Effective Period of Consent. The ARC's consent to any proposed work shall automatically expire three (3) months after issuance unless construction of the project has been commenced or the Owner has applied for and received an extension of time from the ARC.

6.10 Determination of Compliance. The ARC may inspect, from time to time, all work performed and determine whether it is in substantial compliance with the approval granted. If the ARC finds that the work was not performed in substantial conformance with the approval granted, or if the ARC finds that the approval required was not obtained, the ARC shall notify the Owner in writing of the noncompliance. The notice shall specify the particulars of noncompliance and shall require the Owner to remedy the noncompliance.

6.11 Noncompliance. If the ARC determines that an Owner has not constructed an improvement consistent with the specifications of an ARC approval or an Owner has constructed an improvement without obtaining ARC approval, and the ARC sends a notice of noncompliance to such Owner and such Owner fails to commence diligently remedying such noncompliance in accordance with such notice, then, effective at 5 p.m. on the third (3rd) day after issuance of such notice, the ARC shall provide notice of a hearing to consider the Owner's continuing noncompliance. The hearing shall be set not more than thirty (30) days from the date on which the notice of noncompliance was issued. At the hearing, if the ARC finds that there is no valid reason for the continuing noncompliance, the ARC shall determine the estimated costs of achieving compliance and may issue a fine against the noncomplying

Owner for such amount. The ARC also shall require the Owner to remedy such noncompliance within ten (10) days after the date of the ARC's determination. If the Owner does not comply with the ARC's ruling within such period or any extension thereof granted by the ARC, at its sole discretion, the ARC may remove the noncomplying improvement, remedy the noncompliance, and/or record a notice of noncompliance in the county deed records. The costs of any such action shall be assessed against the Owner as an assessment either before or after any remedial action is taken.

6.12 Liability. Neither the ARC nor any member thereof shall be liable to any person or entity for any damage, loss or prejudice suffered or claimed on account of any action or failure to act of the ARC or a member thereof, provided only that the ARC or the member has, in accordance with its or his actual knowledge, acted in good faith.

6.13 Estoppel Certificate. Within fifteen (15) working days after the ARC's receipt of a written request from an Owner and the ARC's receipt of payment of a reasonable fee fixed by the ARC to cover costs, the ARC shall provide such Owner with a certificate executed by the Chairperson or other authorized member of the ARC certifying with respect to any Lot owned by the Owner, that, as of the date thereof either (a) all improvements made or done upon such Lot comply with this Declaration, or (b) such improvements do not so comply, in which event, the certificate shall also identify the noncomplying improvements and set forth with particularity the nature of such noncompliance. The Owner and such Owner's heirs, devisees, successors and assigns shall be entitled to rely on the certificate with respect to the matters set forth therein. The certificate shall be conclusive as among Declarant, the ARC, the Association, all Owners, and all persons deriving any interest through any of them.

6.14 Fees. The ARC may charge applicants a reasonable application fee and additional costs incurred or expected to be incurred by the ARC to retain architects, attorneys, engineers and other consultants to advise the ARC concerning any aspect of the applications and/or compliance with any appropriate architectural criteria or standards. Such fees shall be collectible as assessments.

6.15 Declarant and Successor Exempt From ARC. The Declarant or a successor to all of the unsold Lots shall be exempt from the requirement to submit and have plans approved by the ARC.

ARTICLE 7
MEMBERSHIP IN THE ASSOCIATION

7.1 Members. Each Owner shall be a member of the Association. Membership in the Association shall be appurtenant to, and may not be separated from, ownership of any Lot. Transfer of ownership of a Lot shall transfer automatically membership in the Association. Without any other act or acknowledgment, Occupants and Owners shall be governed and controlled by this Declaration, the Articles, Bylaws, and the Rules and Regulations of the Association and any amendments thereof.

7.2 Proxy. Each Owner may cast such Owner's vote in person, by written ballot or pursuant to a proxy executed by such Owner. An Owner may not revoke a proxy given pursuant to this Section except by actual notice of revocation to the person presiding over a meeting of the Association. A proxy shall not be valid if it is undated or purports to be revocable without notice. A proxy shall terminate one (1) year after its date, unless the proxy specifies a shorter term.

7.3 Voting Rights. The Association shall have two (2) classes of voting members:

7.3.1 Class A. Class A members shall be all Owners of Lots other than Declarant, and each Class A member shall be entitled to one (1) vote for each Lot owned with respect to all matters upon which Owners are entitled to vote.

7.3.2 Class B. The Class B member shall be Declarant, its successors and assigns. The Class B member shall have three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership upon the earlier of the following dates (the "Termination Date"):

(a) Twenty (20) years after the date this Declaration is recorded; and

(b) At such earlier time as Declarant elects in writing to terminate Class B membership.

After the Termination Date, each Owner, including Declarant, shall be entitled to one (1) vote for each Lot owned with respect to all matters upon which Owners are entitled to vote, and the total number of votes shall be equal to the total number of Lots subject to this Declaration, initially or through annexation.

When more than one (1) person or entity owns a Lot, the vote for such Lot may be cast as they shall determine, but in no event shall fractional voting be allowed. Fractional or split votes shall be disregarded, except for purposes of determining a quorum.

7.4 Procedure. All meetings of the Association, the Board, the ARC, and Association committees shall be conducted with such rules of order as may from time to time by adopted by the Board. Notwithstanding which rule of order is adopted, the President shall be entitled to vote on all matters, not merely to break a tie vote. A tie vote does not constitute a majority or approval of any motion or resolution.

ARTICLE 8
DECLARANT CONTROL

8.1 Interim Board and Officers. Declarant hereby reserves administrative control of the Association. Declarant, in its sole discretion, shall have the right to appoint and remove members of an interim board (the "Interim Board"), which shall manage the affairs of the Association and be invested with all powers and rights of the Board until the Turnover Meeting (as hereinafter defined). The Interim Board shall consist of from one (1) to three (3) members. Notwithstanding the provision of this Section, at the Turnover Meeting, at least one (1) Director shall be elected by Owners other than Declarant, even if Declarant otherwise has voting power to elect all three (3) Directors.

8.2 Turnover Meeting. Declarant shall call a meeting for the purposes of turning over administrative control of the Association from Declarant to the Class A members within sixty (60) days of the earlier of the following dates:

8.2.1 Latest Date. Eighty percent (80%) of the Lots have been sold and conveyed by Declarant to third parties;

8.2.2 Optional Turnover. At such time as Declarant has elected in writing to terminate Class B membership.

Declarant shall give notice of the Turnover Meeting to each Owner as provided in the Bylaws. If Declarant does not call the Turnover Meeting required under this Section, the Transitional Advisory Committee or any Owner may do so.

ARTICLE 9
DECLARANT'S SPECIAL RIGHTS

9.1 General. Declarant is undertaking the work of developing Lots and other improvements within Denali Summit. The completion of the development work and the marketing and sale of the Lots is essential to the establishment and welfare of the Property as a residential community. Until the Homes on all Lots on the Property, including Additional Property that may be annexed, have been constructed, fully completed and sold, with respect to the Common Area and each Lot on the Property, Declarant shall have the special rights set forth in this Article 9.

9.2 Marketing Rights. Declarant shall have the right to maintain a sales office and model on one or more of the Lots which Declarant owns. Declarant and prospective purchasers and their agents shall have the right to use and occupy the sales office and models during reasonable hours any day of the week. Declarant may maintain a reasonable number of "For Sale" signs at reasonable locations on the Property, including, without limitation, on the Common Area.

9.3 Declarant Easements. Declarant reserves easements over the Property as more fully described in Sections 3.4 and 3.5 hereof.

9.4 Additional Improvements. Declarant does not agree to build any improvements not described in this Declaration.

9.5 Control of the ARC. Declarant shall have the right, but not the obligation, to control all aspects of the ARC, including the modification or adoption of the Architectural Standards as described in Article 6 herein.

ARTICLE 10
FUNDS AND ASSESSMENTS

10.1 Purpose of Assessments; Expenses. The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, aesthetics and welfare of the Owners and Occupants of Denali Summit, for the improvement, operation and maintenance of the Common Area and the Commonly Maintained Property, for the payment of obligations of the Association, for the administration and operation of the Association and for property and liability insurance.

10.2 Covenants to Pay. Owners covenant and agree to pay the Association the assessments and any additional charges levied pursuant to this Declaration or the Bylaws. All assessments for operating expenses, repairs and replacement and reserves shall be allocated among the Lots and their Owners as set forth in Section 10.4.2. Provided, however, Lots owned by the Declarant shall not be subject to assessment.

10.2.1 Funds Held in Trust. The assessments collected by the Association shall be held by the Association for and on behalf of each Owner and shall be used solely as set forth in Section 10.1. The assessments are the property of the Association and are not refundable to Owners or Lots. Upon the sale or transfer of any Lot, the Owner's interest in such funds shall be deemed automatically transferred to the successor in interest to such Owner.

10.2.2 Offsets. No offsets against any assessment shall be permitted for any reason, including, without limitation, any claim that the Association is not properly discharging its duties.

10.2.3 Right to Profits. Association profits, if any, shall be the property of the Association and shall be contributed to the Current Operating Account.

10.3 Basis of Assessment; Commencement of Assessments. The Declarant shall pay all common expenses of the Association until the Lots are assessed for common expenses. The amount of the initial annual assessment to Owners other than the Declarant shall be determined by the Declarant. The Declarant shall be exempt from paying any assessments (operating, special and reserve) on all Lots owned by it.

10.3.1 Commencement of Operating Assessments. The date of commencement of the operating assessments shall be determined by the Declarant; however, in no event shall they commence later than the Turnover Meeting; provided, however, the Declarant shall be exempt from paying the operation portion of the assessment on all Lots owned by it.

10.3.2 Commencement of Reserves. The reserve portion of the assessment, if any, shall commence for a Lot from date of transfer of ownership of that Lot from the Declarant to a third party. The Declarant shall be exempt from paying the reserve portion of the assessment on all Lots owned by it.

10.4 Annual Assessments. Annual assessments for each year shall be established when the Board approves the budget for that year. The initial assessment and the implementation thereof shall be determined by the Declarant and shall be prorated on a monthly basis. For prospective purposes, any portion of a month shall count as a full month. Unless otherwise specified by the Board, annual assessments shall be due and payable on the first day of each calendar year during the term of this Declaration.

10.4.1 Budgeting. Regardless of the number of Members or the amount of assets of the Association, each year the Board shall prepare, approve and make available to each Member a pro forma operating statement (budget) containing estimated revenue and expenses. Once assessments begin, the Board shall annually prepare and approve the budget and distribute a copy thereof to each Member, together with written notice of the amount of the annual assessments to be levied against the Owner's Lot, not less than thirty (30) days and not more than ninety (90) days prior to the beginning of the calendar year.

10.4.2 Allocation of Assessments. The total amount in the budget shall be charged equally against all Lots that are subject to assessment.

10.4.3 Nonwaiver of Assessments. If before the expiration of any year the Association fails to fix annual assessments for the next year, the annual assessments established for the preceding year shall continue until a new annual assessment is fixed.

10.5 Special Assessments. The Board and/or the Owners shall have the power to levy special assessments against an Owner or all Owners in the following manner for the following purposes; provided however, the Declarant shall be exempt from special assessments:

10.5.1 Correct Deficit. To correct a deficit in the operating budget, by vote of a majority of the Board;

10.5.2 Special Obligations of an Owner. To collect amounts due to the Association from an Owner for breach of the Owner's obligations under this Declaration, the Bylaws, or the Rules and Regulations, by vote of a majority of the Board;

10.5.3 Repairs. To collect additional amounts necessary to make repairs or renovations to the Common Area or Commonly Maintained Property if sufficient funds are not available from the operating budget or replacement reserve accounts, by vote of a majority of the Board; or

10.5.4 Capital Improvements. To make capital acquisitions, additions or improvements, by vote of at least eighty percent (80%) of all votes allocated to the Lots.

10.6 Accounts.

10.6.1 Types of Accounts. Assessments collected by the Association shall be deposited into at least two (2) separate accounts with a bank, which accounts shall be clearly designated as (i) the Current Operating Account and (ii) the Reserve Account. The Board shall deposit or cause to be deposited those portions of the assessments collected for current maintenance and operation into the Current Operating Account and shall deposit those portions of the assessments collected as reserves for major maintenance, repair, replacement and deferred maintenance of the Common Area and Commonly Maintained Property, if any, into the Reserve Account. In its books and records, the Association shall account separately for operating expenses relating to the Common Area/Commonly Maintained Property and operating expenses relating to all other matters, as well as for necessary reserves relating to the Common Area/Commonly Maintained Property and necessary reserves relating to all other matters.

10.6.2 Reserve Account. Declarant shall establish a Reserve Account, in the name of the Association, which shall be kept separate from all other funds held by the Association. The Association shall pay out of the Reserve Account only those costs that are attributable to the maintenance, repair or replacement of any Common Area property and Commonly Maintained Property that normally requires major maintenance, repair or replacement, in whole or in part, within one (1) to thirty (30) years and not for regular or periodic maintenance and expenses. No funds collected for the Reserve Account may be used for ordinary current maintenance and operation purposes.

10.6.2.1 Calculation of Reserve Assessment; Reserve Study. The reserve assessment is based on the estimated remaining life and current replacement cost of any Common Area property and Commonly Maintained Property which normally requires major maintenance, repair or replacement, in whole or in part, within one (1) to thirty (30) years. Not less often than annually, the Board of Directors shall inventory all items of any Common Area and Commonly Maintained Property and shall estimate the remaining life of each item and the current replacement cost of each of such items. The total

Reserve Account assessment shall be equal to the sum of the estimated major maintenance repair or replacement cost of each item which has an estimated life of greater than one (1) but less than thirty (30) years, divided by the estimated number of years of life for such item. The Board of Directors shall establish a thirty (30)-year plan for maintenance, repair and replacement of any Common Area and Commonly Maintained Property with regular and adequate contributions, adjusted by estimated inflation and interest earned on reserves, to meet the maintenance, repair, and replacement schedule. The Board of Directors shall, within thirty (30) days after conducting the reserve study, provide to every Owner a written summary of the reserve study and of any revisions to the thirty (30)-year plan adopted by the Board of Directors or the Declarant as a result of the reserve study. The reserve account assessment shall be allocated pursuant to Section 10.4.2. The Board of Directors shall annually conduct a reserve study and a maintenance plan for the common elements, or review and update an existing study of any Common Area or Commonly Maintained Property to determine the reserve account requirements.

10.6.2.2 Loan from Reserve Account. After the Turnover Meeting described in Section 8.2, the Board may borrow funds from the Reserve Account to meet high seasonal demands on the Association's regular operating fund or to meet unexpected increases in expenses. Funds borrowed must be repaid later from assessments if the Board has adopted a resolution, which may be an annual continuing resolution, authorizing the borrowing of funds. Not later than the adoption of the budget for the following year, the Board shall adopt by resolution a written payment plan providing for repayment within a reasonable period.

10.6.2.3 Investment of Reserve Account. Nothing in this Section prohibits the prudent investment of Reserve Account funds, subject to any constraints imposed by the Board, the Bylaws, the Rules and Regulations or the Oregon Planned Community Act.

10.6.2.4 Refunds of Assessments. Assessments paid into the Reserve Account are the property of the Association and are not refundable to sellers or Owners of Lots. Sellers or Owners of Lots may treat their outstanding share of the Reserve Account's balance as a separate item in the sales contract providing for the conveyance of their Lot.

10.6.2.5 Reserves on Declarant Owned Lots. If a Lot owned by the Declarant becomes subject to assessment as provided in Section 10.4.2, the Declarant may accrue the reserve portion of the assessment until the Lot is sold to a third party not affiliated with the Declarant.

10.6.3 Current Operating Account. All costs other than those to be paid from the Reserve Account may be paid from the Current Operating Account.

10.7 Default in Payment of Assessments; Enforcement of Liens.

10.7.1 Personal Obligation. All assessments properly imposed under this Declaration or the Bylaws shall be the joint and several personal obligation of all Owners of the Lot to which such assessment pertains. In a voluntary conveyance (that is, one other than through foreclosure or a deed in lieu of foreclosure), the grantees shall be jointly and severally liable with the grantors for all Association assessments imposed through the recording date of the instrument effecting the conveyance. A suit for a money judgment may be initiated by the Association to recover such assessments without either waiving or foreclosing the Association's lien.

10.7.2 Association Lien. The Association shall have a lien against each Lot for any assessment (of any type provided for by this Declaration or the Bylaws) or installment thereof that is delinquent. The Association's lien shall accumulate all future assessments or installments, reimbursement assessments, interest, late fees, penalties, fines, attorneys' fees (whether or not suit or action is instituted), actual administrative costs, and other appropriate costs properly chargeable to an Owner by the Association, until such amounts are fully paid. Recording of the Declaration constitutes record notice and perfection of the lien. Said lien may be foreclosed at any time pursuant to the Planned Community Act. The Association shall record a notice of a claim of lien for assessments and other charges in the deed records of Washington County, Oregon, before any suit to foreclose may be filed. The lien of the Association shall be superior to all other liens and encumbrances except property taxes and assessments, any first mortgage, deed of trust or land sale contract recorded before the Association's notice of lien.

10.7.3 Interest; Fines; Late Fees; Penalties. The Board, in its reasonable discretion, may from time to time adopt resolutions to set the rate of interest and to impose late fees, fines and penalties on delinquent assessments or for violations of the provisions of this Declaration, the Bylaws, Architectural Standards and the Rules and Regulations adopted by the Board or the ARC. The adoption of such impositions shall be communicated to all Owners in writing before the effective date by a notice mailed to the assessment billing address of such Owners or transmitted electronically to the Owners as permitted by the Planned Community Act. Such impositions shall be considered assessments that are lienable and collectible in the same manner as any other assessments; provided, however, that fines or penalties for violation of this Declaration, the Bylaws or any rule and regulation, other than late fees, fines or interest arising from an Owner's failure to pay regular or special assessments may not be imposed against an Owner or such Owner's Lot until such Owner is given an opportunity for a hearing as elsewhere provided herein.

10.7.4 Acceleration of Assessments. If an Owner is delinquent in payment of any assessment or installment on any assessment, the Association, upon not less than ten (10) days' written notice to the Owner, may accelerate the due date of the full annual assessment for that calendar year and all future installments of any special assessments.

10.7.5 Association's Right to Rents; Receiver. In any foreclosure suit by the Association with respect to such lien, the Association shall be entitled to collect reasonable rent from the defaulting Owner for the use of such Owner's Lot or shall be entitled to the appointment of a receiver.

10.8 Statement of Assessments.

10.8.1 The Association shall provide, within ten (10) business days of receipt of a written request from an Owner, a written statement that provides:

10.8.1.1 The amount of assessments due from the Owner and unpaid at the time the request was received, including:

(a) Regular and special assessments;
(b) Fines and other charges;
(c) Accrued interest; and
(d) Late payment charges.

10.8.1.2 The percentage rate at which interest accrues on assessments that are not paid when due.

10.8.1.3 The percentage rate used to calculate the charges for late payment or the amount of a fixed charge for late payment.

10.8.2 The Association is not required to comply with Section 10.8.1 if the Association has commenced litigation by filing a complaint against the Owner and the litigation is pending when the statement would otherwise be due.

ARTICLE 11
GENERAL PROVISIONS

11.1 Records. The Board shall preserve and maintain minutes of the meetings of the Association, the Board and any committees. The Board also shall keep detailed and accurate financial records, including individual assessment accounts of Owners, the balance sheet, and income and expense statements. Individual assessment accounts shall designate the name and address of the Owner or Owners of the Lot, the amount of each assessment as it becomes due, the amounts paid upon the account, and the balance due on the assessments. The minutes of the Association, the Board and Board committees, and the Association's financial records shall be maintained in the state of Oregon and reasonably available for review and copying by the Owners. A reasonable charge may be imposed by the Association for providing copies.

11.2 Delegation to a Master Association. The Association may, pursuant to a resolution adopted by the Board, delegate any of the powers of the Association under the Planned Community Act, the Declaration and/or Bylaws to a master association and the master association may exercise such power. The Association may contract with the master association to perform any obligations or duties of the Association, the cost of which shall be charged to the Association.

11.3 Indemnification of Directors, Officers, Employees and Agents. The Association shall indemnify any Director, officer, employee or agent who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by the Association) by reason of the fact that such person is or was a Director, officer, employee or agent of the Association or is or was serving at the request of the Association as a Director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by said person in connection with such suit, action or proceeding if such person acted in good faith and in a manner that such person reasonably believed to be in, or not opposed to, the best interest of the Association, and, with respect to any criminal action or proceedings, had no reasonable cause to believe that such person's conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or with a plea of nolo contendere or its equivalent, shall not of itself create a presumption that a person did not act in good faith and in a manner which such person reasonably believed to be in, or not opposed to, the best interest of the Association, and, with respect to any criminal action or proceedings, had reasonable cause to believe that such person's conduct was unlawful. Payment under this clause may be made during the pendency of such claim, action, suit or proceeding as and when incurred, subject only to the right of the Association to reimbursement of such payment from such person, should it be proven at a later time that such person had no right to such payments. All persons who are ultimately held liable for their actions on behalf of the Association as a Director, officer, employee or agent shall have a right of contribution over and against all other Directors, officers, employees or agents and members of the Association who participated with or benefited from the acts which created said liability.

11.2 Enforcement; Attorneys' Fees. The Association, the Owners, the Declarant and any mortgagee holding an interest on a Lot shall have the right to enforce all of the covenants, conditions, restrictions, reservations, easements, liens and charges now or hereinafter imposed by any of the provisions of this Declaration as may appertain specifically to such parties or Owners by any proceeding at law or in equity. Failure by either the Association or by any Owner or mortgagee to enforce any covenant, condition or restriction herein contained shall in no event be deemed a waiver of their right to do so thereafter. In the event suit or action is commenced to enforce the terms and provisions of this Declaration (including without limitations, for the collection of assessments), the prevailing party shall be entitled to its actual administrative costs incurred because of a matter or event which is the subject of the suit or action, attorneys' fees and costs in such suit or action to be fixed by the trial court, and in the event of an appeal, the cost of the appeal, together with reasonable attorneys' fees, to be set by the appellate court. In addition thereto, the Association shall be entitled to its reasonable attorneys' fees and costs incurred in any enforcement activity or to collect delinquent assessments, together with the Association's actual administrative costs, whether or not suit or action is filed.

11.3 Construction Defect Claim Procedure. No litigation shall be commenced against the Declarant, contractor or builder of the Home or any Owner of a Lot in respect to any alleged defect in a Home or on any Common Area except in compliance with the process set forth in ORS 701.560 to 701.595 and ORS 701.605.

11.4 Severability. Invalidation of any one of these covenants, conditions or restrictions by judgment or court order shall not affect the other provisions hereof and the same shall remain in full force and effect.

11.5 Duration. The covenants, conditions and restrictions of this Declaration shall run with and bind the land for a term of thirty-five (35) years from the date of this Declaration being recorded, after which time they shall be automatically extended for successive periods of ten (10) years, unless rescinded by a vote of at least ninety percent (90%) of the Owners and ninety percent (90%) of the first mortgagees; provided, however, that amendments that do not constitute rescission of the planned community may be adopted as provided in Section 11.7.

11.6 Amendment. Except as otherwise provided in Section 11.6 or ORS 94.590, and the restrictions set forth elsewhere herein, this Declaration may be amended at any time by an instrument approved by not less than seventy-five percent (75%) of the total votes of members that are eligible to vote. Any amendment must be executed, recorded and certified as provided by law; provided, however, that no amendment of this Declaration shall effect an amendment of the Bylaws or Articles without compliance with the provisions of such documents, and the Oregon Nonprofit Corporation Act and that no amendment affecting the general plan of development or any other right of Declarant herein contained may be effected without the express written consent of Declarant or its successors and assigns, including, without limitation, amendment of this Section.

11.7 Release of Right of Control. Declarant may give up its right of control in writing at any time by notice to the Association.

11.8 Unilateral Amendment by Declarant. In addition to all other special rights of Declarant provided in this Declaration, Declarant may amend this Declaration in order to comply with the requirements of the Federal Housing Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Mortgage Loan Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon, or any other state in which the Lots are marketed and sold, or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon, or such other state, the approval of which entity is required in order for it to insure, guarantee or provide financing in connection with development of the Property and sale of Lots. Prior to the Turnover Meeting, no such amendment shall require notice to or approval by any Class A member.

11.9 Resolution of Document Conflicts. In the event of a conflict among any of the provisions in the documents governing Denali Summit, such conflict shall be resolved by looking to the following documents in the order shown below:

(a) Declaration;
(b) Articles;
(c) Bylaws;
(d) Rules and Regulations.

IN WITNESS WHEREOF, Declarant has executed this instrument this _____ day of _____, 2020.

JACOB MILLER, LLC, an Oregon Limitied Liability Company

By:_____
Jacob P. Miller, Owner

STATE OF OREGON)
) ss.
County of _____)

_____, 2019

Personally appeared before me the above-named Jacob P. Miller who, being duly sworn, did say that he is the Owner of Jacob Miller, LLC,, and that the foregoing instrument was signed in behalf of said corporation by authority of its board of directors; and acknowledged said instrument to be its voluntary act and deed.

_____
Notary Public for Oregon

AFTER RECORDING, RETURN TO:
Karna R. Gustafson
Landye Bennett Blumstein, LLP
3600 Wells Fargo Center
1300 SW Fifth Avenue
Portland, Oregon 97201

SUPPLEMENTAL DECLARATION

FOR DENALI

ANNEXING DENALI SUMMIT

THIS SUPPLEMENTAL DECLARATION FOR DENALI SUMMIT is made this _____ day of _____, 2020, by J.T. Roth Construction, Inc., an Oregon corporation (the "Declarant"), with reference to the following facts:

A. By document entitled Declaration of Covenants, Conditions, and Restrictions for Denali recorded on May 1, 2019, Instrument No. 2019-026203 in the Official Records of Washington County, Oregon, the Declarant created the first phase of Denali ("Original Declaration"). The Amended and Restated Declaration of Covenants, Conditions and Restrictions for Denali recorded on March 19, 2020, Instrument No. 2020-023343 in the Official Records of Washington County, Oregon, superceded and replaced the Original Declaration. The Supplemental Declaration for Denali Annexing Denali Meadows recorded on _____, Instrument No. _____ in the Official Records of Washington County, Oregon (collectively, the "Declaration").

B. Section 2.2 of the Declaration provides that Declarant may annex additional property to Denali and thereby make such property subject to the Declaration.

C. Denali Summit, the third phase of development, consists of Lots _____ and Common Area Tracts _____. Tracts_____ are not Common Area.

D. Tracts _____ will be owned and maintained by the Association. Tract __ contains a water quality facility which will be conveyed to the City of Sherwood. Tract _____is a private street owned and maintained by the Association.

DECLARANT DECLARES that pursuant to the terms of the Declaration, Declarant, as owner of the real property described in Exhibit "A" attached hereto, hereby annexes such real property to the planned development described in the Declaration. The annexed property shall hereafter be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to the terms, provisions, covenants, conditions, restrictions, and easements of the Declaration, including subsequent amendments thereto.

IN WITNESS WHEREOF, Declarant has executed this Supplemental Declaration on the date set forth above.

J. T. ROTH CONSTRUCTION, INC.
an Oregon corporation

By:_____
J. T. Roth, Jr., President

STATE OF OREGON)
) ss. _____, 2020
County of _____)

Personally appeared before me the above-named J. T. Roth, Jr. who, being duly sworn, did say that he is the President of J. T. Roth Construction, Inc., an Oregon corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its board of directors; and acknowledged said instrument to be its voluntary act and deed.

_____
Notary Public for Oregon

Washington County, Oregon 2020-023343
D-R/BAM
Stn=6 M FERNANDES 03/19/2020 09:18:04 AM
$145.00 $5.00 $11.00 $5.00 $60.00 $226.00

I, Margaret Garza, Interim Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Margaret Garza, Interim Director of Assessment and Taxation, Ex-Officio

AFTER RECORDING RETURN TO:
Karna R. Gustafson
Landye Bennett Blumstein LLP
1300 SW Fifth Avenue, Suite 3600
Portland, OR 97201

This instrument filed for record by LEX/ Fidelity National Title as an accommodation only. It has not been examined as to its execution or as to its effect upon the title.

#32940 ACCO - 1

AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS FOR DENALI

Declarant: J. T. Roth Construction, Inc.

(Bylaws of Denali Homeowners Association attached as Exhibit "A")

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32940 ACCO -

AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS FOR DENALI

Declarant: J. T. Roth Construction, Inc.

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AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS FOR DENALI

THIS AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR DENALI ("Declaration") is made by J. T. Roth Construction, Inc., an Oregon corporation ("Declarant").

Recitals

This Amended and Restated Declaration of Protective Covenants, Conditions and Restrictions for Denali supercedes and replaces the original Declaration recorded on May 1, 2019 in the Washington County Deed Records as Document No. 2019-026203. No Lots have been sold to third parties.

J.T. Roth Construction, Inc., an Oregon corporation, platted the real property known as Denali in the City of Sherwood, Washington County, Oregon. The following real property shall be subject to this Declaration:

Lots 1-7, inclusive, and Tracts A-E as shown on the plat map of Denali (the "Property") recorded on May 1, 2019 in Washington County, Oregon, Deed Records as Document No. 2019-026199.

Tracts A, D and E are useable common area. Tract C is non-useable common area. Tract B is a water quality facility and not common area. The purpose and function of Track E is a consolidation of contaminated soils with concentrations at or below the applicable risk levels (ARL's").

The site underwent remedial clean-up action through the Oregon Department of Environmental Quality ("ODEQ") to ensure any hazardous materials on site did not present a danger to public health or the environment. As a part of the remedial clean-up action, contaminated soil was removed off-site, and a Soil Cover ("SC") was constructed on Tract E. Any activities that could potentially affect the integrity of the cover on Track E cannot be conducted without express approval of ODEQ.

Declarant intends to make Denali as a Class I planned community pursuant to the Oregon Planned Community Act. To establish Denali as a planned community, Declarant desires to impose these mutually beneficial covenants, conditions, restrictions, easements, assessments and liens on the Property, under a comprehensive general plan of improvement and development for the benefit of all Lots and Common Area in Denali.

Declarant has deemed it desirable for the efficient preservation of the values and amenities in Denali to create a nonprofit corporation, to which will be delegated and assigned the powers and authority to own, maintain and administer the Common Area, to maintain the Commonly Maintained Property, to administer and enforce the covenants, conditions, and restrictions of this Declaration, and to collect and disburse the assessments and charges hereinafter created.

NOW THEREFORE, Declarant declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the Oregon Planned Community Act as may be amended from time to time (ORS 94.550 to 94.783) and subject to the following covenants, conditions, restrictions, easements, charges and liens, which shall run with the land, which shall be binding upon all parties having or acquiring any right, title or interest in the Property or any part thereof, and which shall inure to the benefit of the Association and of each Owner.

ARTICLE 1
DEFINITIONS

1.1 "Additional Property" shall mean and refer to any Lots and Common Area Tracts which may be subsequently annexed to Denali and subjected to this Declaration.

1.2 "Architectural Review Committee" or "ARC" shall refer to that committee constituted and acting pursuant to Article 6 of this Declaration.

1.3 "Articles" shall mean the Articles of Incorporation for the nonprofit corporation, Denali Homeowners Association, as filed with the Oregon Secretary of State.

1.4 "Association" shall mean and refer to Denali Homeowners Association, its successors and assigns.

1.5 "Board" shall mean the Board of Directors of the Association.

1.6 "Bylaws" shall mean and refer to the Bylaws of the Association which shall be recorded in the Washington County, Oregon, deed records.

1.7 "Common Area" shall mean and refer to Tracts A, C, D and E as shown on the recorded Plat of the Property, including any irrigation systems and improvements located thereon and any Common Area created by annexation of Additional Property and designation of all as a portion of such property as common area by a supplemental declaration and plat or by acquisition of any common property by the Association.

1.8 "Commonly Maintained Property" shall mean any property owned by a person or entity other than the Association for which the Association has the obligation to maintain, repair and replace. Commonly Maintained Property shall include, but not be limited to, the private driveway access easement located on Lot 2 serving Lots 1-3.

1.9 "Declaration" shall mean the covenants, conditions, restrictions, and all other provisions set forth in this Declaration.

1.10 "Declarant" shall mean and refer to J. T. Roth Construction, Inc., an Oregon corporation, and its successors or assigns, or any successor or assign to all or the remainder of its interest in the Property.

1.10 "Denali" shall mean Lots 1-7 of the Property and Tracts as designated on the Plat of Denali, and any Lots or Tracts subsequently annexed to Denali.

1.11 "Home" shall mean and refer to any portion of a structure situated on a Lot and designed and intended for use and occupancy as a residence by a single family or household.

1.12 "Lot" shall mean and refer to each and any of Lots 1-7, and any additional Lots subsequently annexed to Denali; provided, however, that "Lot" shall not include any Tracts.

1.13 "Members" shall mean and refer to the Owners of Lots in Denali.

1.14 "Mortgage" means a recorded first mortgage, first trust deed, a first contract of sale that creates a first lien against a Lot, and "mortgagee" means the holder, beneficiary or vendor of such mortgage, trust deed or contract of sale, but only when such holder, beneficiary or vendor notifies the Association in writing of the existence of such mortgage and gives the Association a current name and mailing address.

1.15 "Occupant" shall mean and refer to the occupant of a Home, whether such person is an Owner, a lessee or any other person authorized by the Owner to occupy the Home.

1.16 "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot or a purchaser in possession of a Lot under a land sale contract. The foregoing does not include persons or entities that hold an interest in any Lot merely as security for the performance of an obligation.

1.17 "Plat" shall mean and refer to the Plat of Denali recorded in the Plat Records of Washington County, Oregon, and any supplemental plat(s) subsequently recorded annexing additional Lots and Common Area to Denali.

1.18 "Property" shall have the meaning attributed to such term in the Recitals of this Declaration and all such Lots and Common Area subsequently annexed to Denali.

1.19 "Reserve Account(s)" shall mean and refer to an account set up, if any, by the Board to hold funds for repair, replacement or maintenance of the Common Area and the Commonly Maintained Property.

1.20 "Rules and Regulations" shall mean and refer to the documents containing rules and regulations and policies adopted by the Board or the Architectural Review Committee, as may be from time to time amended.

ARTICLE 2
PROPERTY SUBJECT TO THIS DECLARATION

2.1 Initial Development. The Property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Washington County, Oregon, and described in that certain Plat maps entitled "Denali", filed in the plat records of Washington County, Oregon. The initial development consists of Lots 1 through 7 and Tracts A through E. Declarant does not intend to build any Common Area improvements in Denali not described in this Declaration.

2.2 Annexation of Additional Property. Additional Property may be added by Declarant to Denali without the approval of any other Owner or the Association. Additional

Property must be annexed by a supplemental declaration not later than twenty (20) years from the date the Declaration is recorded. The annexation of such real property shall be accomplished as follows:

2.2.1 Supplemental Declaration. The Owner or Owners of such real property shall record a supplemental declaration which shall be executed by or bear the approval of Declarant and shall among other things, describe the real property to be annexed, establish land classifications for the Additional Property, establish any additional limitations, uses, restrictions, covenants and conditions which are intended to be applicable to such property, and declare that such property is held and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to this Declaration.

2.2.2 Annexed Property a Part of Denali. The property included in any such annexation shall thereby become a part of Denali and the Association shall accept and exercise administration of any supplemental declaration with respect to such property.

2.2.3 Voting Rights of Annexed Lots. Upon annexation, additional Lots so annexed shall be entitled to voting rights as set forth in Section 7.3 below.

2.2.4 Annexed Lot Owners as Members. After complying with the procedures for annexation and upon conveyance of the first Lot in the annexed property to an Owner, Owners of Lots in the annexed property shall be Members, shall be subject to this Declaration and shall be entitled to the use and enjoyment of all Common Area and Commonly Maintained Property in Denali in the manner and for the purpose for which such Common Areas and/or Commonly Maintained Property are intended to be used and enjoyed. The Association shall reallocate the assessments to assess each Owner of a Lot in Denali as provided in Article 10.

2.3 Amendment. After the conversion of Class B membership to Class A membership, this Article may not be amended without the consent of Declarant as long as the Declarant owns a Lot or has a right to annex Additional Property to Denali.

2.4 Annexation with Approval of Membership. In addition to the rights of Declarant pursuant to Section 2.2, the Association or Declarant may subject any real property to the provisions of this Declaration with the consent of the Owner of such property, the affirmative vote of holders of at least seventy-five percent (75%) of the Class A voting power of the Association, and the written consent of the Class B Member, if any. Such annexation shall be accomplished by filing a supplemental declaration in the official records of Washington County, Oregon describing the property to be annexed and specifically subjecting it to the terms of this Declaration. Any such supplemental declaration shall be signed by the President and Secretary of the Association and by the Owner of the annexed property. Any such annexation shall be effective upon the filing for record of such supplemental declaration, unless otherwise provided therein.

ARTICLE 3
OWNERSHIP AND EASEMENTS

3.1 Non-Severability. The interest of each Owner in the use and benefit of the Common Area shall be appurtenant to the Lot owned by the Owner. No Lot shall be conveyed

by the Owner separately from the interest in the Common Area. Any conveyance of any Lot shall automatically transfer the right to use the Common Area, subject to restrictions contained in the Declaration and Bylaws, without the necessity of express reference in the instrument of conveyance. There shall be no judicial partition of the Common Area. Each Owner, whether by deed, gift, devise or operation of law, for such Owner's benefit and for the benefit of all other Owners, specifically waives and abandons all rights, interests and causes of action for judicial partition of any interest in the Common Area and agrees that no action for judicial partition shall be instituted, prosecuted or reduced to judgment. Ownership interests in the Common Area and Lots are subject to the easements granted and reserved in this Declaration. Each of the easements granted or reserved herein shall be deemed to be established upon the recordation of this Declaration and shall thenceforth be deemed to be covenants running with the land for the use and benefit of the Owners and their Lots and shall be superior to all other encumbrances applied against or in favor of any portion of Denali.

3.2 Ownership of Lots. Title to each Lot shall be conveyed in fee to an Owner. If more than one person and/or entity owns an undivided interest in the same Lot, such persons and/or entities shall constitute one Owner.

3.3 Ownership of Common Area. Subject to subsection 3.5, title to any Common Area shall be conveyed to the Association.

3.4 Easements. Individual deeds to Lots may, but shall not be required to, set forth the easements specified in this Article.

3.4.1 Easements on Plat. The Common Area and Lots are subject to the easements and rights-of-way shown on the Plat and on any supplemental plat(s).

3.4.2 Easements for Tracts. Subject to the restrictions contained herein, every Owner shall have a non-exclusive right and easement of use and enjoyment in and to Common Area Tracts A and D, which shall be appurtenant to and shall pass with the title to every Lot. Tract B is a water quality facility which will eventually be conveyed to a governmental entity having jurisdiction over the area. There shall be no access to Tract B except by the Association's designated representatives or a governmental agency having jurisdiction over the area. Tract C is a storm water easement, and Tract E is an open space. There shall be no access to Tract C except by the Association, the Association's designated representatives or a governmental agency having jurisdiction over the area.

3.4.3 Easements Reserved by Declarant. So long as Declarant owns any Lot, Declarant reserves an easement over, under and across the Common Area and Commonly Maintained Property in order to carry out sales activities necessary or convenient for the sale of Lots. Declarant, for itself and its successors and assigns, hereby retains a right and easement of ingress and egress to, from, over, in, upon, under and across the Common Area and Commonly Maintained Property and the right to store materials thereon and to make such other use thereof as may be reasonably necessary or incident to the construction of the improvements on the Property in such a way as not to interfere unreasonably with the occupancy, use, enjoyment or access to an Owner's Lot by such Owner or such Owner's family, tenants, employees, guests or invitees.

3.4.4 Additional Utility and Drainage Easements. Notwithstanding anything expressed or implied to the contrary, this Declaration shall be subject to all easements granted or acquired by Declarant for the installation and maintenance of utilities and drainage facilities necessary for the development of Denali. No structure, planting or other material that may damage or interfere with the installation or maintenance of utilities, that may change the direction of flow of drainage channels in the easements, or that may obstruct or retard the flow of water through drainage channels in the easement areas shall be placed or permitted to remain within any easement area.

3.4.5 Association's Easements. Declarant grants to the Association and its duly authorized agents and representatives such easements over the Lots and Common Area as are necessary to perform the duties and obligations of the Association, as set forth in this Declaration, the Bylaws, and the Articles, as the same may be amended.

3.4.6 Easement to Governmental Entities. Declarant grants a non-exclusive easement over the Common Area to all governmental and quasi-government entities, agencies, utilities, and their agents for the purposes of performing their duties as utility and service providers.

3.4.7 Perimeter Easement Benefiting Association. Declarant grants to the Association and its duly authorized agents and representatives an easement over that perimeter portion of each Lot that is included within the building setbacks set by applicable ordinances for the purposes of installation, maintenance, repair, and replacement of utilities, communication lines, and drainage. The Board may grant or convey the easements reserved herein to any governmental body or agency and/or any public or private utility company or provider, upon a two-thirds (2/3) vote of the Board members at a duly called and held Board meeting.

3.5 Declarant's Right to Dedicate Common Area and Grant Easements; Board's Authority After Title Transferred to Association. Declarant reserves the right and power to dedicate and/or convey any portion or all of Tracts to any governmental body or agency. Declarant further reserves the right and power to grant an easement over Tracts to any governmental body or agency or any public or private utility company or provider without the approval of any other Owner or the Association. Declarant's rights and power under this Section shall expire as to each Tract when it is conveyed. Thereafter, the Board shall have the same powers reserved to Declarant and may exercise such power upon a two-thirds (2/3rds) or greater vote of the Board members at any duly called and held Board meeting. The provisions of this Section shall control over any provisions to the contrary contained in any other Section of the Declaration.

ARTICLE 4
USE, MAINTENANCE AND OCCUPANCY; RULES OF CONDUCT

4.1 Residential Use. Lots shall only be used for residential purposes. Except with the Board's consent no trade, craft, business, profession, commercial or similar activity of any kind shall be conducted on any Lot or in any Home, and no goods, equipment, vehicles, materials or supplies used in connection with any trade, service or business shall be kept or stored on any Lot or in any Home. Nothing in this Section shall be deemed to prohibit (a) activities relating to the sale of residences, (b) the right of Declarant or any contractor or homebuilder to construct

residences on any Lot, to store construction materials and equipment on such Lots in the normal course of construction, and to use any residence as a sales office or model home for purposes of sales in Denali, and (c) the right of the Owner of a Lot to maintain such Owner's personal business or professional library, keep such Owner's personal business or professional records or accounts, handle such Owner's personal business or professional telephone calls or confer with business or professional associates, clients or customers in such Owner's residence. The Board shall not approve commercial activities otherwise prohibited by this Section unless the Board determines that only normal residential activities would be observable outside of the residence and that the activities would not be in violation of applicable local government ordinances.

4.2 Construction of Homes. No construction of a Home or any other structure shall occur on a Lot unless the approval of the ARC is first obtained pursuant to Article 6. Consideration such as siting, shape, size, color, design, height, solar access, or material may be taken into account by the ARC in determining whether or not to consent to any proposed work.

4.3 Landscaping. Declarant shall install the front landscaping of each Lot. The Owner shall install the landscaping in the back of their Lot within six (6) months after the sale of a Home from the Declarant and shall be responsible for maintaining the landscaping of their Lot. Each Owner other than Declarant shall obtain the ARC's prior approval of any modification to the front yard landscaping before commencing. No ARC approval shall be required prior to installation of backyard landscaping.

4.3.1 Landscape Trees. Any landscape treed planted on Lot(s) 2, 3, 4, 5 shall be limited to a maximum of 15 feet in height.

4.4 Maintenance of Lots and Homes. Each Owner shall maintain such Owner's Lot and all improvements thereon in a clean and attractive condition, in good repair and in such fashion as not to create a fire hazard. Such maintenance shall include, without limitation, maintenance of windows, doors, screens, garage doors, accessory buildings, driveways, walks, patios, chimneys, gutter cleaning, landscaping, trees and other exterior improvements and glass surfaces. All repainting or restaining and exterior remodeling shall be subject to prior review and approval by the ARC. Each Owner shall repair damage caused to such Owner's Lot or improvements located thereon by fire, flood, storm, earthquake, riot, vandalism, or other causes within a reasonable period. Provided, however, the Association shall have such obligation with respect to the Commonly Maintained Property.

4.5 Rental of Homes. An Owner may rent or lease such Owner's Home or a portion thereof, provided that the following conditions are met:

4.5.1 Written Rental Agreements Required. The Owner and the tenant enter into a written rental or lease agreement specifying that (i) the tenant shall be subject to all provisions of the Declaration, Bylaws and Rules and Regulations, and (ii) a failure to comply with any provision of the Declaration, Bylaws and Rules and Regulations shall constitute a default under the rental or lease agreement;

4.5.2 Minimum Rental Period. The period of the rental or lease is not less than ninety (90) days;

4.5.3 Tenant Must be Given Documents. The Owner gives each tenant a copy of the Declaration, Bylaws and Rules and Regulations.

4.6 Animals. No animals, livestock or poultry of any kind, other than a reasonable number of household domestic pets that are not kept, bred or raised for commercial purposes and that are reasonably controlled so as not to be a nuisance, shall be raised, bred, kept or permitted within any Lot. Any Lot Owner who maintains any pet upon any portion of Denali shall be deemed to have agreed to indemnify and hold the Association, each of its members and the Declarant free and harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping or maintaining such pet. Such Owner shall further abide by all governmental sanitary laws and regulations, leash and other local and state laws relating to pets and rules or regulations of the Association created by the Board of Directors. The Board of Directors shall have the right to order any person whose pet is a nuisance to remove such pet from the premises upon the delivery of the third notice in writing of a violation of any rule, regulation or restriction governing pets within Denali. All pets shall be registered and inoculated as required by law.

4.7 Nuisance. No noxious, harmful or offensive activities shall be carried on upon any Lot or Common Area. Nor shall anything be done or placed on any Lot or Common Area that interferes with or jeopardizes the enjoyment of, or that is a source of annoyance to, the Owner or other Occupants. No Owner or Occupant shall cause or permit such Owner's representatives, agents, employees, or family members to cause any nuisance or to make any use or engage in any practice on the Property that is a source of annoyance to other Owners and Occupants or that interferes with other Owners' and Occupants' peaceful possession and proper use of the Property. Owners and Occupants shall exercise extreme care about creating disturbances, making noises or using musical instruments, radios, televisions and amplifiers that may disturb other Owners and Occupants. Owners and Occupants shall keep all parts of their respective Lots in a clean and sanitary condition, free of any accumulation of rubbish, refuse or garbage and free of any fire hazard and shall not cause any accumulation of rubbish, refuse or garbage or any fire hazard on any other part of the Property. Owners and Occupants shall place all of their rubbish, refuse and garbage inside disposal containers. No Owner shall make or permit any use of such Owner's Lot or of the Common Area that will increase the cost of insurance upon the Common Area. No outside burning of leaves, debris, trash, garbage or household refuse shall be permitted. No marijuana plants may be grown, in pots or otherwise, outside of a Home, and no marijuana plants may be placed on the exterior of the Home for any temporary period.

4.8 Improper, Offensive, Illegal or Unlawful Use. No Owner or Occupant shall make any improper, offensive, illegal or unlawful use of any part of the Property. Owners and Occupants shall observe all valid laws, zoning ordinances and regulations of governmental bodies having jurisdiction over the Property. The responsibility for meeting the requirements of governmental bodies for maintenance, modification or repair of the Property shall be carried out and paid for in the same manner as the responsibility for the maintenance and repair of the Property concerned.

4.9 Parking. Boats, trailers, commercial vehicles, mobile homes, campers, and other recreational vehicles or equipment, regardless of weight, shall not be parked on any part of the Common Area, or on any streets on or adjacent to the Property for more than twenty-four (24)

hours, including loading or unloading, and may not be parked on any Lot, including the driveway, for more than seven (7) days unless they are fully enclosed in the garage.

4.10 Vehicles in Disrepair. No Owner shall permit any vehicle that is in a state of disrepair (e.g. including, but not limited to, fails to run, cannot be moved under its own power in current condition, flat tires, unpainted or body parts missing) or that is not currently licensed to be abandoned or to remain parked upon the Common Area or on any street on or adjacent to the Property at any time and may not permit them on a Lot for a period in excess of seven (7) days. A vehicle shall be deemed in a "state of disrepair" when the Board reasonably determines that its presence offends the occupants of the neighborhood. If an Owner fails to remove such vehicle within five (5) days following the date on which the Association mails or delivers to such Owner a notice directing such removal, the Association may have the vehicle removed from the Property and charge the expense of such removal to the Owner as an assessment, which may be collected and enforced as any other assessments imposed pursuant to the Declaration and Bylaws.

4.11 Signs. No signs shall be erected or maintained on any Lot except that not more than one (1) "For Sale" or "For Rent" sign placed by the Owner or by a licensed real estate agent, not exceeding twenty-four (24) inches high and thirty-six (36) inches long, may be temporarily displayed on any Lot. The restrictions contained in this Section shall not prohibit the temporary placement of "political" signs on any Lot by the Owner or Occupant. Provided, however, political signs shall be removed within three (3) days after the election day pertaining to the subject of the sign. Real estate signs shall be removed within three (3) days after the sale closing date.

4.12 Rubbish and Trash. No Lot or part of the Common Area shall be used as a dumping ground for trash or rubbish of any kind. All garbage and other waste shall be kept in appropriate containers for proper disposal and out of public view. Solid waste, garbage and recycling containers shall be brought to the nearest public road on collection dates. Yard rakings, dirt and other material resulting from landscaping work shall not be dumped onto streets, the Common Area or any other Lots. If an Owner fails to remove any trash, rubbish, garbage, yard rakings or any similar materials from any Lot, any streets or the Common Area where deposited by such Owner or the Occupants of such Owner's Lot after notice has been given by the Board to the Owner, the Association may have such materials removed and charge the expense of such removal to the Owner. Such charge shall constitute an assessment, which may be collected and enforced as any other assessments imposed pursuant to the Declaration and Bylaws.

4.13 Fences and Hedges. No fences or boundary hedges shall be installed or replaced without prior written approval of the ARC.

4.14 Service Facilities. Service facilities (garbage containers, fuel tanks, clotheslines, etc.) shall be screened such that such facilities are not visible at any time from the street. All telephone, electrical, cable television and other utility installations shall be placed underground in conformance with applicable law and subject to approval by the ARC. No on-site storage of gasoline, heating or other fuels or any flammable liquids or gases shall be permitted on any part of a Lot, including any Home, except that up to five (5) gallons of fuel may be stored in each

Home for emergency purposes and for the operation of lawn mowers and similar tools or equipment.

4.15 Antennas and Satellite Dishes. Except as otherwise provided by law or this Section, no exterior antennas, satellite dishes, microwave, aerial, tower or other devices for the transmission or reception of television, radio or other forms of sound or electromagnetic radiation shall be erected, constructed or placed on any Common Area or Lot. Exterior satellite dishes with a surface diameter of one (1) meter or less and antennas designed to receive television broadcast signals or multi-channel multi-point distribution (wireless cable), may be placed on an Owner's Home. They shall be screened from neighboring Home to the extent possible. The Board or ARC may adopt reasonable rules and regulations governing the installation, safety, placement and screening of antennas, satellite dishes and other similar devices. This section and any rules adopted hereunder shall not unreasonably delay or increase the cost of installation, maintenance or use, or preclude reception of a signal of acceptable quality.

4.16 Exterior Lighting or Noise-making Devices. Except with the consent of the ARC, no exterior lighting or noise-making devices, other than security and fire alarms, shall be installed or maintained on any Home.

4.17 Basketball Hoops. No Owner may install a permanent basketball hoop on any Lot without the ARC's prior approval. The ARC may, in its discretion, prohibit such basketball hoops.

4.18 Grades, Slopes and Drainage. There shall be no interference with the established drainage patterns or systems over or through any Lot within Denali so as to affect any other Lot or Common Area or any real property outside Denali unless adequate alternative provision is made for proper drainage and is approved by the ARC. The term "established drainage" shall mean the drainage swales, conduits, inlets and outlets designed and constructed for Denali.

4.19 Damage or Destruction to Home and/or Lot. If all or any portion of a Lot or Home is damaged by fire or other casualty, the Owner shall either (i) restore the damaged improvements or (ii) remove all damaged improvements, including foundations, and leave the Lot in a clean and safe condition. Any restoration proceeding under (i) above must be performed so that the improvements are in substantially the same condition in which they existed prior to the damage, unless the provisions of Article 6 are complied with by the Owner. The Owner must commence such work within sixty (60) days after the damage occurs and must complete the work within six (6) months thereafter.

4.20 Right of Maintenance and Entry by Association. If an Owner fails to perform maintenance and/or repair that such Owner is obligated to perform pursuant to this Declaration, and if the Board determines, after notice, that such maintenance and/or repair is necessary to preserve the attractiveness, quality, nature and/or value of Denali, the Board may cause such maintenance and/or repair to be performed and may enter any such Lot whenever entry is necessary in connection with the performance thereof. An Owner may request, and the Board shall conduct, a hearing on the matter. The Owner's request shall be in writing delivered within five (5) days after receipt of the notice, and the hearing shall be conducted within not less than five (5) days nor more than twenty (20) days after the request for a hearing is received. Entry

shall be made with as little inconvenience to an Owner as practicable and only after advance written notice of not less than forty-eight (48) hours, except in emergency situations. The costs of such maintenance and/or repair shall be chargeable to the Owner of the Lot as an assessment, which may be collected and enforced as any other assessments authorized hereunder.

4.21 Association Rules and Regulations. The Board from time to time may adopt, modify or revoke such Rules and Regulations governing the conduct of persons and the operation and use of Lots and the Common Area as it may deem necessary or appropriate to assure the peaceful and orderly use and enjoyment of the Property and the administration and operation of the Association. A copy of the Rules and Regulations, upon adoption, and a copy of each amendment, modification or revocation thereof, shall be delivered by the Board promptly to each Owner and shall be binding upon all Owners and occupants of all Lots upon the date of delivery or actual notice thereof. Subject to approval or consent by the Board, the ARC may adopt rules and regulations pertinent to its functions.

4.22 Ordinances and Regulations. The standards and restrictions set forth in this Article 4 shall be the minimum required. To the extent that local governmental ordinances and regulations are more restrictive or provide for a higher or different standard, such local governmental ordinances and regulations shall prevail.

4.23 Temporary Structures. No structure of a temporary character or any trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot as a residence, either temporarily or permanently.

4.24 Declarant Exemptions. The Declarant shall be exempt from the application of Section 4.11.

4.25 Accessory Buildings. All accessory buildings and structures shall require prior approval of the ARC. All accessory buildings and structures shall be designed, constructed and maintained compatible with the exterior materials, character and style of the Home. The ARC may require the accessory buildings to be painted the same color as the Home.

ARTICLE 5
COMMON AREA AND COMMONLY MAINTAINED PROPERTY

5.1 Use of Common Areas. Use of the Common Area is subject to the provisions of the Declaration, Bylaws, Articles and the Rules and Regulations adopted by the Board. There shall be no obstruction of any part of the Common Area. Nothing shall be stored or kept in the Common Area without the prior written consent of the Board. No Owner shall place or cause to be placed on any portion of the Common Area any trash, structure, equipment, improvement, furniture, package or object of any kind. Common Areas shall be used for no purpose other than what is customary for such areas. No alterations or additions to the Common Area shall be permitted without the prior written consent of the Board. The initial Common Area owned by the Association consists solely of Tracts A, C, D and E. Tracts A, D and E are useable open space. Tract C is a sewer easement and not useable. Tract B is a water quality facility and not Common Area. There shall be no access to Tract C, except for maintenance purposes by persons designated by the Association or by governmental entities having jurisdiction. Additional

Common Area may be created by annexation of Additional Property by a supplemental declaration and plat.

5.2 Maintenance of Common Area and Commonly Maintained Property. The Association shall be responsible for maintenance, repair, replacement, and upkeep of the Common Area (except to the extent such maintenance is done by a government agency) and Commonly Maintained Property. The cost shall be at the equal expense of the Owners of Lots subject to assessment. The Association shall keep the Common Area and Commonly Maintained Property in good condition and repair, provide for all necessary services and cause all acts to be done which may be necessary or proper to assure the maintenance of the Common Area and Commonly Maintained Property.

5.3 Alterations to Common Area. Only the Association or governmental agency have jurisdiction over the area and shall construct, reconstruct, or alter any improvement located on the Common Area. A proposal for any construction of or alteration, maintenance or repair to any such improvement may be made at any Board meeting.

5.4 Funding. Expenditures for alterations, maintenance or repairs to an existing improvement for which a reserve has been collected shall be made from the Reserve Account. The Board may levy a special assessment to fund any construction, alteration, repair or maintenance of the Common Area and Commonly Maintained Property for which no reserve has been collected or for which the Reserve Account is insufficient to cover the cost.

5.5 Condemnation of Common Area. If all or any portion of the Common Area is taken for any public or quasi-public use under any statute, by right of eminent domain or by purchase in lieu of eminent domain, the entire award shall be received by and expended by the Board in a manner that, in the Board's discretion, is in the best interest of the Association and the Owners. The Association shall represent the interest of all Owners in any negotiations, suit, action or settlement in connection with such matters.

5.6 Damage or Destruction of Common Area. If all or any portion of the Common Area or Commonly Maintained Property is damaged or destroyed by an Owner or any of Owner's guests, Occupants, tenants, licensees, agents or members of Owner's family, such Owner hereby authorizes the Association to repair such damage. The Association shall repair the damage and restore the area in workmanlike manner as originally constructed or as may be modified or altered subsequently by the Association in the discretion of the Board. Reasonable costs incurred in connection with affecting such repairs shall become a special assessment upon the Lot and against the Owner who caused or is responsible for such damage.

5.7 Power of Association to Sell, Convey or Grant Security Interest in Common Area. The Association may sell, convey or subject to a security interest any portion of the Common Area pursuant to the processes and limitations set forth in ORS 94.665.

ARTICLE 6
ARCHITECTURAL REVIEW COMMITTEE

6.1 Architectural Review. No improvement shall be commenced, erected, placed or altered on any Lot until the construction plans and specifications showing the nature, shape,

heights, materials, colors, and proposed location of the improvement have been submitted to and approved in writing by the ARC. This Article's purpose is to assure quality of workmanship and materials and harmony between exterior design and the existing improvements and landscaping and as to location with respect to topography and finished grade elevations. The ARC shall not be responsible for determining compliance with structural and building codes, solar ordinances, zoning codes or other governmental regulations, all of which are the applicant's responsibility. The procedure and specific requirements for review and approval of construction shall be set forth in design guidelines and standards adopted from time to time by the ARC. The provisions of this Article shall apply in all instances in which this Declaration requires the ARC's consent.

6.2 Architectural Review Committee, Appointment and Removal. Declarant shall act as the ARC until Denali is one hundred percent (100%) built out. After build out, or such earlier time as the Declarant may elect in writing, the Board shall have the right to appoint and remove members of the ARC. After the Board has the right to appoint the members of the ARC, the ARC shall consist of no fewer than three (3) members and no more than five (5) members. The Board may appoint itself as the ARC or any of its members to the ARC. If an ARC has not been appointed, the Board shall serve as the ARC. Homes built by the Declarant shall not require ARC approval.

6.3 Majority Action. Except as otherwise provided in this Declaration, a majority of the members of the ARC shall have the power to act on behalf of the ARC, without the necessity of a meeting and without the necessity of consulting the remaining member or members of the ARC. The ARC may render its decision only by written instrument setting forth the action taken by the members consenting thereto.

6.4 Duties. The ARC shall consider and act upon the proposals and/or plans submitted pursuant to this Article. The ARC, from time to time and at its sole discretion, may adopt architectural rules, regulations and guidelines ("Architectural Standards").

6.5 ARC Decision. The ARC shall render its written decision approving or denying each application submitted to it within fifteen (15) working days after its receipt of all materials required with respect to such application. If the ARC fails to render such written decision within fifteen (15) days of its receipt of all required materials or request an extension, the application shall be deemed approved. The ARC shall be entitled to request one or more extensions of time, not to exceed thirty (30) days. In the event of such extension requests, if the ARC does not render a written decision within the extension period, the application shall be deemed approved. Provided, however, the applicant may agree to further extensions to allow the applicant to complete or supplement the application.

6.6 ARC Discretion. The ARC, at its sole discretion, may withhold consent to any proposed work if the ARC finds the proposed work would be inappropriate for the particular Lot or incompatible with the design standards that the ARC intends for Denali. The ARC may consider siting, shape, size, color, design, height, view preservation, solar access or other effect on the enjoyment of other Lots or the Common Area, and any other factors that it reasonably believes to be relevant in determining whether or not to consent to any proposed work.

6.7 Nonwaiver. Consent by the ARC to any matter proposed to it or within its jurisdiction shall not be deemed to constitute precedent or waiver impairing its right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.

6.8 Appeal. Once the Board has the right to appoint ARC members, any Owner adversely impacted by action of the ARC may appeal such action to the Board. Such appealing Owner shall submit to the Board a written notice of appeal, setting forth specific objections or mitigating circumstances justifying the appeal, to the Board within ten (10) days after the ARC's action. The Board shall issue a final, conclusive decision within forty-five (45) days after receipt of such notice, and such decision shall be final and binding upon the appealing Owner and the ARC. Provided, however, the Board shall make reasonable efforts to reach a decision within twenty (20) days. If the Board is serving as the ARC, then such appeal shall be deemed a request for reconsideration.

6.9 Effective Period of Consent. The ARC's consent to any proposed work shall automatically expire three (3) months after issuance unless construction of the project has been commenced or the Owner has applied for and received an extension of time from the ARC.

6.10 Determination of Compliance. The ARC may inspect, from time to time, all work performed and determine whether it is in substantial compliance with the approval granted. If the ARC finds that the work was not performed in substantial conformance with the approval granted, or if the ARC finds that the approval required was not obtained, the ARC shall notify the Owner in writing of the noncompliance. The notice shall specify the particulars of noncompliance and shall require the Owner to remedy the noncompliance.

6.11 Noncompliance. If the ARC determines that an Owner has not constructed an improvement consistent with the specifications of an ARC approval or an Owner has constructed an improvement without obtaining ARC approval, and the ARC sends a notice of noncompliance to such Owner and such Owner fails to commence diligently remedying such noncompliance in accordance with such notice, then, effective at 5 p.m. on the third (3rd) day after issuance of such notice, the ARC shall provide notice of a hearing to consider the Owner's continuing noncompliance. The hearing shall be set not more than thirty (30) days from the date on which the notice of noncompliance was issued. At the hearing, if the ARC finds that there is no valid reason for the continuing noncompliance, the ARC shall determine the estimated costs of achieving compliance and may issue a fine against the noncomplying Owner for such amount. The ARC also shall require the Owner to remedy such noncompliance within ten (10) days after the date of the ARC's determination. If the Owner does not comply with the ARC's ruling within such period or any extension thereof granted by the ARC, at its sole discretion, the ARC may remove the noncomplying improvement, remedy the noncompliance, and/or record a notice of noncompliance in the county deed records. The costs of any such action shall be assessed against the Owner as an assessment either before or after any remedial action is taken.

6.12 Liability. Neither the ARC nor any member thereof shall be liable to any person or entity for any damage, loss or prejudice suffered or claimed on account of any action or failure to act of the ARC or a member thereof, provided only that the ARC or the member has, in accordance with its or his actual knowledge, acted in good faith.

6.13 Estoppel Certificate. Within fifteen (15) working days after the ARC's receipt of a written request from an Owner and the ARC's receipt of payment of a reasonable fee fixed by the ARC to cover costs, the ARC shall provide such Owner with a certificate executed by the Chairperson or other authorized member of the ARC certifying with respect to any Lot owned by the Owner, that, as of the date thereof either (a) all improvements made or done upon such Lot comply with this Declaration, or (b) such improvements do not so comply, in which event, the certificate shall also identify the noncomplying improvements and set forth with particularity the nature of such noncompliance. The Owner and such Owner's heirs, devisees, successors and assigns shall be entitled to rely on the certificate with respect to the matters set forth therein. The certificate shall be conclusive as among Declarant, the ARC, the Association, all Owners, and all persons deriving any interest through any of them.

6.14 Fees. The ARC may charge applicants a reasonable application fee and additional costs incurred or expected to be incurred by the ARC to retain architects, attorneys, engineers and other consultants to advise the ARC concerning any aspect of the applications and/or compliance with any appropriate architectural criteria or standards. Such fees shall be collectible as assessments.

6.15 Declarant and Successor Exempt From ARC. The Declarant or a successor to all of the unsold Lots shall be exempt from the requirement to submit and have plans approved by the ARC.

ARTICLE 7
MEMBERSHIP IN THE ASSOCIATION

7.1 Members. Each Owner shall be a member of the Association. Membership in the Association shall be appurtenant to, and may not be separated from, ownership of any Lot. Transfer of ownership of a Lot shall transfer automatically membership in the Association. Without any other act or acknowledgment, Occupants and Owners shall be governed and controlled by this Declaration, the Articles, Bylaws, and the Rules and Regulations of the Association and any amendments thereof.

7.2 Proxy. Each Owner may cast such Owner's vote in person, by written ballot or pursuant to a proxy executed by such Owner. An Owner may not revoke a proxy given pursuant to this Section except by actual notice of revocation to the person presiding over a meeting of the Association. A proxy shall not be valid if it is undated or purports to be revocable without notice. A proxy shall terminate one (1) year after its date, unless the proxy specifies a shorter term.

7.3 Voting Rights. The Association shall have two (2) classes of voting members:

7.3.1 Class A. Class A members shall be all Owners of Lots other than Declarant, and each Class A member shall be entitled to one (1) vote for each Lot owned with respect to all matters upon which Owners are entitled to vote.

7.3.2 Class B. The Class B member shall be Declarant, its successors and assigns. The Class B member shall have three (3) votes for each Lot owned. The Class B

membership shall cease and be converted to Class A membership upon the earlier of the following dates (the "Termination Date"):

(a) Twenty (20) years after the date this Declaration is recorded; and

(b) At such earlier time as Declarant elects in writing to terminate Class B membership.

After the Termination Date, each Owner, including Declarant, shall be entitled to one (1) vote for each Lot owned with respect to all matters upon which Owners are entitled to vote, and the total number of votes shall be equal to the total number of Lots subject to this Declaration, initially or through annexation.

When more than one (1) person or entity owns a Lot, the vote for such Lot may be cast as they shall determine, but in no event shall fractional voting be allowed. Fractional or split votes shall be disregarded, except for purposes of determining a quorum.

7.4 Procedure. All meetings of the Association, the Board, the ARC, and Association committees shall be conducted with such rules of order as may from time to time by adopted by the Board. Notwithstanding which rule of order is adopted, the President shall be entitled to vote on all matters, not merely to break a tie vote. A tie vote does not constitute a majority or approval of any motion or resolution.

ARTICLE 8
DECLARANT CONTROL

8.1 Interim Board and Officers. Declarant hereby reserves administrative control of the Association. Declarant, in its sole discretion, shall have the right to appoint and remove members of an interim board (the "Interim Board"), which shall manage the affairs of the Association and be invested with all powers and rights of the Board until the Turnover Meeting (as hereinafter defined). The Interim Board shall consist of from one (1) to three (3) members. Notwithstanding the provision of this Section, at the Turnover Meeting, at least one (1) Director shall be elected by Owners other than Declarant, even if Declarant otherwise has voting power to elect all three (3) Directors.

8.2 Turnover Meeting. Declarant shall call a meeting for the purposes of turning over administrative control of the Association from Declarant to the Class A members within sixty (60) days of the earlier of the following dates:

8.2.1 Latest Date. Eighty percent (80%) of the Lots have been sold and conveyed by Declarant to third parties;

8.2.2 Optional Turnover. At such time as Declarant has elected in writing to terminate Class B membership.

Declarant shall give notice of the Turnover Meeting to each Owner as provided in the Bylaws. If Declarant does not call the Turnover Meeting required under this Section, the Transitional Advisory Committee or any Owner may do so.

ARTICLE 9
DECLARANT'S SPECIAL RIGHTS

9.1 General. Declarant is undertaking the work of developing Lots and other improvements within Denali. The completion of the development work and the marketing and sale of the Lots is essential to the establishment and welfare of the Property as a residential community. Until the Homes on all Lots on the Property, including Additional Property that may be annexed, have been constructed, fully completed and sold, with respect to the Common Area and each Lot on the Property, Declarant shall have the special rights set forth in this Article 9.

9.2 Marketing Rights. Declarant shall have the right to maintain a sales office and model on one or more of the Lots which Declarant owns. Declarant and prospective purchasers and their agents shall have the right to use and occupy the sales office and models during reasonable hours any day of the week. Declarant may maintain a reasonable number of "For Sale" signs at reasonable locations on the Property, including, without limitation, on the Common Area.

9.3 Declarant Easements. Declarant reserves easements over the Property as more fully described in Sections 3.4 and 3.5 hereof.

9.4 Additional Improvements. Declarant does not agree to build any improvements not described in this Declaration.

9.5 Control of the ARC. Declarant shall have the right, but not the obligation, to control all aspects of the ARC, including the modification or adoption of the Architectural Standards as described in Article 6 herein.

ARTICLE 10
FUNDS AND ASSESSMENTS

10.1 Purpose of Assessments; Expenses. The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, aesthetics and welfare of the Owners and Occupants of Denali, for the improvement, operation and maintenance of the Common Area and the Commonly Maintained Property, for the payment of obligations of the Association, for the administration and operation of the Association and for property and liability insurance.

10.2 Covenants to Pay. Owners covenant and agree to pay the Association the assessments and any additional charges levied pursuant to this Declaration or the Bylaws. All assessments for operating expenses, repairs and replacement and reserves shall be allocated among the Lots and their Owners as set forth in Section 10.4.2. Provided, however, Lots owned by the Declarant shall not be subject to assessment.

10.2.1 Funds Held in Trust. The assessments collected by the Association shall be held by the Association for and on behalf of each Owner and shall be used solely as set forth in Section 10.1. The assessments are the property of the Association and are not refundable to

Owners or Lots. Upon the sale or transfer of any Lot, the Owner's interest in such funds shall be deemed automatically transferred to the successor in interest to such Owner.

10.2.2 Offsets. No offsets against any assessment shall be permitted for any reason, including, without limitation, any claim that the Association is not properly discharging its duties.

10.2.3 Right to Profits. Association profits, if any, shall be the property of the Association and shall be contributed to the Current Operating Account.

10.3 Basis of Assessment; Commencement of Assessments. The Declarant shall pay all common expenses of the Association until the Lots are assessed for common expenses. The amount of the initial annual assessment to Owners other than the Declarant shall be determined by the Declarant. The Declarant shall be exempt from paying any assessments (operating, special and reserve) on all Lots owned by it.

10.3.1 Commencement of Operating Assessments. The date of commencement of the operating assessments shall be determined by the Declarant; however, in no event shall they commence later than the Turnover Meeting; provided, however, the Declarant shall be exempt from paying the operation portion of the assessment on all Lots owned by it.

10.3.2 Commencement of Reserves. The reserve portion of the assessment, if any, shall commence for a Lot from date of transfer of ownership of that Lot from the Declarant to a third party. The Declarant shall be exempt from paying the reserve portion of the assessment on all Lots owned by it.

10.4 Annual Assessments. Annual assessments for each year shall be established when the Board approves the budget for that year. The initial assessment and the implementation thereof shall be determined by the Declarant and shall be prorated on a monthly basis. For prospective purposes, any portion of a month shall count as a full month. Unless otherwise specified by the Board, annual assessments shall be due and payable on the first day of each calendar year during the term of this Declaration.

10.4.1 Budgeting. Regardless of the number of Members or the amount of assets of the Association, each year the Board shall prepare, approve and make available to each Member a pro forma operating statement (budget) containing estimated revenue and expenses. Once assessments begin, the Board shall annually prepare and approve the budget and distribute a copy thereof to each Member, together with written notice of the amount of the annual assessments to be levied against the Owner's Lot, not less than thirty (30) days and not more than ninety (90) days prior to the beginning of the calendar year.

10.4.2 Allocation of Assessments. The total amount in the budget shall be charged equally against all Lots that are subject to assessment.

10.4.3 Nonwaiver of Assessments. If before the expiration of any year the Association fails to fix annual assessments for the next year, the annual assessments established for the preceding year shall continue until a new annual assessment is fixed.

10.5 Special Assessments. The Board and/or the Owners shall have the power to levy special assessments against an Owner or all Owners in the following manner for the following purposes; provided however, the Declarant shall be exempt from special assessments:

10.5.1 Correct Deficit. To correct a deficit in the operating budget, by vote of a majority of the Board;

10.5.2 Special Obligations of an Owner. To collect amounts due to the Association from an Owner for breach of the Owner's obligations under this Declaration, the Bylaws, or the Rules and Regulations, by vote of a majority of the Board;

10.5.3 Repairs. To collect additional amounts necessary to make repairs or renovations to the Common Area or Commonly Maintained Property if sufficient funds are not available from the operating budget or replacement reserve accounts, by vote of a majority of the Board; or

10.5.4 Capital Improvements. To make capital acquisitions, additions or improvements, by vote of at least eighty percent (80%) of all votes allocated to the Lots.

10.6 Accounts.

10.6.1 Types of Accounts. Assessments collected by the Association shall be deposited into at least two (2) separate accounts with a bank, which accounts shall be clearly designated as (i) the Current Operating Account and (ii) the Reserve Account. The Board shall deposit or cause to be deposited those portions of the assessments collected for current maintenance and operation into the Current Operating Account and shall deposit those portions of the assessments collected as reserves for major maintenance, repair, replacement and deferred maintenance of the Common Area and Commonly Maintained Property, if any, into the Reserve Account. In its books and records, the Association shall account separately for operating expenses relating to the Common Area/Commonly Maintained Property and operating expenses relating to all other matters, as well as for necessary reserves relating to the Common Area/Commonly Maintained Property and necessary reserves relating to all other matters.

10.6.2 Reserve Account. Declarant shall establish a Reserve Account, in the name of the Association, which shall be kept separate from all other funds held by the Association. The Association shall pay out of the Reserve Account only those costs that are attributable to the maintenance, repair or replacement of any Common Area property and Commonly Maintained Property that normally requires major maintenance, repair or replacement, in whole or in part, within one (1) to thirty (30) years and not for regular or periodic maintenance and expenses. No funds collected for the Reserve Account may be used for ordinary current maintenance and operation purposes.

10.6.2.1 Calculation of Reserve Assessment; Reserve Study. The reserve assessment is based on the estimated remaining life and current replacement cost of any Common Area property and Commonly Maintained Property which normally requires major maintenance, repair or replacement, in whole or in part, within one (1) to thirty (30) years. Not less often than annually, the Board of Directors shall inventory all items of any Common Area and Commonly Maintained Property and shall estimate the remaining life of each item and the

current replacement cost of each of such items. The total Reserve Account assessment shall be equal to the sum of the estimated major maintenance repair or replacement cost of each item which has an estimated life of greater than one (1) but less than thirty (30) years, divided by the estimated number of years of life for such item. The Board of Directors shall establish a thirty (30)-year plan for maintenance, repair and replacement of any Common Area and Commonly Maintained Property with regular and adequate contributions, adjusted by estimated inflation and interest earned on reserves, to meet the maintenance, repair, and replacement schedule. The Board of Directors shall, within thirty (30) days after conducting the reserve study, provide to every Owner a written summary of the reserve study and of any revisions to the thirty (30)-year plan adopted by the Board of Directors or the Declarant as a result of the reserve study. The reserve account assessment shall be allocated pursuant to Section 10.4.2. The Board of Directors shall annually conduct a reserve study and a maintenance plan for the common elements, or review and update an existing study of any Common Area or Commonly Maintained Property to determine the reserve account requirements.

10.6.2.2 Loan from Reserve Account. After the Turnover Meeting described in Section 8.2, the Board may borrow funds from the Reserve Account to meet high seasonal demands on the Association's regular operating fund or to meet unexpected increases in expenses. Funds borrowed must be repaid later from assessments if the Board has adopted a resolution, which may be an annual continuing resolution, authorizing the borrowing of funds. Not later than the adoption of the budget for the following year, the Board shall adopt by resolution a written payment plan providing for repayment within a reasonable period.

10.6.2.3 Investment of Reserve Account. Nothing in this Section prohibits the prudent investment of Reserve Account funds, subject to any constraints imposed by the Board, the Bylaws, the Rules and Regulations or the Oregon Planned Community Act.

10.6.2.4 Refunds of Assessments. Assessments paid into the Reserve Account are the property of the Association and are not refundable to sellers or Owners of Lots. Sellers or Owners of Lots may treat their outstanding share of the Reserve Account's balance as a separate item in the sales contract providing for the conveyance of their Lot.

10.6.2.5 Reserves on Declarant Owned Lots. If a Lot owned by the Declarant becomes subject to assessment as provided in Section 10.4.2, the Declarant may accrue the reserve portion of the assessment until the Lot is sold to a third party not affiliated with the Declarant.

10.6.3 Current Operating Account. All costs other than those to be paid from the Reserve Account may be paid from the Current Operating Account.

10.7 Default in Payment of Assessments; Enforcement of Liens.

10.7.1 Personal Obligation. All assessments properly imposed under this Declaration or the Bylaws shall be the joint and several personal obligation of all Owners of the Lot to which such assessment pertains. In a voluntary conveyance (that is, one other than through foreclosure or a deed in lieu of foreclosure), the grantees shall be jointly and severally liable with the grantors for all Association assessments imposed through the recording date of the

instrument effecting the conveyance. A suit for a money judgment may be initiated by the Association to recover such assessments without either waiving or foreclosing the Association's lien.

10.7.2 Association Lien. The Association shall have a lien against each Lot for any assessment (of any type provided for by this Declaration or the Bylaws) or installment thereof that is delinquent. The Association's lien shall accumulate all future assessments or installments, reimbursement assessments, interest, late fees, penalties, fines, attorneys' fees (whether or not suit or action is instituted), actual administrative costs, and other appropriate costs properly chargeable to an Owner by the Association, until such amounts are fully paid. Recording of the Declaration constitutes record notice and perfection of the lien. Said lien may be foreclosed at any time pursuant to the Planned Community Act. The Association shall record a notice of a claim of lien for assessments and other charges in the deed records of Washington County, Oregon, before any suit to foreclose may be filed. The lien of the Association shall be superior to all other liens and encumbrances except property taxes and assessments, any first mortgage, deed of trust or land sale contract recorded before the Association's notice of lien.

10.7.3 Interest; Fines; Late Fees; Penalties. The Board, in its reasonable discretion, may from time to time adopt resolutions to set the rate of interest and to impose late fees, fines and penalties on delinquent assessments or for violations of the provisions of this Declaration, the Bylaws, Architectural Standards and the Rules and Regulations adopted by the Board or the ARC. The adoption of such impositions shall be communicated to all Owners in writing before the effective date by a notice mailed to the assessment billing address of such Owners or transmitted electronically to the Owners as permitted by the Planned Community Act. Such impositions shall be considered assessments that are lienable and collectible in the same manner as any other assessments; provided, however, that fines or penalties for violation of this Declaration, the Bylaws or any rule and regulation, other than late fees, fines or interest arising from an Owner's failure to pay regular or special assessments may not be imposed against an Owner or such Owner's Lot until such Owner is given an opportunity for a hearing as elsewhere provided herein.

10.7.4 Acceleration of Assessments. If an Owner is delinquent in payment of any assessment or installment on any assessment, the Association, upon not less than ten (10) days' written notice to the Owner, may accelerate the due date of the full annual assessment for that calendar year and all future installments of any special assessments.

10.7.5 Association's Right to Rents; Receiver. In any foreclosure suit by the Association with respect to such lien, the Association shall be entitled to collect reasonable rent from the defaulting Owner for the use of such Owner's Lot or shall be entitled to the appointment of a receiver.

10.8 Statement of Assessments.

10.8.1 The Association shall provide, within ten (10) business days of receipt of a written request from an Owner, a written statement that provides:

10.8.1.1 The amount of assessments due from the Owner and unpaid at the time the request was received, including:

(a) Regular and special assessments;
(b) Fines and other charges;
(c) Accrued interest; and
(d) Late payment charges.

10.8.1.2 The percentage rate at which interest accrues on assessments that are not paid when due.

10.8.1.3 The percentage rate used to calculate the charges for late payment or the amount of a fixed charge for late payment.

10.8.2 The Association is not required to comply with Section 10.8.1 if the Association has commenced litigation by filing a complaint against the Owner and the litigation is pending when the statement would otherwise be due.

ARTICLE 11
GENERAL PROVISIONS

11.1 Records. The Board shall preserve and maintain minutes of the meetings of the Association, the Board and any committees. The Board also shall keep detailed and accurate financial records, including individual assessment accounts of Owners, the balance sheet, and income and expense statements. Individual assessment accounts shall designate the name and address of the Owner or Owners of the Lot, the amount of each assessment as it becomes due, the amounts paid upon the account, and the balance due on the assessments. The minutes of the Association, the Board and Board committees, and the Association's financial records shall be maintained in the state of Oregon and reasonably available for review and copying by the Owners. A reasonable charge may be imposed by the Association for providing copies.

11.2 Delegation to a Master Association. The Association may, pursuant to a resolution adopted by the Board, delegate any of the powers of the Association under the Planned Community Act, the Declaration and/or Bylaws to a master association and the master association may exercise such power. The Association may contract with the master association to perform any obligations or duties of the Association, the cost of which shall be charged to the Association.

11.3 Indemnification of Directors, Officers, Employees and Agents. The Association shall indemnify any Director, officer, employee or agent who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by the Association) by reason of the fact that such person is or was a Director, officer, employee or agent of the Association or is or was serving at the request of the Association as a Director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by said person in connection with such suit, action or proceeding if such person acted in good faith and in a manner that such person reasonably believed to be in, or not opposed to, the best interest of the Association, and, with respect to any criminal action or

proceedings, had no reasonable cause to believe that such person's conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or with a plea of nolo contendere or its equivalent, shall not of itself create a presumption that a person did not act in good faith and in a manner which such person reasonably believed to be in, or not opposed to, the best interest of the Association, and, with respect to any criminal action or proceedings, had reasonable cause to believe that such person's conduct was unlawful. Payment under this clause may be made during the pendency of such claim, action, suit or proceeding as and when incurred, subject only to the right of the Association to reimbursement of such payment from such person, should it be proven at a later time that such person had no right to such payments. All persons who are ultimately held liable for their actions on behalf of the Association as a Director, officer, employee or agent shall have a right of contribution over and against all other Directors, officers, employees or agents and members of the Association who participated with or benefited from the acts which created said liability.

11.4 Enforcement; Attorneys' Fees. The Association, the Owners, the Declarant and any mortgagee holding an interest on a Lot shall have the right to enforce all of the covenants, conditions, restrictions, reservations, easements, liens and charges now or hereinafter imposed by any of the provisions of this Declaration as may appertain specifically to such parties or Owners by any proceeding at law or in equity. Failure by either the Association or by any Owner or mortgagee to enforce any covenant, condition or restriction herein contained shall in no event be deemed a waiver of their right to do so thereafter. In the event suit or action is commenced to enforce the terms and provisions of this Declaration (including without limitations, for the collection of assessments), the prevailing party shall be entitled to its actual administrative costs incurred because of a matter or event which is the subject of the suit or action, attorneys' fees and costs in such suit or action to be fixed by the trial court, and in the event of an appeal, the cost of the appeal, together with reasonable attorneys' fees, to be set by the appellate court. In addition thereto, the Association shall be entitled to its reasonable attorneys' fees and costs incurred in any enforcement activity or to collect delinquent assessments, together with the Association's actual administrative costs, whether or not suit or action is filed.

11.5 Construction Defect Claim Procedure. No litigation shall be commenced against the Declarant, contractor or builder of the Home or any Owner of a Lot in respect to any alleged defect in a Home or on any Common Area except in compliance with the process set forth in ORS 701.560 to 701.595 and ORS 701.605.

11.6 Severability. Invalidation of any one of these covenants, conditions or restrictions by judgment or court order shall not affect the other provisions hereof and the same shall remain in full force and effect.

11.7 Duration. The covenants, conditions and restrictions of this Declaration shall run with and bind the land for a term of thirty-five (35) years from the date of this Declaration being recorded, after which time they shall be automatically extended for successive periods of ten (10) years, unless rescinded by a vote of at least ninety percent (90%) of the Owners and ninety percent (90%) of the first mortgagees; provided, however, that amendments that do not constitute rescission of the planned community may be adopted as provided in Section 11.7.

11.8 Amendment. Except as otherwise provided in Section 11.6 or ORS 94.590, and the restrictions set forth elsewhere herein, this Declaration may be amended at any time by an

instrument approved by not less than seventy-five percent (75%) of the total votes of members that are eligible to vote. Any amendment must be executed, recorded and certified as provided by law; provided, however, that no amendment of this Declaration shall effect an amendment of the Bylaws or Articles without compliance with the provisions of such documents, and the Oregon Nonprofit Corporation Act and that no amendment affecting the general plan of development or any other right of Declarant herein contained may be effected without the express written consent of Declarant or its successors and assigns, including, without limitation, amendment of this Section.

11.9 Release of Right of Control. Declarant may give up its right of control in writing at any time by notice to the Association.

11.10 Unilateral Amendment by Declarant. In addition to all other special rights of Declarant provided in this Declaration, Declarant may amend this Declaration in order to comply with the requirements of the Federal Housing Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Mortgage Loan Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon, or any other state in which the Lots are marketed and sold, or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon, or such other state, the approval of which entity is required in order for it to insure, guarantee or provide financing in connection with development of the Property and sale of Lots. Prior to the Turnover Meeting, no such amendment shall require notice to or approval by any Class A member.

11.11 Resolution of Document Conflicts. In the event of a conflict among any of the provisions in the documents governing Denali, such conflict shall be resolved by looking to the following documents in the order shown below:

(a) Declaration;
(b) Articles;
(c) Bylaws;
(d) Rules and Regulations.

IN WITNESS WHEREOF, Declarant has executed this instrument this 18 day of MARCH, 2020.

J. T. ROTH CONSTRUCTION, INC.
an Oregon corporation

By: _____
J. T. Roth, Jr., President

OFFICIAL STAMP
TONI M LOWE
NOTARY PUBLIC OREGON
COMMISSION NO. 967440A
MY COMMISSION EXPIRES OCTOBER 05, 2021

STATE OF OREGON)
) ss.
County of Washington)

3-18, 2020

Personally appeared before me the above-named J. T. Roth, Jr. who, being duly sworn, did say that he is the President of J. T. Roth Construction, Inc., an Oregon corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its board of directors; and acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon

EMERIO Design

CIVIL ENGINEERS & PLANNERS

DATE: 7-10-2020
REVISED: 9-1-2020

PROPERTY OWNERS/ DEVLOPER:

Dennis and Paula Yuzon – 2S133CB00100 (Owner)
23120 SW Murdock Road
Sherwood, OR

Jacob Miller – 2S133CB00200 (Owner/Developer)
23008 SW Murdock Road
Sherwood, OR

J.T. Roth Construction, Inc. - 2S133CB00100 (Developer)
Attn: Tim Roth
12600 SW 72nd, Suite 200
Portland, OR 97223

CIVIL ENGINEER, PLANNING & SURVEYOR:

Emerio Design, LLC
Attn: Steve Miller
6445 SW Fallbrook Pl., Suite 100
Beaverton, OR 97008
Cell: (541) 318-7487
E-mail: stevem@emeriodesign.com

REQUEST: 41-Lot residential subdivision in the VLDR Planned Unit Development (PUD) Zone. The proposed **"Denali Summit PUD"** will be developed pursuant to the City of Sherwood Land Use and Development Code requirements.

SITE LOCATION: 23008 SW Murdock Road and 23120 SW Murdock Road

ZONING: VLDR, Very Low Density Residential

TOTAL SITE SIZE: 15.07 Acres / 656,580 Square Feet

LEGAL DESCRIPTION: Tax Map 2S133CB, Tax Lots 100 and 200

LIST OF EXHIBITS:

1 - Vicinity Map and Washington Co Assessor Map

2 – Detailed Development Plan and Landscape Plans

3 – Drainage Report

4 – Pre-Application Notes

5 – Denali Summit PUD Architectural Pattern Books

6 – Clean Water Services Service Provider Letters

7 – Neighborhood Meeting Notices and Notes

8 – Title Report

9 – Geotechnical Report

I. INTRODUCTION

Background Information: The subject site consists of two (2) tax lots totaling approximately 15.07 acres in size. Together the site area is generally square in shape with a flagpole along the northwest leading out to Murdock Road. The site is currently developed with two single-family dwellings, one on each tax lot, as well as a swimming pool on Tax lot 100 and an accessory structure on tax lot 200. The site area is vegetated with a mix of trees, shrubs, and grass fields, and has an undulating topography.

With this proposal, the applicant is proposing to develop the site into a 41-lot residential subdivision/planned development for single-family detached residential dwellings. The subject site area is part of the SE Sherwood Master Plan, which was approved in concept by the Planning Commission via resolution in 2006. Although not formally adopted and incorporated into the Comprehensive Plan nor adopted by the City Council, it does provide guidance for development and the intention of the community and surrounding property owners for the area. The subject site has an underlying zoning district of Very Low Density Residential (VLDR) and will be developed utilizing the requirements of the VLDR zoning district in conjunction with the recommendations and guidelines of the SE Sherwood Master Plan, including the allowed density of four dwelling units per net buildable acre, which will be discussed later in this narrative. As part of the planned unit development (PUD), the applicant is requesting a modification to the front yard setback for all lots, street side yard setback for the corner lots, and the rear yard setback for Lots 11 and 12. The Applicant is requesting that the front yard setback be 15-feet for the house and 20 feet for the garage, a street side yard setback

of 15 feet for lots 3, 19, 20, 29, 30, 36 and 37, and a rear yard setback of 15-feet for Lots 11 and 12. In addition, the Applicant is also request a modification to the 530-foot block length standard, as well as the number of lots served by a private street.

The site was part of the "Ken Foster Farm" site, originally about 40 acres and was used for farming. It was subdivided approximately twenty years ago, a portion of which is this 15.07-acre site. It is known that portions of the larger Ken Foster Farm site had been used for discarding animal hides and carcasses that were remnants from the local tanner operation in the city. As part of the Department of Environmental Quality (DEQ) investigation of the Tannery site on SW Oregon Street, it was discovered that the soil on the Ken Foster Farm site was contaminated. The property to the northeast, Ironwood Subdivision, was in development when the issue became known which required significant soil removal and oversight from the Department of Environmental Quality (DEQ).

An excerpt from the Department of Environmental Quality Technical memorandum dated July 13, 2005 describes that from 1962 to 1971, tannery wastes from the Frontier Leather Company were applied by Mr. Foster to several areas of pastureland. Liquid sludge from the tannery's primary wastewater settling tanks was also distributed on the site.

DEQ entered the Ken Foster Farm site into the Environmental Cleanup Site Information Database in 2000 and completed a Preliminary Assessment (PA) in 2004, funded by cooperative grant funds from the Environmental Protection Agency (EPA) Region 10.

The developers are responsible for completing clean-up of all known contamination on the site. The developer(s)/owner is actively working with DEQ at the time of this application submittal to finalize the clean-up of the contamination. All approvals from DEQ shall be received prior to the developers proceeding with any development of the subject site area.

II. CONFORMANCE WITH CITY OF SHERWOOD CODE APPROVAL CRITERIA

SHERWOOD MUNICIPAL CODE (Code)
TITLE 16 – ZONING AND COMMUNITY DEVELOPMENT CODE

Division I ***GENERAL PROVISIONS***

Chapter 16.04 ***ESTABLISHMENT OF ZONING DISTRICTS***

RESPONSE: The subject site area is identified on the City of Sherwood's (City) Official Zoning Map as being in the Very Low Density Residential (VLDR) zoning district within the SE Sherwood Plan, noting that the SE Sherwood Plan has never been officially adopted by the City.

Division II LAND USE AND DEVELOPMENT

Chapter 16.12 RESIDENTIAL LAND USE DISTRICTS

16.12.010 – Purpose and Density Requirements

A. Very Low Density Residential (VLDR)

1. Standard Density

The VLDR zoning district provides for low density, larger lot single-family housing and other related uses in natural resource and environmentally sensitive areas that warrant preservation but are otherwise deemed suitable for limited development. Standard density in the VLDR zone is 0.7 to 1 dwelling unit per acre.

RESPONSE: The subject site is going to be developed as a Planned Unit Development; therefore, the standard density is not applicable to this project.

2. VLDR Planned Unit Development Density Standards

Property in the VLDR zone that is developed through the Planned Unit Development (PUD) process under Chapter 16.40, if all floodplain, wetlands, and other natural resource areas are dedicated or remain in common open space, may develop to a density of 1.4 to 2.0 dwelling units per net buildable acre under the following conditions:

a. The minimum lot size is not less than 10,000 square feet;

b. The following areas are dedicated to the public or preserved as common open space: floodplains under Section 16.134.020 (Special Resource Zones); natural resources areas as shown on the Natural Resources and Recreation Plan Map, attached as Appendix C, or as specified in Chapter 5 of the Community Development Plan; and wetlands defined and regulated under current Federal regulation and Division VIII of this Code; and

c. The higher density development will better preserve natural resources as compared to one (1) unit per acre.

RESPONSE: The subject site is going to be developed as a Planned Unit Development; however, the subject properties are part of the Southeast Sherwood Master Plan and will be developed as a Southeast Sherwood Master Planned Unit Development which has different standards and are discussed below.

3. Southeast Sherwood Master Planned Unit Development

a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre.

RESPONSE: The proposed project will be a planned unit development in the Southeast Sherwood Master Planned Unit Development area and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan. Accordingly, the maximum density allowed is four (4) dwelling units per net buildable acre. Density calculations will be given in detail later in this narrative. A complete discussion of Chapter 16.40 will also take place later in this narrative.

b. Development under Section 16.12.010.A.3 must generally follow the development pattern shown as Alternative B/C in the SE Sherwood Master Plan (2006) and address the following factors:

(1) Varied lot sizes are allowed with a minimum lot area of 10,000 square feet if it can be shown that adequate buffering exists adjacent to developed properties with screening, landscaping, roadways or open space.

RESPONSE: Proposed lots are sized as follows: Lot 1 – 12,475 square feet; Lot 2 – 10,024 square feet; Lot 3 – 10,248 square feet; Lot 4 – 10,058 square feet; Lot 5 – 13,229 square feet; Lot 6 – Lot 11,278 square feet; Lot 7 – 10,176 square feet; Lot 8 – 10,221 square feet; Lot 9 – 10,221 square feet; Lot 10 – 10,242 square feet; Lot 11 – 13,673 square feet; Lot 12 – 11,420 square feet; Lot 13 – 10,097 square feet; Lot 14 10,275 square feet; Lot 15 10,275 square feet; Lot 16 11, 061 square feet; Lot 17 10, 454 square feet; Lot 18 10, 018 square feet; Lot 19 10,527 square feet; Lot 20 10,153 square feet; Lot 21 10,026 square feet, Lot 22 10,741 square feet; Lot 23 10,892 square feet; Lot 24 11,184 square feet; Lot 25 10,044 square feet; Lot 26 10, 092 square feet; Lot 27 10,036 square feet; Lot 28 20,886 square feet; Lot 29 10,041 square feet; Lot 30 10,437 square feet; Lot 31 10,004 square feet; Lot 32 12,555 square feet Lot 33 11,652 square feet; Lot 34 19,766 square feet; Lot 35 10,037 square feet; Lot 36 10,098 square feet; Lot 37 10,102 square feet; Lot 38 10,044 square feet; Lot 39 10,006 square feet; Lot 40 10,030 square feet; and Lot 41 10,006 square feet. All lots either meet or exceed the 10,000-square foot minimum. Buffering, therefore, is not necessary as all lots meet or exceed the minimum 10,000-square footage requirement. It is also noted that a water quality tract (i.e. Tract B) located at the southeast corner and landscaped usable open space along the west (i.e. Tract A) and east (i.e. Tract C) of the subject site all act as buffers to adjacent developed properties.

(2) The open space areas as required by Chapter 16.40 (Planned Unit Development), where feasible, should include parks and pathways that are

located within the general vicinity of Alternative B/C in the SE Sherwood Master Plan.

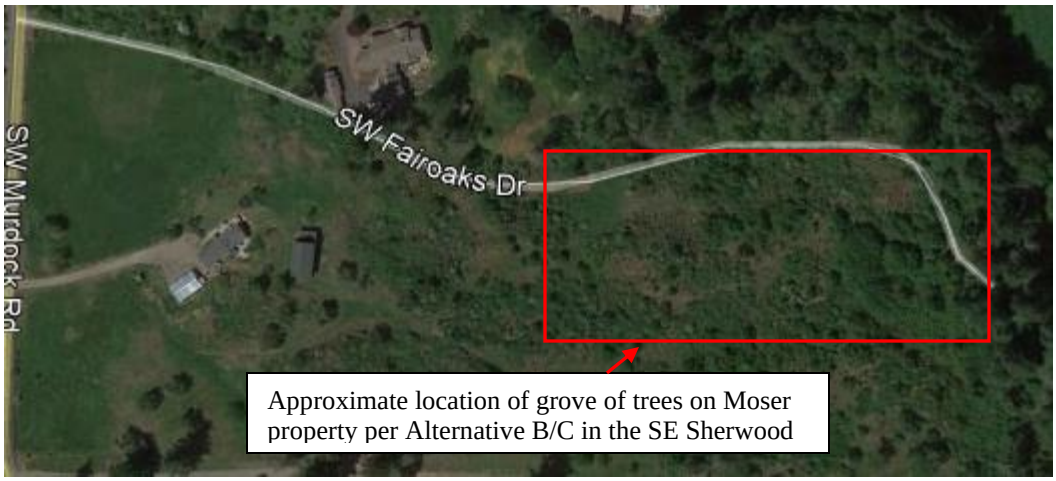
RESPONSE: Open space requirements are addressed later in this narrative. Proposed Tracts A, C, and G will provide usable open space areas for the PUD and will be dedicated as Tracts A, C, and G usable open space. Tract A has been located to abut with the Denali Meadows open space tract to help facilitate pedestrian connectivity to the east as intended in the SE Sherwood Master Plan.

In response to the incomplete letter the Applicant received from the City dated August 12, 2020, the Applicant was asked to address the proposed alignment of the new public street and its potential impact on the neighboring property to the north (i.e. Tax Lot: 2S133BC01700 / Moser Delores a & Leroy J – 11.63 acres) as it relates to open space areas in the Alternative B/C in the SE Sherwood Master Plan.

The Alternative B/C in the SE Sherwood Master Plan, which was not formally adopted by City Council, shows a looping street alignment on the Yuzon property (i.e. Tax Lot: 2S133CB00100) in the general location as proposed by the Applicant. As part of this proposal, the Applicant is proposing to stub the new public street at the northern property boundary of the Yuzon property so it can be extended into the Moser when that property redevelops. In addition, the Applicant has provided a "shadow plat" of the Moser property to show how the street can be extended to facilitate the development of the Moser property.

When the SE Sherwood Master Plan was initiated by the City, the Moser property contained a large grove of trees in the northeast corner of the property that was identified on the Alternative B/C in the SE Sherwood Master Plan as open space. However, the large grove of trees in the northeast corner of Moser property that was identified on Alternative B/C in the SE Sherwood Master Plan as open space has since been cleared (see Google aerial photo below dated 5/8/2019).

Google aerial photo of Moser property dated 5/8/2019



Since the grove of trees identified as open space on the Alternative B/C have been removed from the Moser property, the Applicant's proposed alignment of the new public street will not adversely impact the future redevelopment of the Moser property.

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

RESPONSE: The subject property is surrounded by different levels of residential development, with the developments to the south and west being more densely developed than lands to the north and east. There are no schools, parks or commercial areas nearby which need to be linked with the subject site. The proposed development will link with the surrounding residential sites via installation of a sidewalk along the north side of SW Ironwood Ln., as well as along both sides of the proposed street running north/south through the site. A pedestrian connection will also be provided between Tracts E and F. With the construction of these features, pedestrian connectivity will be provided along SW Ironwood Ln., as well as within the interior of the project by the proposed road and pedestrian easement and will allow for future connectivity with the redevelopment of the surrounding parcel to the north.

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

RESPONSE: Pursuant to the SE Sherwood Master Plan, the subject site does not contain any unique environmental opportunities and/or constraints. The above criterion does not apply to the applicant's proposal because there are no unique environmental opportunities and constraints identified in the SE Sherwood Master Plan on the site.

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

RESPONSE: The subject property does not have any identified view corridors depicted on the SE Sherwood Master Plan, therefore, this criterion does not apply to the applicant's request.

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

RESPONSE: The proposed housing design types as discussed in the two (2) submitted PUD Architectural Pattern Books are Prairie, Modern and Craftsman style, similar and compatible with, the existing houses in the adjacent subdivision and existing/surrounding developments.

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

RESPONSE: No density transfers are required or being requested for this project.

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

RESPONSE: The developer acknowledges that specific housing design types identified in this application will have to be identified again for final review as part of the final development review process. The subject site does not have any identified view corridors on the SE Sherwood Master Plan.

16.12.020 – Allowed Residential Land Uses

A. Residential Land Uses

RESPONSE: This project proposes single-family detached dwellings. Single-family detached dwellings are listed as a permitted use in the VLDR zone as per the table in 16.12.020.

16.12.030 – Residential Land Use Development Standards

A. Generally

No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by the 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.

B. Development Standards

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

C. Development Standards per Residential Zone

RESPONSE: The table lists the minimum lot area for single-family detached dwellings in the VLDR-PUD zone as 10,000 square feet. This project proposes forty-one (41) lots, all at 10,000 square feet or larger in area as illustrated on the submitted plan set. This standard has been met.

The table lists the minimum lot width at the front property line as 25 feet in the VLDR-PUD zone. Except for lot 34, which will be developed as a flag lot with 13.25 feet of frontage, all other proposed lots exceed the minimum lot width requirement of the VLDR-PUD code. The City's development code does not clearly specify a minimum lot width for a "flag lot"; however, Section 16.68.050 - Yard Requirements for Infill Development, does note that a flag lot "are those that have less that twenty-five (25) feet of street frontage. In an effort to adequately address the lot frontage for Lot 34, the Applicant is requesting a reduced lot width for Lot 34 as an exception allowed through the PUD process. Front lot line dimensions are noted on Sheet 3 of the submitted plan set.

There isn't a requirement for a minimum lot width at the building line in the VLDR-PUD zone. There isn't a requirement for a minimum lot depth in the VLDR-PUD zone.

Maximum height is 30 feet or 2 stories. Future building heights will be reviewed for compliance during the building permit process.

Setbacks in the VLDR-PUD zone for a single-family detached dwelling are as follows as per the table in 16.12.030:

	Required	**Provided**
Front:	20 feet	15 feet for house
Face of garage:	20 feet	20 feet face of garage
Interior side:	5 feet	5 feet

Corner lot street side:	20 feet	15 feet for all corner lots: 3, 19, 20, 29, 30, 36 and 37
Rear:	20 feet	20 feet, except Lots 11 and 12, which will be 15-feet

All setbacks will be reviewed for compliance during the building permit process.

As part of this planned unit development, the applicant is requesting a modification of the front setback, street side yard setback, and the rear yard setback. Specifically, the Applicant is requesting the following: Front yard setback: 15-feet front yard setback for the house (20-feet for the garage as required by code); Street side yard setback: 15-feet for lots 3, 19, 20, 29, 30, 36 and 37; Rear yard setback: 15-feet for Lots 11 and 12.

16.12.040 – Community Design

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

RESPONSE: The relevant sections of Divisions V, VIII and IX are addressed in this narrative and application package.

16.12.050 – Flood Plain

Except as otherwise provided, Section 16.134.020 shall apply.

RESPONSE: The subject site is not located within a flood plain; neither this section nor Section 16.134.020 apply to this development.

Chapter 16.40 PLANNED UNIT DEVELOPMENT (PUD)

16.40.020 Preliminary Development Plan

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

RESPONSE: In this case, the site is unusually limited in development potential because of the cost of cleanup of contaminated soils due to dumping of tannery waste on the site of the former Ken Foster Farms. Development as proposed facilitates the complete remediation of contaminated soils on this portion of the former KFF site, which is of great public benefit as lead and other harmful toxins have been detected in soils within the boundaries of the former KFF property. There is further public benefit with the development in this site as it implements the street system envisioned in the Sherwood Transportation System Plan and the SE Sherwood Master Plan for this region of the city. The number of lots proposed makes it feasible to develop the property considering the cleanup and infrastructure costs, thereby ensuring that the potential public health hazard is eliminated, and that vehicular and pedestrian connectivity and circulation is provided.

The only variations being sought are setback adjustments of the front, street side yard setback for Lots 3, 19, 20, 29, 30, 36 and 37, and rear yard setback for Lots 11 and 12. Specifically, the Applicant is requesting the following: Front yard setback: 15-feet front yard setback for the house and 20-feet for the garage; Street side yard setback: 15-feet for lots 3, 19, 20, 29, 30, 36 and 37; Rear yard setback: 15-feet for Lots 11 and 12.

B. Content

The Preliminary Development Plan application shall include the following documentation:

1. ***Existing conditions map(s) showing: All properties, existing uses, and zoning districts within three hundred (300) feet, topography at five (5) foot intervals, floodplain, significant natural vegetation and features, private and public facilities including but not limited to utilities, streets, parks, and buildings, historic and cultural resources, property boundaries, lot lines, and lot dimensions and area.***

RESPONSE: An Existing Conditions Map, which is Sheet 2 of the plan set, has been included with this application submittal.

2. ***Listing of all property owners adjacent to the PUD as per Section 16.72.020, including names and addresses, and a listing of all persons, including names and addresses, with an interest in the property subject to the PUD application.***

RESPONSE: The application package includes the names and addresses of nearby property owners, as well as the names and addresses of the owners of the subject site, applicants and consultants.

3. ***Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation…***

RESPONSE: The required items are shown on the submitted plans.

4. ***Narrative describing: the intent of the PUD and how general PUD standards as per this Chapter are met, details of the particular uses, densities, building types and architectural controls proposed, form of ownership, occupancy and responsibility for maintenance for all uses and facilities, trees and woodlands, public facilities to be provided, specific variations from the standards of any underlying zoning district or other provisions of this Code, and a schedule of development.***

RESPONSE: This narrative includes the necessary information.

5. ***If the PUD involves the subdivision of land, the proposal must also include a preliminary subdivision plat and meet all requirements of Chapter 16.120. The preliminary subdivision will be processed concurrently with the PUD.***

RESPONSE: Sheet 3 of the submitted plan set is the Preliminary Plat for the proposed subdivision of land.

6. ***Architectural Pattern Book: A compendium of architectural elevations, details and colors of each building type shall be submitted with any PUD application. The designs shall conform to the site plan urban design criteria in…***

RESPONSE: Architectural Pattern Books are included with the application package and includes all the required information.

C. ***Commission Review***
The Commission shall review the application pursuant to Chapter 16.72 and may act to recommend to the Council approval, approval with conditions or denial. The Commission shall make their decision based on the following criteria:
1. ***The proposed development is in substantial conformance with the Comprehensive Plan and is eligible for PUD consideration per 16.40.020.A.***

RESPONSE: The proposed development complies with the standards of the Development Code, which implements the Comprehensive Plan. The proposal is eligible for PUD consideration per 16.40.20.A in that it is unusually limited in development potential by the financial burden of cleaning up contaminated soils in addition to infrastructure costs which further limits the amount of space available for development. There is great public benefit to facilitating the complete remediation of the contaminated soils on this part of the former Ken Foster Farms site, as well as the proposed improvements along the north side of SW Ironwood Ln. and the proposed north/south street as designated in the Sherwood Transportation System Plan and the SE Sherwood Master Plan.

2. ***The preliminary development plans include dedication of at least 15 percent of the buildable portion of the site to the public in the form of usable open space, park or other public space, (subject to the review of the Parks & Recreation Board) or to a private entity managed by a homeowners association. Alternatively, if the project is located within close proximity…***

RESPONSE: The buildable area of the site is 535,016 square feet and 15% of the buildable area is 80,252 square feet. Tracts A, C and G have been designated as usable open space tracts comprising 80,167 square feet. Even though the proposed open space is 85 square feet short of the required 15%, the Applicant has developed two (2) other parcels in the SE Sherwood Mater Plan area (i.e. Denali and Denali Meadows PUD's) and together they exceeded the required open space by 12,134 square feet. As the sole developer of the SE Sherwood Master Plan area, the Applicant's PUD proposals for all 4 properties exceeds the 15% open space requirement for the developed land by 12,049 square feet.

Tract A will run along the sites new public Rd. frontage and provide for pedestrian connectivity between the proposed public street and SW Murdock Road via the Denali Meadows PUD.

Tract C contains 61,292 square feet of open-space and will provide expanded open-space as contemplated in the SE Sherwood Master Plan.

Tracts A, C and G will be conveyed by title to the homeowners' association for maintenance and management. Tracts A, C, and G, as the designated usable open space, total 80,167 square feet, which together with the other lands developed by the Applicant in the SE Sherwood Master Plan area, exceeds the minimum requirement for all developed land by of 12,049 square feet.

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

RESPONSE: All standards of the underlying zoning district are being met as part of this application, except for a modification to the front yard setback, street side yard setback, and rear yard setback for Lot 1. Specifically, the Applicant is requesting the following: Front yard setback: 15-feet front yard setback for the house and 20-feet for the garage; Street side yard setback: 15-feet for lots 3, 19, 20, 29, 30, 36 and 37; Rear yard setback: 15-feet for Lots 11 and 12.

Due to the topography, geography, and the fact that future right-of-way will be dedicated creating future corner lots, the applicant would like to have the flexibility to place the houses as close to the front and street as possible to avoid grading and site

disturbance in those areas that have constraints. The setback modification request provides flexibility to place the houses and driveways on the lots in the flattest areas possible, some of which are right at the street.

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

RESPONSE: The proposed project (residential detached dwellings) is in harmony with the surrounding area as the proposed lots are comparable in size and use to the existing development (also residential detached dwellings) to the south and west and to future development as outlined in the SE Sherwood Master Plan. Conceptual architectural treatments are included with this application as Exhibit B showing prairie, craftsman and modern styles similar with the surrounding area. Proposed houses will meet the minimum side and rear setback and maximum height requirements (and, therefore be of a similar scale) of the adjacent developments that have been constructed in the VLDR zone.

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

RESPONSE: Tracts A, C, D, E, F, and G will be dedicated to the homeowners' association for maintenance, preservation and management. These tracts will be developed by the applicant as part of the subdivision site development.

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

RESPONSE: Due to the costs of cleanup of contaminated soils, it is not financially feasible to develop the site at the density of the VLDR zoning district. Development through the planned unit development process in the SE Sherwood Master Plan allows a density of four dwelling units per net acre which will facilitate complete remediation of contaminated soils on this portion of the former Ken Foster Farms site. Without SE Sherwood Master Plan PUD approval, complete cleanup of the site may be left undone or as a burden for the taxpayers to fund. Additionally, the proposed development will extend a sidewalk along the sites SW Ironwood Ln. frontage, underground any existing overhead utility lines along SW Ironwood Ln., and provide for future connectivity opportunities to the north of the site as shown in the SE Sherwood Master Plan and the Sherwood Transportation System Plan.

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

RESPONSE: The proposed project will be completed in one phase. The developer intends to begin final engineering drawings upon receipt of preliminary approval so that site development will be substantially completed within one year from date of preliminary approval.

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

RESPONSE: Water, sanitary sewer and storm sewer are available to serve the development and will be extended through the site with the development of the proposed north/south public street. Utilities for Lots 34 – 41 will be extended from the new public street that is part of the Denali Meadows subdivision. These lots will also take access from the new public street as well. The remaining lots will access onto the proposed north/south public street, which will connect to SW Ironwood Ln., both of which will provide for public access.

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

RESPONSE: This narrative describes how the objectives of this Chapter have been met in concert with the submitted plan set and attached exhibits.

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

RESPONSE: The subject site is approximately 15.07 gross acres which qualifies it for a PUD outright. However, because the site is zoned VLDR zone, it is considered within "natural resource and environmentally sensitive areas warranting preservation, but otherwise deemed suitable for limited development," according to the purpose statement of the VLDR zone. The subject site has undulating topography, several rock outcroppings and is limited in regard to gaining access to SW Murdock Rd., all of which make the property unusually constrained. Additional acreage to the north is not able to be added to the proposal as the surrounding property is in private ownership and the owners were not willing to sell at this time. Also, as previously discussed, the site has contaminated soils which are highly expensive to remediate.

16.40.050 Residential PUD

A. Permitted Uses

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

1. ***Varied housing types***
2. ***Related NC uses which are designed and located so as to…***
3. ***All other uses permitted within the underlying zoning district in which the PUD is located.***

RESPONSE: The project proposes single-family detached dwellings which are a permitted use in the underlying zoning district VLDR. No other uses are proposed as part of this development.

B. Conditional Uses

RESPONSE: No conditional uses are proposed as part of this project.

C. Development Standards

1. Density

The number of dwelling units permitted in a Residential PUD is the same as that allowed in the underlying zoning district, except as provided in Sections 16.40.40.D and 16.40.050.C.2.

RESPONSE: Chapter 16.10 of the Code defines density as "the intensity of residential land uses per acre, stated as the number of dwelling units per net buildable acre. Net buildable acre means an area measuring 43,560 square feet after excluding present and future rights-of-way and environmentally constrained areas." Net buildable acre is further defined separately as "an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses." The subject property has an underlying zoning district of VLDR which is unique in that there is a special density allowance permitting a greater density (two units) that what would be allowed in the underlying zoning designation (one unit) if the applicant requests development as a Planned Unit Development (PUD).

It is even further unique in that property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four dwelling units per net buildable acre. The effect of the special density allowance, using the SE Sherwood Master Plan, grants four units per acre rather than the underlying zoning density of up to one unit per acre.

The gross and net square footages are shown below.

LOT 1	12,475 Sq. Ft.
LOT 2	10,024 Sq. Ft.
LOT 3	10,248 Sq. Ft.
LOT 4	10,058 Sq. Ft.
LOT 5	13,229 Sq. Ft.
LOT 6	11,278 Sq. Ft.
LOT 7	10,176 Sq. Ft.
LOT 8	10,221 Sq. Ft.
LOT 9	10,221 Sq. Ft.
LOT 10	10,242 Sq. Ft.
LOT 11	13,673 Sq. Ft.
LOT 12	11,420 Sq. Ft.
LOT 13	10,097 Sq. Ft.
LOT 14	10,275 Sq. Ft.
LOT 15	10,275 Sq. Ft.
LOT 16	11, 061 Sq. Ft.
LOT 17	10, 454 Sq. Ft.
LOT 18	10, 018 Sq. Ft.
LOT 19	10,572 Sq. Ft.
LOT 20	10,153 Sq. Ft.
LOT 21	10,026 Sq. Ft.
LOT 22	10,741 Sq. Ft.
LOT 23	10,892 Sq. Ft.
LOT 24	11,184 Sq. Ft.
LOT 25	10,044 Sq. Ft.
LOT 26	10,092 Sq. Ft.
LOT 27	10,036 Sq. Ft.
LOT 28	20,886 Sq. Ft.
LOT 29	10,041 Sq. Ft.
LOT 30	10,437 Sq. Ft.
LOT 31	10,004 Sq. Ft.
LOT 32	12,555 Sq. Ft.
LOT 33	11,652 Sq. Ft.
LOT 34	19,766 Sq. Ft.
LOT 35	10,037 Sq. Ft.
LOT 36	10,098 Sq. Ft.
LOT 37	10,102 Sq. Ft.
LOT 38	10,044 Sq. Ft.
LOT 39	10,006 Sq. Ft.
LOT 40	10,030 Sq. Ft.
LOT 41	10,006 Sq. Ft.

SW Ironwood Ln. right-of-way	38 Sq. Ft.
Public Street right-of-way	64,223 Sq. Ft.
Public Street #2 right-of-way	4,411 Sq. Ft.
Future St. right-of-way	6,033 Sq. Ft.
Tract A usable open space	11,132 Sq. Ft.
Tract B water quality	27,899 Sq. Ft.
Tract C usable open space	61,292 Sq. Ft.
Tract D private street	7,581 Sq. Ft.
Tract E private street	5,214 Sq. Ft.
Tract F private street	6,164 Sq. Ft.
Tract G Usable Open Space	7,743 Sq. Ft.
Gross Square Footage =	656,580 Sq. Ft.

Deductions from Gross Square Footage:

Right-of-way (SW Ironwood Ln, Public St. 1 & 2, and Future ROW) =	74,705 Sq. Ft.
Private Streets (Tracts D - F) =	18,960 Sq. Ft.
Water quality tract (Tract B) =	27,899 Sq. Ft.
Total =	121,564 Sq. Ft in Deductions

Gross Square Footage	656,580 Sq. Ft.
-Deductions	121,564 Sq. Ft
Net Square Footage =	535,016 Sq. Ft. or 12.28 Net Acres

In this case, there are 12.28 net buildable acres because of right-of-way dedication and water quality tract areas are all excluded in the overall calculation of net buildable acreage. Calculating net density under the special density allowance of four (4) units per acre provides for up to 49 units (12.28 net acres x 4 units = 49.12). Tracts A, B, C, D, E, F, and G are not developable due to the irregular shape of the subject parcel, the requirement of open space and the requirement for a water quality treatment area.

2. Density Transfer

RESPONSE: No density transfers are proposed, nor are they allowed under Section 16.12.010.A.3.

3. Minimum Lot Size

RESPONSE: The minimum lot size of the underlying zoning district of VLDR is 10,000 square feet when in a PUD. All proposed lots are 10,000 square feet or greater in size.

Division III ADMINISTRATIVE PROCEDURES

Chapter 16.70 GENERAL PROVISIONS

16.70.010 – Pre-Application Conference

RESPONSE: A pre-application conference for this project was held on January 23, 2020. The planning staff contacts at the meeting were Erika Palmer, Joy Chang, and Eric Rutledge. A copy of the notes from the pre-application conference have been included in this submittal package.

16.70.020 – Neighborhood Meeting

RESPONSE: Neighborhood Meetings for this project were held on February 11, 2020 and June 2, 2020. The Neighborhood Meeting Sign-in Sheets, the Affidavits of Mailing and a summary of the meeting notes have been included with this application packet.

16.70.030 – Application Requirements

A. Form

RESPONSE: The required Application for Land Use Action has been obtained from the City and is herewith included in this submittal. The original signatures of the property owner/legal representative/applicant are contained on the submitted application.

B. Copies

RESPONSE: This application package includes one complete electronic copy of the full application packet via a CD, and three complete application packet sets. Additional required copies will be submitted when the application is deemed complete by City staff.

C. Content

RESPONSE: The appropriate fee check for the application has been submitted with this application package. The required Neighborhood Meeting materials are included as an attachment to this package. A Tax Map obtained from the Washington County Assessor's website is attached and also included with the submittal are the following items: three sets of mailing labels for property owners of record within 1,000 of the subject site; a Vicinity Map which is depicted on the Existing Conditions Map; the narrative; three copies of a current preliminary title report; the Existing Conditions Map identified as Sheet 2 of the plan drawing set; and the Preliminary Plat identified as Sheet 3, CWS Service Provider Letters, as well as a geotechnical report for the site. Lastly, the

applicant has been working with the DEQ on the Remedial Action Work Plan addressing the environmental clean-up of the site. Although this Work Plan has not yet been 100% signed off on by DEQ, the applicant is working very closely with DEQ and it is believed that DEQ sign off is eminent.

DIVISION IV PLANNING PROCEDURES

Chapter 16.80 PLAN AMENDMENTS
Chapter 16.82 CONDITIONAL USES
Chapter 16.84 VARIANCES
Chapter 16.86 TEMPORARY USES

RESPONSE: This application is not requesting any plan amendments, conditional uses, temporary uses or variances. A modification from the required 20-foot front and street side setback to 15 feet and 10 feet, respectively, is being requested through the planned unit development process.

DIVISION V COMMUNITY DESIGN

Chapter 16.90 SITE PLANNING

16.90.020 – Site Plan Review

A. Site Plan Review Required

Site Plan review is required prior to any substantial change to a site or use that does not meet the criteria of a minor or major modification, issuance of buildings permits for a new building or structure…

RESPONSE: This application is for approval of a new Subdivision/Planned Unit Development which will divide the existing site into eleven lots, thus representing a substantial change to the subject property and therefore requiring Site Plan Review.

D. Required Findings

No site plan approval will be granted unless each of the following is found:
1. The proposed development meets applicable zoning district standards and design standards in Division II, and all provisions of Divisions V, VI, VIII and IX.

RESPONSE: Divisions I through IX of the Code, as applicable, have been addressed throughout this narrative under the appropriate division, chapter and section headings.

2. ***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.***

RESPONSE: Water, sewer and storm lines will be extended through the site via the proposed public street, and/or increased in size as necessary, to accommodate the forty-one (41) new residential building lots. Power and communications lines will also be extended from what is existing to the residential building lots. Sheet 7 identifies proposed utility lines for the project. The site is currently served by the City's public safety agencies, which will continue to serve the eleven new detached dwellings. The development is proposing landscaped open space for use by the future residents. The Preliminary Plat (Sheet 3) illustrates these areas and Sheets 9 and 10 provide the landscaping plan and details for the open space areas. Solid waste and recyclable items will be disposed of in individual residential bins that will be rolled to the curbside of the proposed public street for weekly removal by the local waste and recycling service.

3. ***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.***

RESPONSE: The new residential building lots will be owned and maintained by individual homeowners. The extension of the new public street to and through the site will be dedicated as right-of-way to be maintained by the City. Tracts A, C and G within the development will be dedicated to the homeowners' association for maintenance, preservation and management. The water quality tract (i.e. Tract B) and will be dedicated to the City for ownership and maintenance. Detailed CC&R's will be provided with the Final Development Plan review.

4. ***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.***

RESPONSE: The subject property does not contain any significant natural features, such as natural drainage ways, wetland, or environmentally sensitive land, requiring preservation. With that being said, the applicating will be preserving, to the extend possible, existing pine trees and vegetation within Tracts A and C. Existing vegetation and trees elsewhere on the subject site, outside of Tracts A and C, will be removed as necessary to accommodate infrastructure development and construction of the new houses and driveways.

5. ***For developments that are likely to generate more than 400 average daily trips (ADTs), or at the discretion of the City Engineer, the applicant must provide adequate information, such as a traffic impact analysis (TIA) or traffic counts, to demonstrate the level of impact to the surrounding transportation system. The developer is required to mitigate for impacts attributable to the project, pursuant to TIA requirements in Section 16.106.080 and rough proportionality requirements in Section 16.106.090. The determination of impact or effect and the scope of the impact study must be coordinated with the provider of the affected transportation facility.***

RESPONSE: The proposed development of forty-one (41) single-family residential building lots will not generate more than 400 average daily trips because two (2) of the proposed lots will contain the existing dwellings, thus a traffic impact analysis is not required and one has not been provided.

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

RESPONSE: These standards are not applicable as the project is not commercial, multi-family, institutional or mixed used. Rather, the proposed project is for single-family residential detached dwellings.

Chapter 16.92 LANDSCAPING

16.92.010 – Landscaping Plan Required

RESPONSE: This development requires a site plan, and thus a landscaping plan is also required pursuant to Section 16.92.010. The required Landscaping Plan has been included as Sheets 10 and 11 of the submitted plan set.

16.92.20 – Landscaping Materials

A. Type of Landscaping

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

1. ***Ground Cover Plants***
   a. ***All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.***

b. Ground cover plants other than grasses must be at least four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.

RESPONSE: Sheet 15 shows all proposed landscaped area as being covered with a combination of trees, shrubs, grasses, groundcovers and lawn. Mulch is not being used as a substitute for ground cover. As noted on Sheet 15, ground cover plants are either 4" pots at 12" on center or one-gallon pots at two feet on center. The ground cover requirements have been met with the proposed plan. It has been noted on Sheet 15 that selected ground cover will be planted at a density to cover the entire intended area within three years of planting.

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

RESPONSE: Sheets 15 shows a variety of shrubs to be planted on the site in the proposed landscaped areas. Shrubs at time of planting range in size from two-gallon to five-gallon pots, all of which exceed the minimum planting requirement stated in the Code. It has been noted on Sheet 15 that all shrubs will be at full-growth within three years of planting.

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

RESPONSE: Sheets 15 shows a variety of trees to be planted on the site. The proposed trees range in height at time of planting from between six feet to 12 feet with calipers ranging between two inches to three inches. All trees will be fully branched at the time of planting, which has been noted on Sheet 15.

B. Plant Material Selection and Preparation
1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.
2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required,

spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

RESPONSE: Plants shown on the submitted plan have been selected appropriate to the site based upon hardiness, exposure to the elements and slope and contours of the site. Notes indicate that all planting areas will have a minimum of 6" workable topsoil and to till as necessary; to amend all topsoil with 2" of compost; and to spread at a minimum two-inch depth aged compost mulch in all planted areas.

C. Existing Vegetation

1. ***All developments subject to site plan review per Section 16.90.020 and required to submit landscaping plans per this section shall preserve existing trees, woodlands and vegetation on the site to the maximum extent possible, as determined by the Review Authority, in addition to complying with the provisions of Section 16.142 (Parks, Trees and Open Space) and Chapter 16.144 (Wetland, Habitat, and Natural Resources).***
2. ***Existing vegetation, except those plants on the Nuisance Plants list as identified in the "Suggested Plant Lists for Required Landscaping Manual" may be used to meet the landscape standards, if protected and maintained during the construction phase of the development.***
   a. ***If existing trees are used, each tree six (6) inches or less in diameter counts as one (1) medium tree.***
   b. ***Each tree that is more than six (6) inches and up to nine (9) inches in diameter counts as two (2) medium trees.***
   c. ***Each additional three (3) inch diameter increment above nine (9) inches counts as an additional medium tree.***

RESPONSE: Existing trees and vegetation are shown on Sheet 2 of the submitted plan set. None of the existing trees and vegetation are being used to meet the landscape standards. Tract A will preserve some existing trees and all existing trees and vegetation within Tract C will remain undisturbed and preserved.

D. Non-Vegetative Features

1. ***Landscaped areas as required by this Chapter may include architectural features interspersed with planted areas, such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, semi-pervious decorative paving, and graveled areas.***
2. ***Impervious paving shall not be counted toward the minimum landscaping requirements unless adjacent to at least one (1) landscape strip and serves as a pedestrian pathway.***
3. ***Artificial plants are prohibited in any required landscaped area.***

RESPONSE: Artificial plants are not proposed. The only impervious paving in the landscaping area will be the proposed pedestrian pathways which have been

counted toward the minimum landscaping requirement since they are adjacent to landscaping strips and serve as pedestrian pathways within Tract C.

16.92.30 – Site Area Landscaping and Perimeter Screening Standards

RESPONSE: This project does not have any perimeter screening and buffering requirements as it is a residential zone surrounded by other residential zones. No parking lots are being provided as part of this single-family residential subdivision, so parking area landscaping requirements are not applicable. There will be no centralized waste and recycling bin storage areas so enclosures, screening or landscaping for such areas is not applicable.

16.92.040 – Installation and Maintenance Standards

A. Installation
All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be property supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

B. Maintenance and Mitigation of Landscaped Areas
1. ***Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portion of the property not being developed.***
2. ***All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.***
3. ***Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with…***

RESPONSE: The homeowners' association will be responsible for maintenance and preservation of the landscaped areas contained within Tracts A, C, and G. Landscaping on individual lots will be the responsibility of the individual lot owner.

C. Irrigation
The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas must provide an irrigation system, as stated in Option 1, 2, or 3.
1. ***Option 1: A permanent built-in irrigation system with an automatic controller installed.***
2. ***Option 2: An irrigation system designed and certified by a licensed landscape architect or other qualified professional as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The system does not have to be permanent if the plants chosen can survive independently once established.***
3. ***Option 3: Irrigation by hand.***

RESPONSE: Landscaped areas within the tracts shall be equipped with an irrigation system.

D. Deferral of Improvements
Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to one hundred twenty-five (125) percent of the cost of the landscaping is filed with the City…

RESPONSE: The applicant intends to install all landscaping prior to issuance of occupancy permits. Should this become impossible due to plant availability and/or weather, the required security will be filed with the City in accordance with the Code.

Chapter 16.94 OFF-STREET PARKING AND LOADING

RESPONSE: The proposed development is for forty-one (41) single-family residential detached dwellings. No multi-family or attached housing is proposed. No commercial, institutional or industrial uses are proposed. No surface parking lots are proposed. All off-street parking requirements for individual dwellings will be met through the individual driveway on each lot. Each lot's driveway will provide the one required off-street parking space as noted in Table 1 of Chapter 16.94. Driveways will be completed as part of the building permit process for each house. Bicycle parking is not required for single-family detached dwellings.

Chapter 16.96 ON-SITE CIRCULATION

RESPONSE: The Cover Sheet, which is Sheet 1 of the submitted plan set, shows a complete on-site circulation system. Public sidewalks for pedestrian circulation are being installed on both sides of the proposed public street and along the north side of SW Ironwood Land. In addition, a pedestrian connection will be made in Tract A to link with the open space in the Denali Meadows subdivision, as well as a pedestrian easement between Tracts E and F to provided connectivity along the northern boundary of the site.

The proposed public street will be extended through the subject property as part of this development and stubbed at the northern boundary of the site in order to provide for a future connection to the future right-of-way along the northern boundary when adjacent parcels redevelop. In this way, vehicular connectivity and circulation will be provided for the area and will meet the requirements of the SE Sherwood Master Plan.

Chapter 16.98 ON-SITE STORAGE

RESPONSE: There will be no material storage or hazardous materials stored as part of the proposed development. No outdoor storage areas for either equipment or recreational vehicles are proposed as part of the overall development either. Should individual property owners wish to store recreational vehicles on their individual lots, applicable and appropriate permits would be obtained by individual lot owners as necessary. Common trash enclosures are not proposed as each house will utilize residential trash and recycling bins and will roll them to the curb each week for weekly disposal. No outdoor sales, food vendors, etc. will be allowed to set up displays or merchandise in the development.

Chapter 16.100 PERMANENT SIGNS

RESPONSE: No permanent signage is proposed as part of this application.

DIVISION VI PUBLIC INFRASTRUCTURE

Chapter 16.106 TRANSPORTATION FACILITIES

RESPONSE: The site currently has frontage along SW Ironwood Land. The proposed PUD has been designed to take access from SW Ironwood Ln. Required improvements will be made to SW Ironwood Ln. along the site's frontages, which will improve pedestrian access and provide better visibility along the corridor. The proposed development will ultimately connect with SW Ironwood Ln. to the south, as well as a future public street to the north when parcels to the north redevelop. With the develop of the parcels north of the site, the full transportation system envisioned with the SE Sherwood Master Plan will be realized. Street lighting will be installed as necessary to meet current city standards. Sheets 5 and 6 of the submitted plan set shows the proposed improvements to SW Ironwood Ln., as well as the design of the new north/south public street.

16.106.040 - Design

N. Private Streets

1. ***The construction of a private street serving a single-family residential development is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).***

2. ***Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan.***

3. ***A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.***

4. ***A private street shall also be signed differently from public streets and include the words "Private Street".***

RESPONSE: As part of this PUD proposal, the Applicant is proposing three (3) short private streets (i.e. Tracts D, E, and F). Through the PUD process, the Applicant is requesting a design modification to allow for up to six (6) lots to be served by a private street. These short private streets are necessary due to the sloping and rocky topography of the site.

The proposed private streets will be owned and maintained by the Homeowners Association (HOA) and recorded as Tracts on the final plat. In addition, the proposed private streets will be distinguished from the public street by being narrower in width, signed differently, and include the works "Private Street", as required by the above criterion. Lastly, 'No Parking" signs will be included on one side of each proposed private street in order to maintain a travel land for emergency vehicles.

Chapter 16.110 SANITARY SEWERS

RESPONSE: Sheet 13 shows a proposed sanitary sewer main to be constructed within the extension of the new public street. It will connect to an existing sewer manhole in SW Ironwood Lane. Each of the lots will have an individual sewer lateral connecting from the proposed sewer main in the new public street.

Chapter 16.112 WATER SUPPLY

RESPONSE: Currently an eight-inch diameter public water main exists within SW Ironwood Land adjacent to the southern edge of the subject property. Interconnection of the existing water main line and those extended into the development will take place as part of this development. The proposed interconnection is shown on Sheet 8 of the submitted plan set along with individual water meters to each of the new lots.

Chapter 16.114 STORM WATER

RESPONSE: Sheet 13 of the submitted plan set shows a proposed water quality facility along the southeastern edge of the development. The proposed water quality facility will be built to Clean Water Services standards. All required water quality manholes will be installed to Clean Water Services standards. A new storm drain line will be installed

in the proposed public street as part of its extension and will connect with the existing storm manholes located in the surrounding area. All storm laterals for the individual lots will connect to the new storm lines, which will in turn connect with the proposed water quality tract.

Chapter 16.116 FIRE PROTECTION

RESPONSE: Sheet 13 of the submitted plan set shows the installation of three (3) new fire hydrants along the proposed public street. One hydrant will be located at the intersection of SW Ironwood Ln. and the new public street, one at the bend in the street between Lots 12 and 13, and one at the north end of the project between Lots 6 and 7. The proposed fire hydrant locations will provide a water supply for fire protection within 500 feet of all proposed residential structures within the development.

Chapter 16.118 PUBLIC AND PRIVATE UTILITIES

RESPONSE: All applicable utility lines will be extended from their existing locations on the subject property, adjacent to the subject property or in existing or proposed right-of-way to each of the new residential lots. An eight-foot wide public utilities easement is provided along the front line of each proposed lot and is depicted on Sheet 3. No private utilities easements are proposed.

Division VII LAND DIVISIONS, SUBDIVISION, PARTITIONS, LOT LINE…

Chapter 16.120 SUBDIVISIONS

16.120.020 – General Subdivision Provisions

- ***A. Approval of a subdivision occurs through a two-step process: the preliminary plat and the final plat.***
  - ***1. The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and***
  - ***2. The final plat shall reflect all conditions of approval of the preliminary plat.***
- ***B. All subdivision proposals shall conform to all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.***
- ***C. Future re-division***
  When subdividing tracts into large lots, the Approval Authority shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this Division.
- ***D. Future Partitioning***
  When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to

allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.

E. Lot averaging

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

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

F. Required Setbacks

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

G. Property Sales

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

RESPONSE: This application represents the applicant's request for preliminary plat approval. The applicant acknowledges that the final plat will reflect all conditions of approval of this preliminary plat. The licensed land surveyor who will prepare the final plat will ensure that it conforms to all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions. None of the lots are large enough to be re-divided or partitioned since the minimum lot size is 40,000 square feet without a planned unit development. Lot averaging is not applicable as all lots meet the minimum lot size of 10,000 square feet in a planned unit development. Yard setbacks are stated in this narrative and are also illustrated on each of the lots on all applicable plan sheets. None of the proposed lots will be disposed of, transferred or sold until required subdivision approvals have been obtained.

16.120.030 – Approval Procedure-Preliminary Plat

A. Approval Authority

1. ***The approving authority for preliminary and final plats of subdivisions shall be in accordance with Section 16.72.010 of this Code.***
   - ***a. A subdivision application for 4-10 lots will follow a Type II review process.***
   - ***b. A subdivision application for 11-50 lots will follow a Type III review process.***
   - ***c. A subdivision application for over 50 lots will follow a Type IV review process.***

RESPONSE: The proposal is for forty-one lots; therefore, the subdivision application is being processed as a Type III review.

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

RESPONSE: Preliminary plat approval shall be received prior to proceeding to the filing or recording of the final plat.

B. Phased Development

1. ***The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat.***
2. ***The criteria for approving a phased subdivision review proposal are***
3. ***The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.***

RESPONSE: No phasing is proposed for this forty-one lot development. The subdivision is proposed to be developed in one phase.

16.120.40 – Approval Criteria: Preliminary Plat

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.

RESPONSE: Sheets 5, 6 and 7 of the submitted plan set show the street plan, profile and section for SW Ironwood Ln. and the proposed new public street, respectively. The plan, profile and section for each of these, as illustrated, conforms to the required City widths, alignments, grades and other standards.

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.

RESPONSE: Three private streets are proposed as part of this application in Tracts D, E, and F. This has been noted on the submitted plan set.

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

RESPONSE: As previously stated in this narrative, the subject property is in the VLDR zoning district. The zoning district standards were addressed at the beginning of this

narrative. The remainder of this narrative addresses the applicable provisions of Divisions IV, VI, VIII and IX as well as showing compliance with Chapter 16.128.

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

RESPONSE: Water and sewer will be provided to each lot via water and sewer mains in the proposed private street. Sheet 13 of the submitted plan set shows sewer, water and storm for each lot as well as identifying proposed locations for water meters. Other public utility lines will be run through the identified public utility easements as necessary.

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

RESPONSE: The property owner of the subject parcel does not own any additional, contiguous property.

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

RESPONSE: The proposed north/south public street will provide for the future development of adjoining lands to the north consistent with the SE Sherwood Master Plan. Sheet 14 of the submitted plan set shows an aerial photo with a redevelopment plan for the parcel located immediately east of the subject site.

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

RESPONSE: Sheet 2 shows existing trees and vegetation. A mature grove of pine trees and vegetation located within Tract A will remain undisturbed and preserved as part of the PUD.

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

Response: Sheet 3 of the submitted plan set is the Preliminary Plat. Each lot is clearly numbered, and the setbacks are shown on each lot. The proposed right-of-way dedication along SW Ironwood Ln. is shown as well as the right-of-way dedication for the new public street. An eight-foot wide public utility easement is shown along the frontage of each lot.

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

RESPONSE: This application is for a PUD which requires a minimum of 15% open space. For this project that equates to 67,506 square feet of open space which has been exceeded as has been previously discussed in this narrative.

Chapter 16.128 LAND DIVISION DESIGN STANDARDS

16.128.010 – Blocks

A. Connectivity

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

2. Block Length
Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed…

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

RESPONSE: The proposed development consists of a single block, that being the proposed new north/south public street. The extension of the proposed public street from the south to the north will allow for it to connect with SW Ironwood Ln. to the south and a future public street to the north when properties to the north redevelop. Additionally, Tracts C, E, and F will provide connectivity links for pedestrians to help minimize out of distance travel when traveling to the west. Specifically, Tract C will have a pedestrian trail that connects with the open space and trails in the recently approved Denali Meadows PUD. This will allow pedestrians to have convenient access to SW Murdock Road without having to walk down to SW Ironwood Ln. before being able to travel to the west. The proposed pedestrian connections will provide a mid-block pedestrian connection to SW Murdock Road.

With the proposed pedestrian connections in the open space (i.e. Tract A) and private streets (i.e. Tracts E and F), the block length between these connections is approximately 728+/- feet long along the propose new public street. The pedestrian connection created between the private streets (i.e. Tracts E and F) is approximately 560 feet in length. The block length created by the pedestrian connections in the open space (i.e. Tract A) is approximately 238 feet in length. Lastly, the block length along SW Ironwood Ln. between the new proposed public street and the new public street

being constructed in the Denali Meadows PUD is approximately 530+/- feet in length. Because some of the proposed block lengths exceed the minimum block length of 530 feet, the Applicant is seeking approval of a Design Modification through the PUD process for the proposed block lengths. The increased block lengths are necessary due to the sites undulating topography, retention of the existing dwellings on both parcels, and the sites rocky terrain.

Sidewalks are being provided on both sides of the proposed public street, as well as along the north side of SW Ironwood Lane. A soft trail (i.e. wood chip) will be provided in Tract A, and a paved pedestrian connection will be made between Tracts E and F. Bollards will be placed in Tracts E and F to prevent motor vehicles from using the pedestrian connections.

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

RESPONSE: An eight-foot wide public utility easement is being provided along the front of each of the lots.

C. Drainages

Where a subdivision is traversed by a watercourse…

RESPONSE: The subject property does not contain any watercourses.

16.128.020 – Pedestrian and Bicycle Ways

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

RESPONSE: The proposed development does not contain any cul-de-sacs or any unusually long or oddly shaped blocks. Additionally, sidewalks and asphalt-paved pathways are being provided throughout the development as explained previously in this narrative to provide pedestrian and bicycle connectivity.

16.128.030 – Lots

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

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

C. Double Frontage
Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads…

D. Side Lot Lines. Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.

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

1. ***Cut slopes shall not exceed one (1) and one-half (1 ½) feet horizontally to one (1) foot vertically.***
2. ***Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.***

RESPONSE: The lots have been designed to comply with the lot size requirements of the underlying zoning district. Except for lots 1, 2, 28 – 34, and 39 – 41, which will have frontage on the private streets located in Tracts D, E, and F, all lots front the proposed public street or the public street in Denali Meadows. Except for Lot 30, which will have frontage on Tracts D and E, the development does not contain any double frontage or reversed frontage lots. To the extent practicable, the side lots lines run at right angles to proposed public street in all instances. Cut and fill slopes do not exceed the Code standards for the building sites as shown on Sheet 4.

Division VIII ENVIRONMENTAL RESOURCES

Chapter 16.134 FLOODPLAIN (FP) OVERLAY

RESPONSE: The subject property is not in a floodplain overlay.

Chapter 16.138 MINERAL RESOURCES

RESPONSE: This application does not propose any mineral resource activities, just single-family residential dwellings.

Chapter 16.140 SOLID WASTE FACILITIES

This application is not for any type of solid waste facility.

Chapter 16.142 PARKS, TREES AND OPEN SPACES

16.142.30 – Single-Family or Duplex Residential Subdivisions

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

RESPONSE: Tracts A, C, and G provided the required usable open space, neither of which are required sensitive areas or buffers. The site does not contain any required visual corridors. Neither of the open space tracts include any required yards or setbacks. Landscaping is shown on either side of the path to provide an attractive and comfortable walking experience for residents of the area. Tract C will provide a quiet and meditative resting area for residents of the area.

B. ***Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.***

RESPONSE: The project is not proposing any enhanced streetscapes.

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

RESPONSE: The open space Tracts A, C, and G will be conveyed by conveying title to a homeowners' association that will be established as part of this project, with the City retaining the development rights to the open space. The terms of the title conveyance will include provisions for maintenance and property tax payment suitable to the City. Tract B will be conveyed to the City.

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

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

RESPONSE: Chapter 16.10 of the Code defines density as "the intensity of residential land uses per acre, stated as the number of dwelling units per net buildable acre. Net buildable acre means an area measuring 43,560 square feet after excluding present and future rights-of-way and environmentally constrained areas." Net buildable acre is further defined separately as "an area measuring 43,560 square feet after excluding present and future rights-of-way, environmentally constrained areas, public parks and other public uses." The subject property has an underlying zoning district of VLDR which is unique in that there is a special density allowance permitting a greater density (two units) that what would be allowed in the underlying zoning designation (one unit) if the applicant requests development as a planned unit development.

It is even further unique in that property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four dwelling units per net buildable acre. The effect of the special density allowance, using the SE Sherwood Master Plan, grants four units per acre rather than the underlying zoning density of up to one unit per acre.

The gross and net square footages are shown below.

LOT 1	12,475 Sq. Ft.
LOT 2	10,024 Sq. Ft.
LOT 3	10,248 Sq. Ft.
LOT 4	10,058 Sq. Ft.
LOT 5	13,229 Sq. Ft.
LOT 6	11,278 Sq. Ft.
LOT 7	10,176 Sq. Ft.
LOT 8	10,221 Sq. Ft.
LOT 9	10,221 Sq. Ft.
LOT 10	10,242 Sq. Ft.
LOT 11	13,673 Sq. Ft.
LOT 12	11,420 Sq. Ft.
LOT 13	10,097 Sq. Ft.
LOT 14	10,275 Sq. Ft.
LOT 15	10,275 Sq. Ft.
LOT 16	11, 061 Sq. Ft.
LOT 17	10, 454 Sq. Ft.

LOT 18	10, 018 Sq. Ft.
LOT 19	10,572 Sq. Ft.
LOT 20	10,153 Sq. Ft.
LOT 21	10,026 Sq. Ft.
LOT 22	10,741 Sq. Ft.
LOT 23	10,892 Sq. Ft.
LOT 24	11,184 Sq. Ft.
LOT 25	10,044 Sq. Ft.
LOT 26	10,092 Sq. Ft.
LOT 27	10,036 Sq. Ft.
LOT 28	20,886 Sq. Ft.
LOT 29	10,041 Sq. Ft.
LOT 30	10,437 Sq. Ft.
LOT 31	10,004 Sq. Ft.
LOT 32	12,555 Sq. Ft.
LOT 33	11,652 Sq. Ft.
LOT 34	19,766 Sq. Ft.
LOT 35	10,037 Sq. Ft.
LOT 36	10,098 Sq. Ft.
LOT 37	10,102 Sq. Ft.
LOT 38	10,044 Sq. Ft.
LOT 39	10,006 Sq. Ft.
LOT 40	10,030 Sq. Ft.
LOT 41	10,006 Sq. Ft.
SW Ironwood Ln. right-of-way	38 Sq. Ft.
Public Street right-of-way	64,223 Sq. Ft.
Public Street #2 right-of-way	4,411 Sq. Ft.
Future St. right-of-way	6,033 Sq. Ft.
Tract A usable open space	11,132 Sq. Ft.
Tract B water quality	27,899 Sq. Ft.
Tract C usable open space	61,292 Sq. Ft.
Tract D private street	7,581 Sq. Ft.
Tract E private street	5,214 Sq. Ft.
Tract F private street	6,164 Sq. Ft.
Tract G Usable Open Space	7,743 Sq. Ft.
Gross Square Footage =	656,580 Sq. Ft.

Deductions from Gross Square Footage:

Right-of-way (SW Ironwood Ln, Public St. 1 & 2, and Future ROW) =	74,705 Sq. Ft.
Private Streets (Tracts D - F) =	18,960 Sq. Ft.
Water quality tract (Tract B) =	27,899 Sq. Ft.

Total =	121,564 Sq. Ft in Deductions

Gross Square Footage	656,580 Sq. Ft.
-Deductions	121,564 Sq. Ft
Net Square Footage =	535,016 Sq. Ft. or 12.28 Net Acres

In this case, there are 12.28 net buildable acres because of right-of-way dedication and the water quality tract areas are all excluded in the overall calculation of net buildable acreage. Calculating net density under the special density allowance of four (4) units per acre provides for up to 49 units (12.28 net acres x 4 units = 49.12). Tracts A, B, C, D, E, F, and G are not developable due to the irregular shape of the subject parcel, the requirement of open space and the requirement for a water quality treatment area.

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

RESPONSE: The subject site does not contain, nor is it adjacent to, any areas identified as "parks" on the Acquisition Map or the Sherwood Parks and Recreation Board. This standard, therefore, does not apply to this development.

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

RESPONSE: The applicant does not elect to convey off-site park/open space as part of this project.

G. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.

RESPONSE: The proposed project is for a one-phase subdivision consisting of eleven lots.

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

RESPONSE: The applicant will apply any eligible or available SDCs credits resulting from this development at the time of building permit applications.

16.142.040 – Visual Corridors

RESPONSE: The subject site, while located outside of the Old Town Overlay, does have minimum frontage on an arterial street designated on Figure 8-1 of the Transportation System Plan (i.e. SW Murdock Road). All requirements for an arterial street will be observed as part of the development of the PUD. A portion of the sites frontage along SW Murdock Rd. will be dedicated as public right-of-way for the future extension of Upper Roy, and a 15-foot landscaped visual corridor will not be provided as required by the City's development code since right-of-way will be dedicated.

16.142.050 – Park Reservation

RESPONSE: The subject property is not part of any area designated on the Natural Resources and Recreation Plan Map; therefore, this subsection is not applicable to this application.

16.142.060 – Street Trees

A. Installation of Street Trees on New or Redeveloped Property
Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of approval. The City shall be subject to the same…

1. Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.

RESPONSE: Required street trees will be planted within the newly installed planter strips for both SW Ironwood Ln. and the proposed new public street within the development. Sheet 16 also show the required street trees.

2. Size: Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.

RESPONSE: As noted on Sheet 16 the street trees shall have a minimum trunk diameter of two caliper inches, measured six inches above the soil line, and a minimum height of six feet when planted.

3. ***Types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.***

RESPONSE: Two different street trees from those listed in 16.142.080 of the Code will be planted alternately in the planter strips along both the east side of SW Murdock Rd. and along both sides of the proposed north/south public street.

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

RESPONSE: Sheet 16 of the submitted plan set shows the proposed planting of one street tree, spaced every 40 feet, in the planter strips along the north side of SW Ironwood Ln. and along both sides of the proposed north/south public street.

B. Removal and Replacement of Street Trees

RESPONSE: There will be no removal of any existing Street Trees as part of this project.

16.142.070 – Trees on Property Subject to Certain Land Use Applications

A. Generally

The purpose of this Section is to establish…

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

RESPONSE: This application includes a Type II subdivision land use review. All existing trees and vegetation will remain to the extent possible, noting that areas disturbed for infrastructure development and construction of houses and driveways will need to be cleared of existing vegetation and trees.

Section 16.142.070.D.2 requires that 40% of the property be covered in tree canopy. The gross acreage is 15.07 acres (656,580 Sq. Ft.) which yields 6.02 acres (262,632 sq. ft.) of tree canopy. The project will be planting over 50 street trees, preserving existing mature pine trees in open space areas, and providing new landscaping in the open space areas consistent with the requirements for open space. A detailed landscape plan will be submitted with the Final Development Plan demonstrating compliance with this criterion.

Total Mature Canopy: 103,699 square feet

Chapter 16.144 WETLAND, HABITAT AND NATURAL AREAS

16.144.020 - Standards

RESPONSE: Pursuant to the City's Wetland Inventory, the Comprehensive Plan Natural Resource Inventory, and the Regionally Significant Fish and Wildlife Habitat Area map adopted by Metro, the subject site does not contain any wetlands, but does have some upland habitat along the sites northern and eastern property boundaries. This designation is due to the location of the Tualatin River National Wildlife Refuge, which is located east of the site outside of the City Limits. The properties that are located inside of the City Limits, including the subject site, that abut the Tualatin River National Wildlife Refuge had all significant vegetation removed due to urbanization. As such, there is no existing habitat required for preservation as part of this development request (see Google aerial photo from 5/8/2019 below for addition detail). As can been seen in the

image below, all significant vegetation has been removed from the sites northern and eastern property boundaries; therefore, no upland habitat is present on the property. Nevertheless, it's important to note that the eastern most portion of the site is proposed to be preserved as open space that will be enhanced with numerous tree plantings to meet the 40% tree canopy requirement, which will help to improve lost habitat.



Chapter 16.148 VIBRATIONS

Chapter 16.150 AIR QUALITY

Chapter 16.152 ODORS

RESPONSE: The proposal is for thirty-nine (39) new single-family residential building lots for future detached dwellings and two (2) lots for the existing dwellings. No commercial, industrial or manufacturing uses are being proposed that would generate any vibrations, issues with air quality or odors. These portion of the Code, therefore, are not applicable to this application.

Chapter 16.154 HEAT AND GLARE

16.154.010 – Generally

Except for exterior lighting, all otherwise permitted commercial, industrial, and institutional uses shall conduct any operations producing excessive heat or glare entirely within enclosed buildings. Exterior lighting shall be directed away from adjoining properties, and the use shall

not cause glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.

RESPONSE: This proposal is not for any commercial, industrial or institutional use. Rather, it's a residential development, and as such, all new lighting will be conducive to residential living, therefore not causing any glare or excessive shining to either the site itself or adjoining properties. No exterior lighting is proposed except streetlights along the proposed public street and SW Ironwood Ln., as required by City and which will meet City standards for lighting. Any other exterior lighting will be standard residential exterior light fixtures that will be placed on the exterior of the houses during the construction process and will be reviewed for compliance during the building permit process.

DIVISION IX HISTORIC RESOURCES

RESPONSE: The subject property is not within a special resource zone. The subject property is not within the Old Town Overlay District. The subject property does not contain any historic or cultural landmarks or landmark designations. Therefore, the provisions of Division IX are not applicable to this application.

22560 SW Pine Street
Sherwood, Oregon 97140
Ph: 503-625-5522
Fax: 503-625-5524
WebSite: www.sherwoodoregon.gov

Memorandum

Date: July 23, 2020 ***Project:*** Denali Summit

To: Bob Galati, P.E. ***From:*** Craig Christensen, P.E.

Topic: Design Modification Request for Intersection Spacing between Tracts C and F

Due to limited traffic that these tracts will generate and that the local street that they connect to will be a low traffic street and due to the development conditions stated by the engineer in the Design Modification Request, I recommend approval of this request.

Thank you.

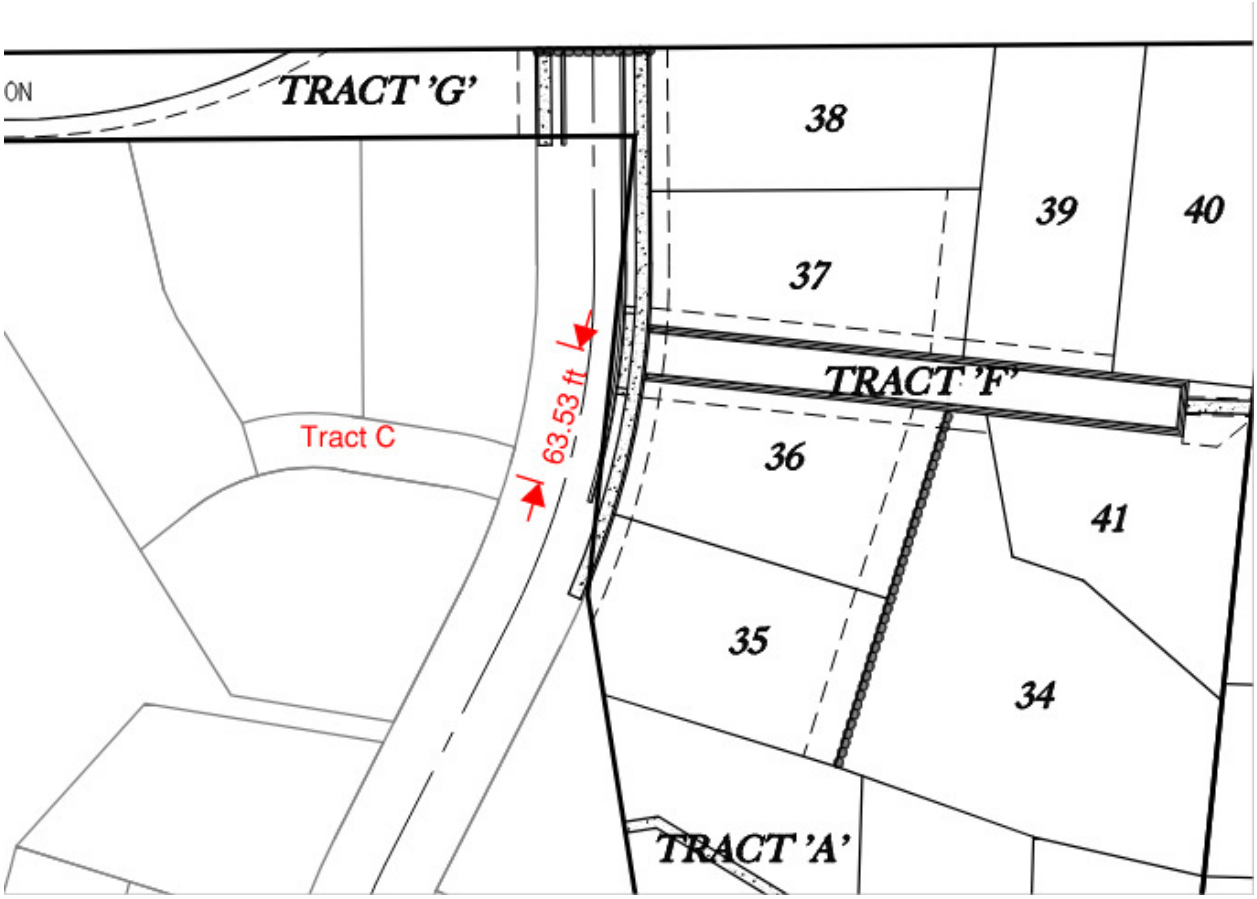
Design Modification Request
File: TBD – Yuzon/Miller Subdivision
2S133CB00100 and 2S133CB00200

To: Bob Galati, P.E. – City Engineer
Through: Craig Christensen, P.E. – City Project Manager
From: Eric Evans, P.E.- Project Engineer

Intersection Spacing Tract F

Location of Requested Design Modification

"Denali Meadows" Subdivision was approved under city's case file PUD 19-02 and subdivides TL300. This subdivision will be placing a private street to serve four parcels on the northern end of this development. The proposed development of TL 100 and 200 is proposing a private street tract to roughly 64 feet to the north of this Denali Meadows driveway (Tract C) on the opposite side of this future roadway. Tract C in Denali Meadows will serve four homes. The proposed private street for this subject subdivision is labeled as Tract F below.



Current Standard

Section 210.6.E of the City of Sherwood Engineering Design and Standard Details Manual states the following in table form:

Full Access Intersections Spacing (min) for a Local Street is 200 feet.

Design Modification Being Requested

We request an intersection spacing be allowed to be 64 feet.

Existing Conditions

Existing conditions currently contain two large single-family home parcels.

Layout of this is subdivision is constrained by several factors listed below.

- Significant topography
- Solid Rock at the ground surface
- Two existing homes to be retained
- A fixed layout of the subdivision approved by PUD 19-02.

Result of Meeting Standards

If this standard of 200' required there are only two ways to satisfy this code section.

The first method is to place the new driveway opposite the driveway in Denali Meadows. This causes problems for the existing home. There is not sufficient distance to overcome the grade difference to allow the garage to be used. Additionally, the driveway would enter the side of the garage at this angle.

The second option is to place this access 200 feet away from the opposite driveway. This would put the driveway on the neighbor's parcel to the north or over the Denali Meadows opens space tract. Both of these options will not work and if they could work would not allow efficient access to this oddly shaped piece of land.

Proposed Design Modification

We propose allowing the driveway to be placed ~64 feet away from the opposite driveway in Denali Meadows.

Reason Why Design Request Should be Approved

The site is constrained by its limited frontages, unique shape, difficult topography and challenged existing house placement. The traffic volumes are low as on either private street tracts are limited by four homes each. Both accesses contain existing homes. Allowing this design exception will offer a better use of the land for residential lots.



_____ 7-22-2020

- Design Engineer Date

_____ _____

Craig Christensen, P.E. - City Project Manager Date

- [X] Approved
- ❑ Approved with Conditions (conditions below or on attached sheet)
- ❑ Denied

_____ _____

Bob Galati, P.E. - City Engineer Date

22560 SW Pine Street
Sherwood, Oregon 97140
Ph: 503-625-5522
Fax: 503-625-5524
WebSite: www.sherwoodoregon.gov

Memorandum

Date: July 23, 2020 ***Project:*** Denali Summit

To: Bob Galati, P.E. ***From:*** Craig Christensen, P.E.

Topic: Design Modification Request for Intersection Spacing between Tracts D and E

Due to limited traffic that these tracts will generate and that the local street that they connect to will be a low traffic street and due to the development conditions stated by the engineer in the Design Modification Request, I recommend approval of this request.

Thank you.

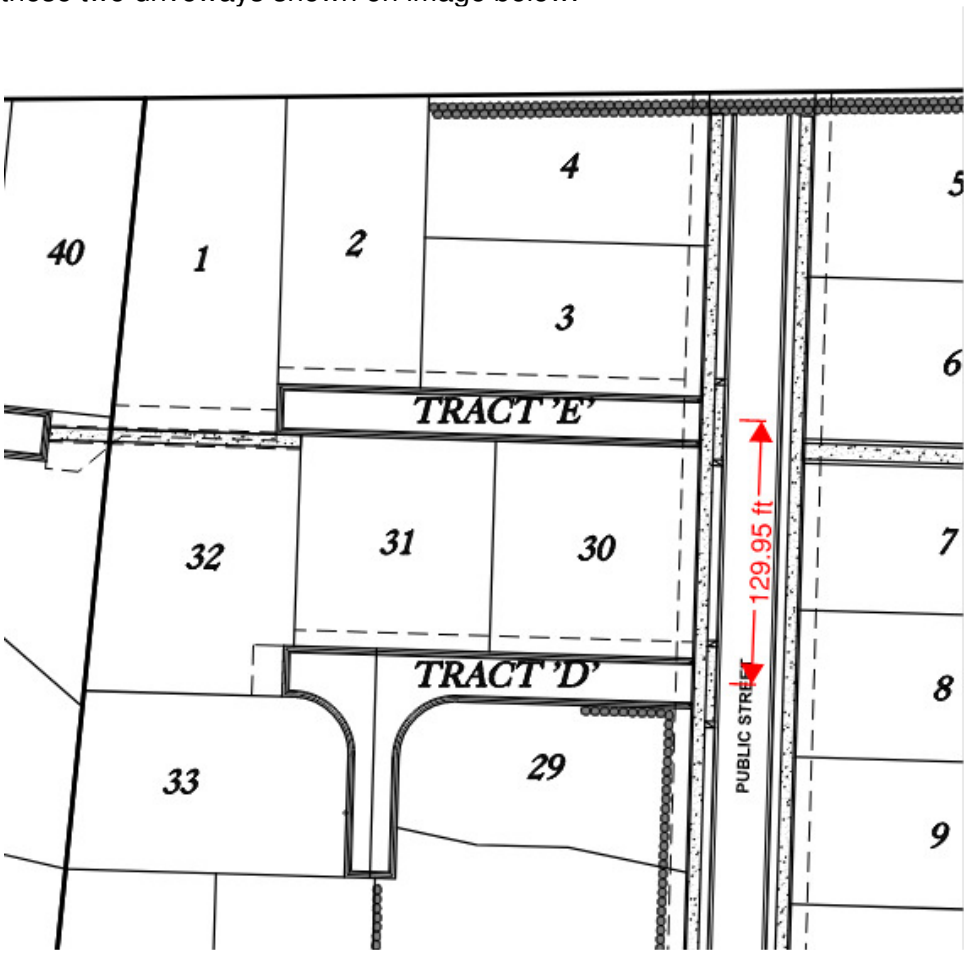
Design Modification Request
File: TBD – Yuzon/Miller Subdivision
2S133CB00100 and 2S133CB00200

To: Bob Galati, P.E. – City Engineer
Through: Craig Christensen, P.E. – City Project Manager
From: Eric Evans, P.E.- Project Engineer

Intersection Spacing Tract D & Tract E

Location of Requested Design Modification

Tract E and Tract F are located in the northeast corner of the proposed subdivision. Tract E provides primary access lots 1 and 2. Optional access to lots 3, 30 and 31 is possible. Tract D provides access to the existing home on lot 28 and the new lots numbered 29-33, six lots in total. See these two driveways shown on image below.



Current Standard

Section 210.6.E of the City of Sherwood Engineering Design and Standard Details Manual states the following in table form:

Full Access Intersections Spacing (min) for a Local Street is 200 feet.

Design Modification Being Requested

We request an intersection spacing be allowed to be ~130 feet.

Existing Conditions

Existing conditions currently contain one large single-family home parcel.

Layout of this is subdivision is constrained by several factors listed below.

- Significant topography
- Solid Rock at the ground surface
- Two existing homes to be retained

Result of Meeting Standards

If this standard of 200' required there are only two ways to satisfy this code section.

The main factor leading to the location of Tract E is the significant grade difference on the site. Access to lots 1 and 2 would be nearly impossible from Tract D due to the extreme grade differences on the site.

Tract E essentially functions as a dual flagpole for lots 1 and 2. Providing primary access for two homes. If flagpoles were used this design exception would not be necessary.

Tract E could be possibly located on the far north end of the subdivision. However, a significant wall would be necessary to support this roadway. It would likely not be physically feasible to construct, and it would likely have significant construction cost.

Proposed Design Modification

We propose allowing the private street in Tract E and Tract D to be placed ~130 feet away from each other.

Reason Why Design Request Should be Approved

The site is constrained by its limited frontages, unique shape, difficult topography and challenged existing house placement. The traffic volumes are low as on either private street tracts are limited to a maximum of six homes. One access contain existing home. Allowing this design exception will offer a better use of the land for residential lots.



EXPIRES: 12-31-2021

_____ 7-22-2020

- Design Engineer Date

_____ _____

Craig Christensen, P.E. - City Project Manager Date

[X] Approved

❑ Approved with Conditions (conditions below or on attached sheet)

❑ Denied

_____ _____

Bob Galati, P.E. - City Engineer Date

22560 SW Pine Street
Sherwood, Oregon 97140
Ph: 503-625-5522
Fax: 503-625-5524
WebSite: www.sherwoodoregon.gov

Memorandum

Date: July 30, 2020 ***Project:*** Denali Summit

To: Bob Galati, P.E. ***From:*** Craig Christensen, P.E.

Topic: Design Modification Request for Slope of Private Street

Due to the existing slope of the terrain and that there are only 4 lots accessing from this private driveway, I recommend allowing use of driveway slope standards instead of street slope standards to provide access to the 4 lots using this access tract. Conditions may be imposed by TVF&R.

Thank you.

Design Modification Request

File: TBD – Yuzon/Miller Subdivision
2S133CB00100 and 2S133CB00200

To: Bob Galati, P.E. – City Engineer
Through: Craig Christensen, P.E. – City Project Manager
From: Eric Evans, P.E.- Project Engineer

Roadway Standards for Private Streets

Location of Requested Design Modification

Tract F of this proposed subdivision serves as proposed access to four homes. One of these homes is the existing Miller residence. This roadway connects to the North/South Roadway to be created in the Denali Meadows Subdivision. Reference sheet 11 of the subdivision land use submittal for a description of this driveway profile.

Current Standard

Section 210.4.A.3 of the City of Sherwood Engineering Design and Standard Details Manual states the following:

Local streets intersecting with a local route or greater functional classification street, or streets intended to be posted with a stop sign, shall provide a landing averaging 8 percent or less for 50 feet. Landings are that portion of the traveled street extending 50 feet beyond the projected curb line of the intersecting street at full improvement.

and also:

Section 210.8.D.4 of the City of Sherwood Engineering Design and Standard Details Manual states the following:

4. The maximum standard grade for all driveways is 14 percent. Driveway grades exceeding 14 percent shall be submitted to the City Engineer and TVF&R for review. Approval of driveway grades in excess of 14 percent shall be at the discretion of the City Engineer and TVF&R on a case-by-case basis.

Design Modification Being Requested

We request that this private street be allowed to be designed similar to a private driveway. With the features to include a ~10% grade break at the back of sidewalk to allow the driveway to instantly start up at ~12% rather than having a landing prior to the sidewalk. With this revision the driveways would be able to remain less than 14% meeting the standard in code section 210.8.D.4.

Existing Conditions

Existing conditions currently contain two large single-family home parcels.

Layout of this is subdivision is constrained by several factors listed below.

Significant topography
Solid Rock at the ground surface
Two existing homes to be retained
Roadway spacing constraints on Ironwood Lane.
Primarily, there is significant grade between the proposed public street in the Denali Meadows subdivision currently under construction and the existing home to be retained.

Result of Meeting Standards

If the standard for public streets were used in the design, there would be no way to access the existing Miller home that is to be retained. Also, the easternmost lots in this development would either not be accessible or they would require upwards of 30' of excavation in solid rock to gain access to these future parcels.

Proposed Design Modification

We propose allowing tract F to be design with similar design standards as a driveway per section 210.8.D.4 of the design manual. And to allow the maximum grade to exceed 14%.

Reason Why Design Request Should be Approved

The site is constrained by its limited frontages, unique shape, difficult topography and challenged house placement. The driveway as designed is the most efficient use of the grade to access three new lots and one existing home.

REGISTERED PROFESSIONAL ENGINEER 54665 OREGON JULY 11, 2006 ERIC DANIEL EVANS

EXPIRES: 12-31-2021

_____ 7-29-2020
- Design Engineer Date

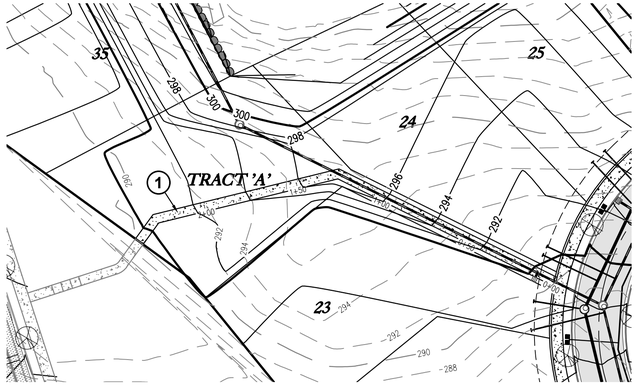
_____ _____
Craig Christensen, P.E. - City Project Manager Date

[X] Approved

❑ Approved with Conditions (conditions below or on attached sheet)

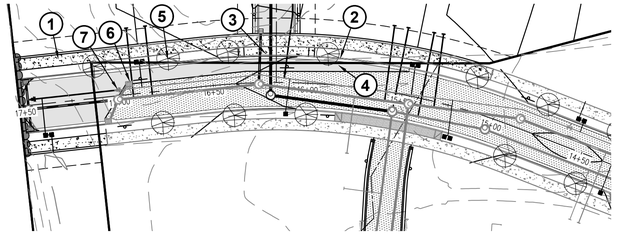
❑ Denied

_____ _____
Bob Galati, P.E. - City Engineer Date



TRACT 'A' PATH - PLAN

SCALE: 1" = 40'



PUBLIC STREET 2 - PLAN

SCALE: 1" = 40'

40' 0 20' 40' 80'

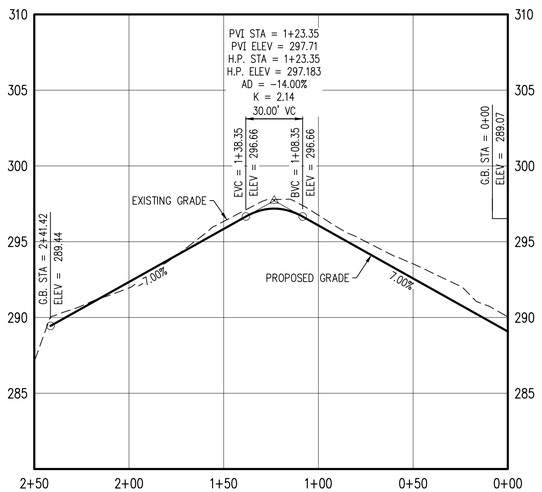
SCALE: 1" = 40'

LEGEND

- BOUNDARY LINE
- EASEMENT
- 108 EXISTING 2' CONTOUR LINE
- 110 EXISTING 10' CONTOUR LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- 108 PROPOSED 1' CONTOUR LINE
- 110 PROPOSED 5' CONTOUR LINE

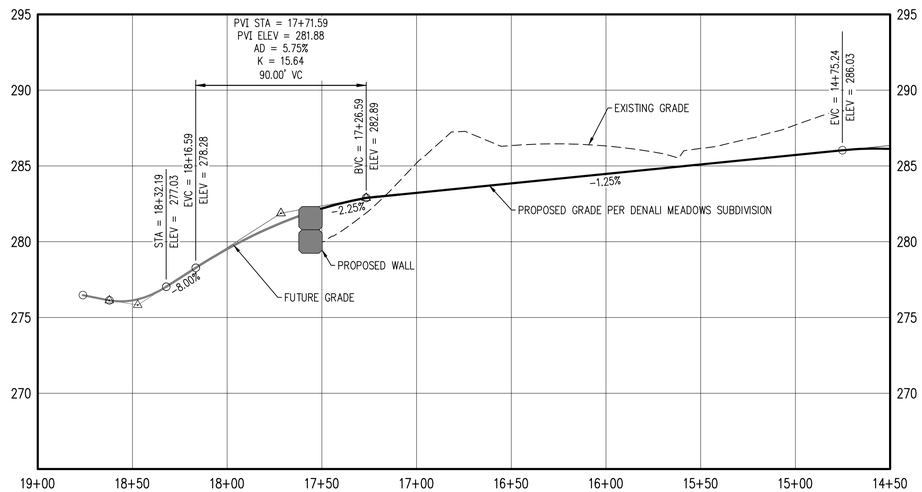
NOTES:

1. PROPOSED SIDEWALK
2. PROPOSED MONOLITHIC CURB & GUTTER
3. PROPOSED DRIVEWAY APPROACH
4. PROPOSED AC PAVEMENT
5. PROPOSED STREET TREE (TYP)
6. TEMPORARY CATCH BASIN TO BE REMOVED
7. BLOWOFF TO BE REMOVED



TRACT 'A' PATH - PROFILE

SCALE: 1" = 40' H, 1" = 5' V



PUBLIC STREET 2 - PROFILE

SCALE: 1" = 40' H, 1" = 5' V

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

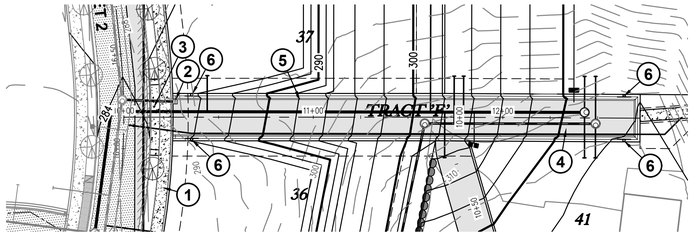
TRACT A PLAN & PROFILE

REVISIONS		
NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

EMERIO Design
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 626-8582
www.emeriodesign.com

SHEET 08 OF 16

FILE:P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009_08pst4, Layout: 08_TRACT A PLAN AND PROFILE, Plot Date: 7/28/2020 4:29 PM, by: Kyung Han

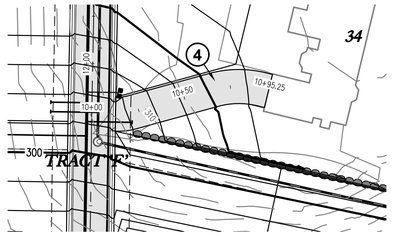


TRACT 'F' - PLAN

SCALE: 1" = 40'



SCALE: 1" = 40'



LOT 34 DRIVEWAY - PLAN

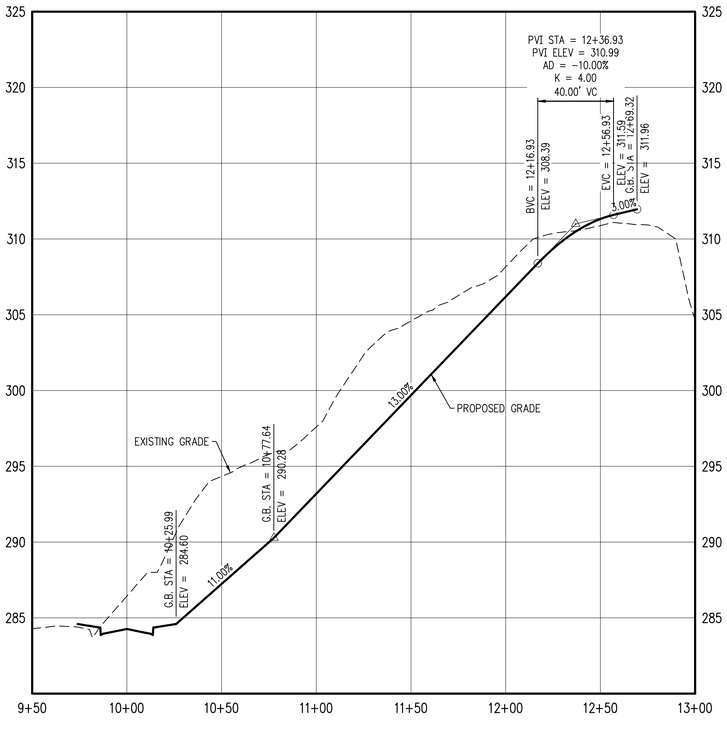
SCALE: 1" = 40'

LEGEND

- BOUNDARY LINE
- EASEMENT
- EXISTING 2' CONTOUR LINE
- EXISTING 10' CONTOUR LINE
- EXISTING CROWN (CENTER LINE OF ROAD)
- EXISTING DOWNSPOUT
- EXISTING STORM DRAIN LINE
- EXISTING SANITARY SEWER LINE
- EXISTING WATER LINE
- PROPOSED STORM LINE
- PROPOSED SANITARY LINE
- PROPOSED WATERLINE
- PROPOSED STORM LATERAL
- PROPOSED SANITARY LATERAL
- PROPOSED SINGLE WATER METER
- PROPOSED DOUBLE WATER METER
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED SANITARY MANHOLE
- PROPOSED BLOWOFF
- PROPOSED WATER VALVE
- PROPOSED 2' CONTOUR LINE
- PROPOSED 10' CONTOUR LINE

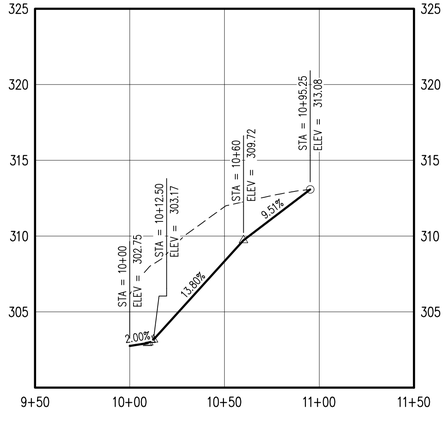
NOTES:

1. PROPOSED SIDEWALK
2. PROPOSED LYNCH TYPE CATCH BASIN
3. PROPOSED DRIVEWAY APPROACH
4. PROPOSED AC PAVEMENT
5. PROPOSED MOUNTABLE CURB
6. PROPOSED 'NO PARKING' SIGN



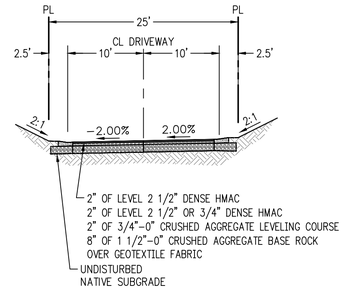
TRACT 'F' - PROFILE

SCALE: 1" = 40' H, 1" = 5' V



LOT 34 DRIVEWAY - PROFILE

SCALE: 1" = 40' H, 1" = 5' V



TRACT 'F' DRIVEWAY - SECTION

NTS

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

TRACT F & LOT 34 DRIVEWAY PLANS & PROFILES

REVISIONS

NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

EMERIO Design
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 297-1562
www.emeriodesign.com

SHEET 11 OF 16

FILE:P:\0200-009 Yuzon Subdivision\dwg\plan\0200-009_11pst7, Layout: 11_TRACT F & LOT 34 DRIVEWAY PLANS & PROFILES, Plot Date: 7/28/2020 5:21 PM, by: Kyung Han

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

22560 SW Pine Street
Sherwood, Oregon 97140
Ph: 503-625-5522
Fax: 503-625-5524
WebSite: www.sherwoodoregon.gov

Memorandum

Date: July 23, 2020 ***Project:*** Denali Summit

To: Bob Galati, P.E. ***From:*** Craig Christensen, P.E.

Topic: Design Modification Request for Reduced Curve Radii

Due to the development conditions stated by the engineer in the Design Modification Request, I recommend approval with the following conditions:

1. Streets to be constructed with typical city local street section. No bulb out.
2. Curves will be signed for “No Parking” on both sides of the street in the areas of the curves.
3. Curves will require advanced signage with “20 MPH Curve” signs.
4. Lots 17 and 28 to have Sight Vision Easements on the inside of the curves to accommodate stopping sight distance.
5. Lot 17 to have driveway near the southern property line for the lot.

Thank you.

Design Modification Request

File: TBD – Yuzon/Miller Subdivision
2S133CB00100 and 2S133CB00200

To: Bob Galati, P.E. – City Engineer
Through: Craig Christensen, P.E. – City Project Manager
From: Eric Evans, P.E.- Project Engineer

90 Degree Radius at Roadway Corners

Location of Requested Design Modification

The main roadway extension through this proposed subdivision will have two roughly 90 degree turns. Note this roadway connects SW Ironwood Lane at the south and extends to the northern boundary to the "Mosier Property" adjacent parcel.

Current Standard

Section 210.3.B of the City of Sherwood Engineering Design and Standard Details Manual states the following in table form:

Design Speed of 25MPH with e = -2.5% requires a centerline radius of 185 feet.

and

Section 210.3.D which states:

"On local streets, requests for design speeds less than 25 miles per hour shall be based on topography, right-of-way, or geographic conditions, which impose an economic hardship on the applicant. Requests will be reviewed at the discretion of the City Engineer on a case-by-case basis. Requests must show that a reduction in centerline radius will not compromise safety. There will be posting requirements associated with designs below 25 miles per hour."

Design Modification Being Requested

We request to have the design speed of this roadway to be changed to 20MPH to allow for a centerline radius of 100 feet. See the attached exhibit showing the corners requesting adjustments.

Existing Conditions

Existing conditions currently contain two large single-family home parcels.

Layout of this is subdivision is constrained by several factors listed below.

- Significant topography
- Solid Rock at the ground surface
- Two existing homes to be retained
- Roadway spacing constraints on Ironwood Lane.

Effectively only one point of access for most of the lots.

Result of Meeting Standards

If the standard of 185' was designed at these to radius points the layout of this subdivision would be greatly impacted. The westernmost corner would eliminate the lot located inside the radius if the longer radius was required. At the easternmost corner would require demolition of the existing home.

Proposed Design Modification

We propose allowing the design speed to be reduce to 20MPH to allow a 100' radius to be used at these two radius corners.

Reason Why Design Request Should be Approved

The site is constrained by its limited frontages, unique shape, difficult topography and challenged house placement. The daily operating speeds will likely be in the lower range as the site has very short tangent sections, steep topography, two hard 90 degree turns and residential driveways nearly every 80 feet. No anticipated changed in public safety is anticipated. By allowing the two radius corners to be reduced to 100 feet the site can be most efficiently developed



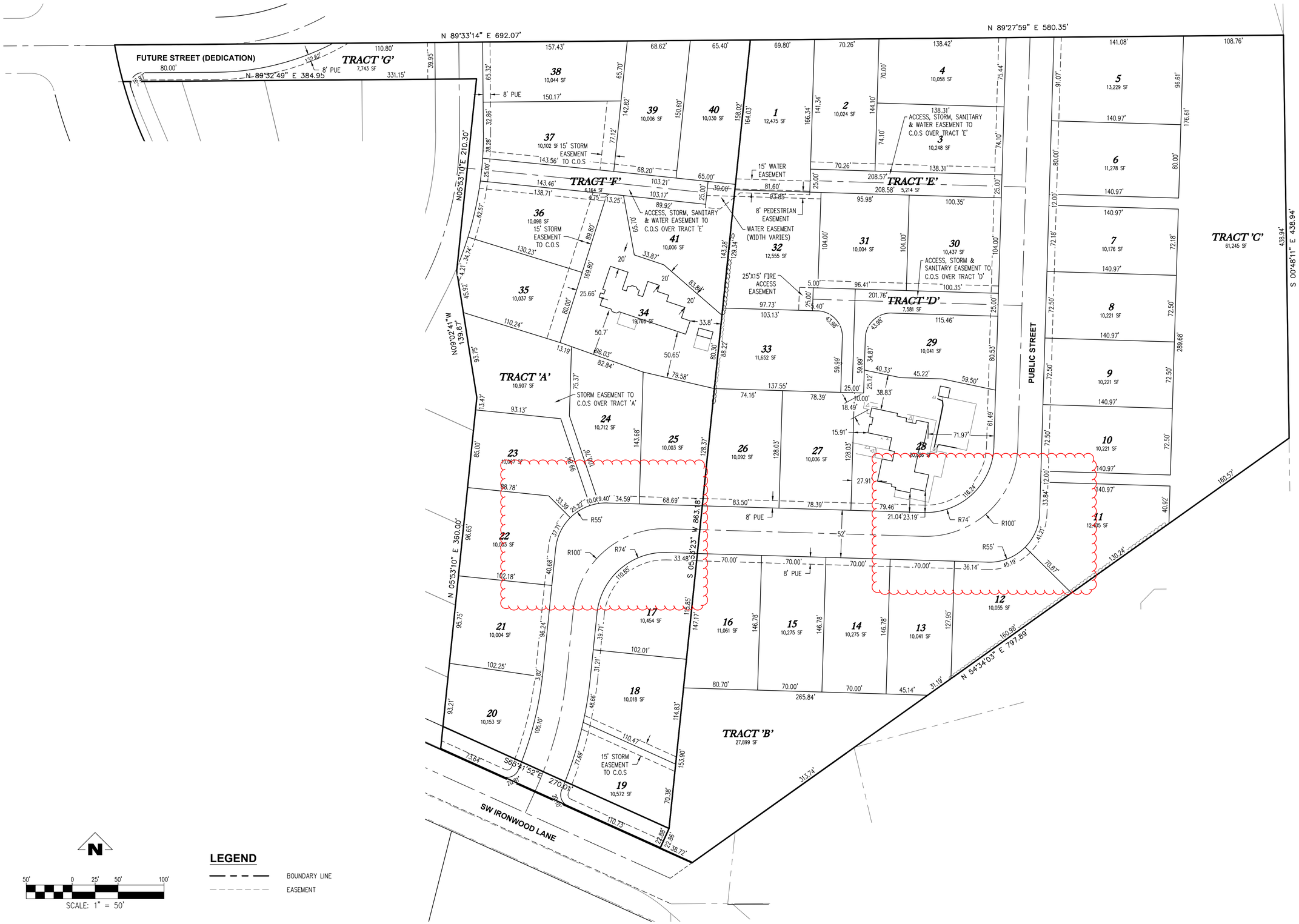
7-23-2020

_____ _____
- Design Engineer Date

_____ _____
Craig Christensen, P.E. - City Project Manager Date

- ❑ Approved
- [X] Approved with Conditions (conditions below or on attached sheet)
- ❑ Denied

_____ _____
Bob Galati, P.E. - City Engineer Date



N

50' 0 25' 50' 100'

SCALE: 1" = 50'

LEGEND

BOUNDARY LINE

EASEMENT

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

PRELIMINARY PLAT

REVISIONS

NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

EMERIO Design
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 626-8682
www.emeriodesign.com

SHEET 03 OF 16

FILE:P:\0200-009 Yuzon Subdivision\Dwg\plan\0200-009_03ppl1, Layout: 03_PRELIMINARY PLAT, Plot Date: 6/25/2020 3:35 PM, by: Josh Meyer

Exhibit A6

Clean Water Services

SENSITIVE AREA PRE-SCREENING SITE ASSESSMENT

Clean Water Services File Number 20-001270

1. **Jurisdiction:** Sherwood

2. **Property Information** (example: 1S234AB01400)
   Tax lot ID(s): 2S133CB00200 & 2S133CB00100

   ***OR* Site Address:** 23008 SW MURDOCK RD
   City, State, Zip: sherwood, OR,
   Nearest cross street: Ironwood

3. **Owner Information**
   Name: Brad Miller
   Company:
   Address: 23008 SW MURDOCK RD
   City, State, Zip: sherwood, OR,
   Phone/fax: 5038531910
   Email: eric@emeriodesign.com

4. **Development Activity** (check **all** that apply)
   - ☐ Addition to single family residence (rooms, deck, garage)
   - ☒ Lot line adjustment
   - ☐ Minor land partition
   - ☐ Residential condominium
   - ☐ Commercial condominium
   - ☒ Residential subdivision
   - ☐ Commercial subdivision
   - ☐ Single lot commercial
   - ☐ Multi lot commercial
   - Other

4. **Applicant Information**
   Name: Eric Evans
   Company: Emerio Design
   Address: 6445 SW Fallbrook PL, 100
   City, State, Zip: Beaverton, OR, 97008
   Phone/fax: 5038531910
   Email: eric@emeriodesign.com

6. **Will the project involve any off-site work?** ☉ Yes ☉ No ☐ Unknown
   Location and description of off-site work:

7. **Additional comments or information that may be needed to understand your project:**

This application does NOT replace Grading and Erosion Control Permits, Connection Permits, Building Permits, Site Development Permits, DEQ 1200-C Permit or other permits as issued by the Department of Environmental Quality, Department of State Lands and/or Department of the Army COE. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.

By signing this form, the Owner or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site. I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

Print/type name Eric Evans Print/type title

Signature ***ONLINE SUBMITTAL*** Date 5/1/2020

FOR DISTRICT USE ONLY

- ☐ Sensitive areas potentially exist on site or within 200' of the site. **THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER.** If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- ☐ Based on review of the submitted materials and best available information sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider Letter as required by Resolution and Order 19-5, Section 3.02.1, as amended by Resolution and Order 19-22. All required permits and approvals must be obtained and completed under applicable local, State and federal law.
- ☒ Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider Letter as required by Resolution and Order 19-5, Section 3.02.1, as amended by Resolution and Order 19-22. All required permits and approvals must be obtained and completed under applicable local, state and federal law.
- ☐ **THIS SERVICE PROVIDER LETTER IS NOT VALID UNLESS _____ CWS APPROVED SITE PLAN(S) ARE ATTACHED.**
- ☐ The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). **NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.**

Reviewed by Chuck Buchtel Date 5/19/2020

Once complete, email to: **SPLReview@cleanwaterservices.org** • Fax: **(503) 681-4439**
OR mail to: SPL Review, Clean Water Services, 2550 SW Hillsboro Highway, Hillsboro, Oregon 97123

Revised 2/2020

Exhibit A6



	PHASE 1 (YUZON)	PHASE 2 (MIDDLE)	COMBINED
SITE AREA	416,739 SF	233,755 SF (CURRENT CONDITION) 239,841 SF (6,086 SF FROM DENALIMEADOWS)	
LOT AREA	268,490 SF	182,519 SF	451,009 SF
ROW AREA	46,271 SF	32,508 SF	
DEDICATION	38 SF		
TRACTS (ACCESS)	12,796 SF	6,164 SF	
WQ	27,899 SF		
USABLE AREA	329,735 SF	201,169 SF	530,904 SF
LANDSCAPE AREA	61,245 SF (18.6%)	18,650 SF (9.3%)	79,895 SF (15.0%)

Clean Water Services

Clean Water Services File Number

19-001651

Sensitive Area Pre-Screening Site Assessment

1. **Jurisdiction:** Sherwood

2. **Property Information** *(example 1S234AB01400)*
   Tax lot ID(s): 2S133CB00100
   Site Address: 23120 SW MURDOCK RD
   City, State, Zip: Sherwood, Oregon, 97140
   Nearest Cross Street: Ironwood and Murdock

3. **Owner Information**
   Name: Yuzons
   Company:
   Address: 6445 SW Fallbrook PL
   City, State, Zip: Beaverton, OR, 97008
   Phone/Fax: 5038531910
   E-Mail: eric@emeriodesign.com

4. **Development Activity** *(check **all** that apply)*
   - ☐ Addition to Single Family Residence (rooms, deck, garage)
   - ☐ Lot Line Adjustment
   - ☐ Minor Land Partition
   - ☐ Residential Condominium
   - ☐ Commercial Condominium
   - ☒ Residential Subdivision
   - ☐ Commercial Subdivision
   - ☐ Single Lot Commercial
   - ☐ Multi Lot Commercial

   Other

5. **Applicant Information**
   Name: Eric Evans
   Company: Emerio Design
   Address: 6445 SW Fallbrook PL, 100
   City, State, Zip: Beaverton, OR, 97008
   Phone/Fax: 5038531910
   E-Mail: eric@emeriodesign.com

6. **Will the project involve any off-site work?** ☐ Yes ☒ No ☐ Unknown
   Location and description of off-site work

7. **Additional comments or information that may be needed to understand your project**
   The area on the east end of the site is open space.

This application does NOT replace Grading and Erosion Control Permits, Connection Permits, Building Permits, Site Development Permits, DEQ 1200-C Permit or other permits as issued by the Department of Environmental Quality, Department of State Lands and/or Department of the Army COE. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.

By signing this form, the Owner or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site. I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

Print/Type Name Eric Evans **Print/Type Title** Engineering Manager

ONLINE SUBMITTAL **Date** 5/21/2019

FOR DISTRICT USE ONLY

- ☐ Sensitive areas potentially exist on site or within 200' of the site. **THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER.** If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- ☐ Based on review of the submitted materials and best available information Sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 17-05, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, State, and federal law.
- ☒ Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, state and federal law.
- ☐ **This Service Provider Letter is not valid unless _____ CWS approved site plan(s) are attached.**
- ☐ The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.

Reviewed by _____ Date 5/28/19

N

40' 0 20' 40' 80'
SCALE: 1" = 40'
11"X17" @ 1" = 80'

TRACT D (OPEN SPACE)
62978 SF

TRACT C (ACCESS)
2154 SF

TRACT B (ACCESS)
7043 SF

TRACT A (WATER QUALITY)
14417 SF

1	10381 SF	
2	10295 SF	
3	10033 SF	
4	10143 SF	
5	13679 SF	
6	11295 SF	
7	11472 SF	
8	11519 SF	
9	11523 SF	
10	14482 SF	
11	11583 SF	
12	10804 SF	
13	10631 SF	
14	10971 SF	
15	10878 SF	
16	12035 SF	
17	11141 SF	
18	11010 SF	
19	11932 SF	
20	11202 SF	
21	10489 SF	
22	10125 SF	
23	14729 SF	

SHERWOOD, OREGON

YUZON EXHIBIT

REVISIONS

NO.	DATE	DESCRIPTION

EMERIO Design
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 297-1562
www.emeriodesign.com

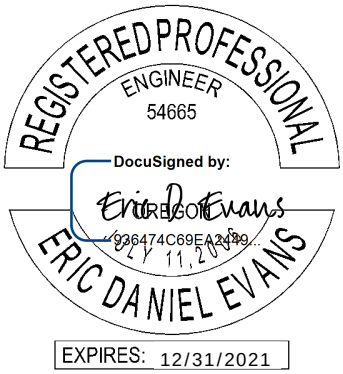
SHEET 1 OF 1

FILE:P:\2200-009 Yuzon Subdivision\dwg\plan\Exhibits\Yuzons Lot Layout Exhibit, Layout: Lot Layout Exhibit, Plot Date: 2/18/2019 10:52 AM, by: Jacob Snyder

DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

Preliminary Stormwater Report for Yuzon Subdivision 41-Lot Subdivision at City of Sherwood, Oregon (TL 100 & 200, Tax Map 2S1W 33CB)

Emerio Project Number:	0200-009
CWS Permit Number:	TBD
Date:	07/6/2020



Prepared For:
Tim Roth
JT Roth Construction, Inc.
12600 SW 72nd Ave, Suite 200
Portland, OR 97223
(503) 639-2639
timr@jtrothinc.com
&
Timothy M. Miller
23008 SW Murdock Road
Sherwood, OR 97140

Prepared By:
Eric Evans, PE
Emerio Design, LLC
6445 SW Fallbrook Place, Suite 100
Beaverton, Oregon 97008
(503) 853-1910
eric@emeriodesign.com

DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

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(1) Vicinity Map

APPENDIX B
(1) Soil Classification Map – "Soils Survey for Washington County"
(2) Curve Number Table
(3) Hydromodification Map Tool

APPENDIX C
(1) Basin Area Tabulated Data
(2) Swale Sizing Spreadsheet
(3) Detention Pond HydroCAD Plots

APPENDIX D
(1) Pre-Developed Site Map
(2) Post-Developed Site Map

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Project Overview and Description:

The purpose of this report is to demonstrate the compliance of the proposed improvements for the Yuzon Subdivision with the requirements of Clean Water Services and City of Sherwood. The proposed development site is located at 23120 & 23008 SW Murdock Road in Sherwood, Oregon. The existing site is approximately 650,520 SF (14.93 Acres) in size and roughly 200,860 SF of impervious surface will be developed. The development will be a 41-lot subdivision to the north of SW Ironwood Lane. The existing houses will remain onsite as part of site development. Reference the Vicinity Map located in Appendix A(1).

Soil Classification:

The NRCS soil survey of Washington County, Oregon classifies the development site soil as Xerochrepts-rock outcrop complex and Saum silt loam with associated hydrologic soil groups of D and C respectively. Due to the percentage of the site taken up by Xerochrepts-rock outcrop complex (~96%), soil group D was used in selecting runoff curve numbers. The associated curve number utilized in this design is 80 for the existing pervious surfaces and 89 for the proposed pervious surfaces. A curve number of 98 is set for impervious surfaces. Reference Appendices B(1) and B(2) for site soil information.

Basin Delineation:

Onsite basins were created after the determination of how the stormwater runoff was to flow and be collected after development. Most of the site will route Tract B, while the lots 35-38 and tract F will route to the adjacent subdivision (Denali Meadows) previously designed by Emerio Design. See Appendix C(1) for tabulated basin areas and Appendix D(2) for a post-developed basin map.

Hydromodification:

Using the CWS hydromodification method, it was determined this project falls under Category 2 based on the following information obtained using the Hydromodification Map Web Tool (Appendix B(3)): (1) the risk level is low based on the point of discharge into Rock Creek, (2) this site is considered to be in a developed area, and (3) the project size category is large based on the total new and modified impervious area of approximately 200,860 SF. Hydromodification requirements will be met by peak-flow matching detention per CWS 4.03.5.b.2 via a detention pond located on Tract B.

Water Quality:

Water quality will be managed by a vegetated swale located on Tract B. This swale is designed per CWS standard drawing 705; its geometry is shown below:

Bottom Width	2 Feet
Side Slopes	4:1
Length	110 Feet
Slope	0.5%

As shown in appendix C(1) the total impervious area draining to the proposed swale is 4.17 acres (181,689 SF). The total impervious area and the swale geometry were entered into a swale geometry spreadsheet (Appendix C(2)). The calculations shown in this exhibit show that the water quality standards are met with a total residence time 9.05 minutes and a depth of 0.48 feet.

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The 19,171 SF of proposed impervious area that will not drain to Tract B will be covered by a fee in lieu for water quality requirements. Alternatively, these areas can be coordinated to be treated in the Murdock Subdivision swale to be built in the summer of 2020.

Quantity Control/Detention:

Detention will be provided for ½ of the 2-year, 5-year, and 10-year 24-hour design storms for the onsite runoff per hydromodification requirements. A previous development designed by Emerio Design is situated directly downstream of this project. The stormwater conveyance system was master planned to convey the detained flows from this project. To meet the constraints of the master plan, the 25-year design storm will also be detained. As the northwest corner of the site will go undetained, the rest the site that will route to Tract B will be overdetained to meet peak flow matching standards for the whole development. Note that Tract G will not be considered in detention calculations. Flows are detained via a detention pond located in the volume above the proposed water quality swale on Tract B. Flow is controlled for the ½ of 2, 5, and 10-year flows via two orifices with information shown below.

Orifice #1: 4.8" diameter, elevation 273.50'
Orifice #2: 15.0" diameter, elevation 276.12'

Both orifices are set in an orifice plate between the two ditch inlets of the swale per CWS standard drawings 710 and 711. Reference appendix C(3) for HydroCAD calculations and results for the existing and proposed site conditions.

Storm Event	**Pre to Post-Development Flows**	
	Pre-Dev. cfs	Post-Dev. with Detention cfs
½ of 2-Year	2.61 ÷ 2 = 1.30	1.30
5-Year	4.13	1.90
10-Year	5.09	2.61
25-Year	6.38	3.78

As shown in the table above, the detention requirement is met by limiting the peak discharge from each of the return periods from the pre to post-developed conditions. With the 25-year design water elevation at 276.87' and the top of pond at 278.00', greater than one foot of freeboard is maintained. Reference Appendix C(3) for HydroCAD modeling plots.

Conclusion:

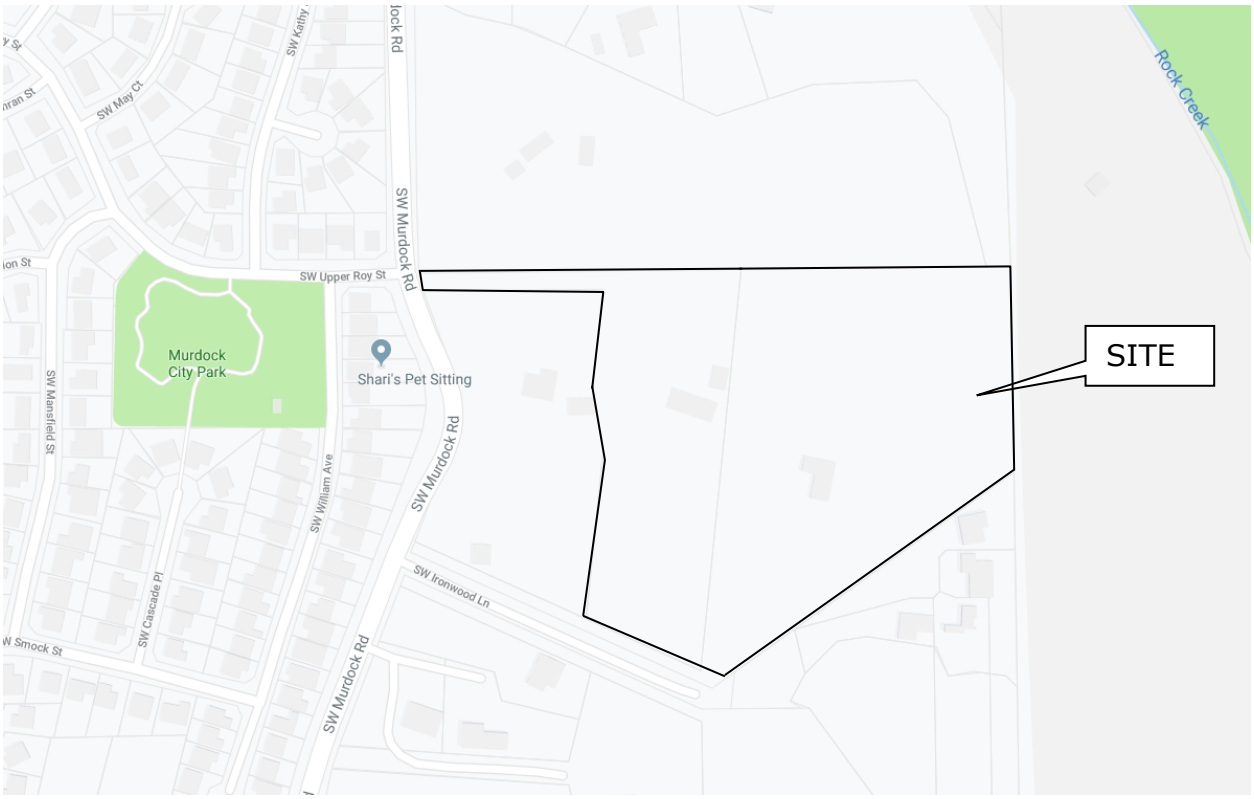
The design of the proposed site satisfies the water quality and detention standards set by the Clean Water Services R&O 19-22 and City of Sherwood.

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Appendix A:

DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

Appendix A(1)
Vicinity Map



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Appendix B:

DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

Appendix B(1)
Soil Classification Map



Tables — Hydrologic Soil Group — Summary By Map Unit

Summary by Map Unit — Washington County, Oregon (OR067)

Summary by Map Unit — Washington County, Oregon (OR067)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
38C	Saum silt loam, 7 to 12 percent slopes	C	0.6	4.1%
47D	Xerochrepts-Rock outcrop complex	D	14.3	95.9%
Totals for Area of Interest			**14.9**	**100.0%**

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Appendix B(2)
Curve Number Table

RUNOFF CURVE NUMBERS (TR55)

Table 2-2a: Runoff curve numbers for urban areas [1]

Cover description		CN for hydrologic soil group			
Cover type and hydrologic condition	Average percent impervious area[2]	A	B	C	D
Fully developed urban areas (vegetation established)					
Open space (lawns, parks, golf courses, cemeteries, etc.) [3]:					
Poor condition (grass cover <50%)					89
Fair condition (grass cover 50% to 75%)		49	69	79	84
Good condition (grass cover >75%)		39	61	74	80
Impervious areas:					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way)				98	98
Streets and roads:					
Paved; curbs and storm sewers (excluding right-of-way)				98	98
Paved; open ditches (including right-of-way)		83		92	93
Gravel (including right-of-way)				89	91
Dirt (including right-of-way)				87	89
Western desert urban areas:					
Natural desert landscaping (pervious areas only) [4]				85	88
Artificial desert landscaping (impervious weed barrier, desert shrub with 1- to 2-inch sand or gravel mulch and basin borders)		96	96	96	96
Urban districts:					
Commercial and business	85	89	92	94	95
Industrial	72	81	88	91	93
Residential districts by average lot size:					
1/8 acre or less (town houses)	65	77	85	90	92
1/4 acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
1/2 acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82

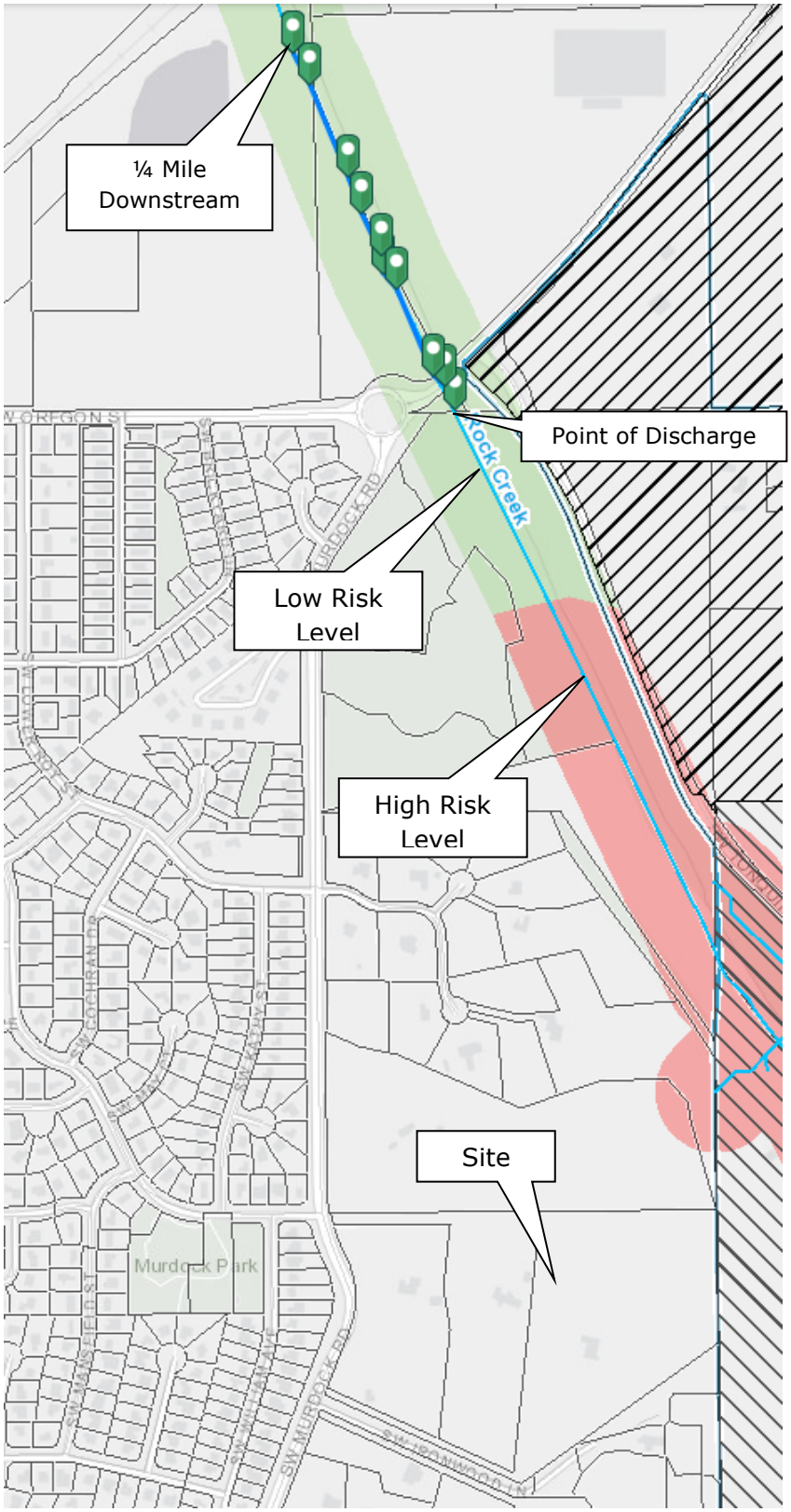
Use CN = 89 for Post-Developed Pervious-Soil Group D

Use CN = 80 for Pre-Developed Pervious-Soil Group D

Use CN = 98 for Impervious Surfaces

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Appendix B(3)
Hydromodification Map Tool



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Appendix C:

DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

Basin Area Tabulated Data
Yuzon Subdivision

Appendix C(1)

Basin #	Name	Total Area SF	Total Area Acres	Qty of Lots	Lot Impervious SF	ROW/Tract Imp SF	Total Impervious SF	Total Pervious (Calc'd) SF
100	Pre-Developed Onsite	636,782	14.62	2	46,339	0	46,339	590,443
101	Detained Onsite	585,924	13.45	37	108,243	73,446	181,689	404,235
102	Undetained Onsite	50,858	1.17	4	10,560	8,611	19,171	31,687

201	Upstream Basin 1	380,375	8.73	4	10,560	30,068	40,628	339,747

DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

Yuzon Subdivision
Water Quality Swale

Appendix C(2)

Water Quality Area

Total Impervious = 4.17 ac

Water Quality Flow

WQ Volume (cf) = $\frac{0.36 \text{ in} \times \text{Impervious Area (sf)}}{12 \text{ (in/ft)}}$

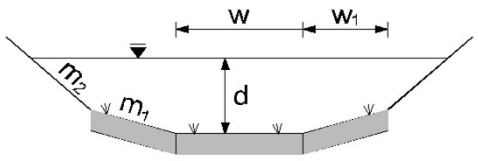
WQ Flow (cfs) = $\frac{\text{WQ Volume (cf)}}{(4 \text{ hr})(60 \text{ min/hr})(60 \text{ sec/min})}$

= $\frac{\text{Impervious Area (sf)}}{480{,}000 \text{ sec/ft}}$

= $\frac{\text{ac} \times 43{,}560 \text{ sf/ac}}{480{,}000 \text{ sec/ft}}$

= 0.38 cfs

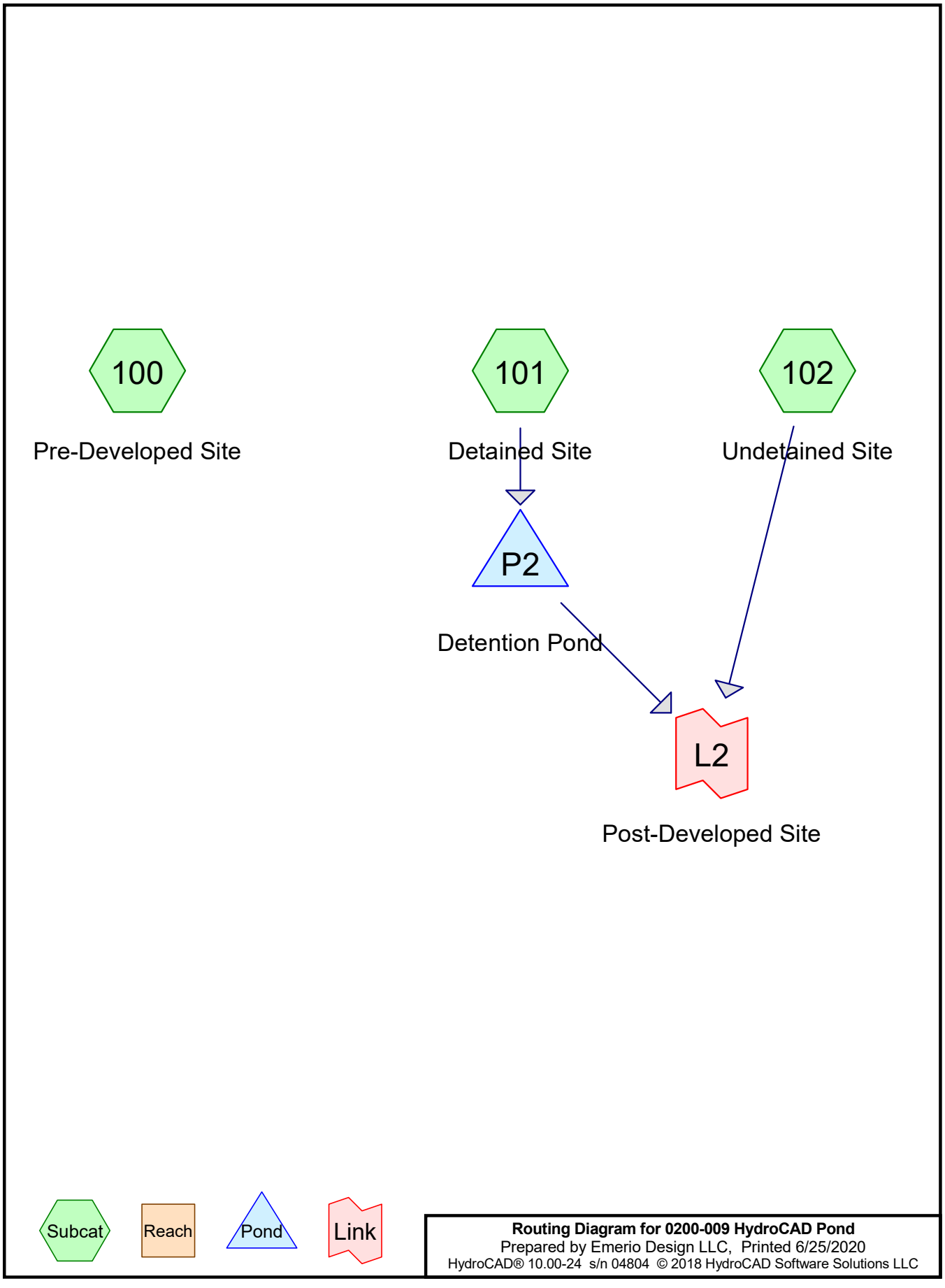
Biofilter Swale



Water Quality Event

Transverse Properties			X-Sectional Properties		
Q	=	0.38 cfs	w	=	2.0'
s	=	0.50%	w_1	=	2.0'
n	=	0.240	m_1	=	4:1
L	=	110.0 LF	m_2	=	2.5:1
v	=	0.20 fps	d	=	0.48' ✓
t	=	9.05 min ✓			

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Area Listing (all nodes)

Area (sq-ft)	CN	Description (subcatchment-numbers)
247,199	98	Impervious (100, 101, 102)
590,443	80	Pervious (100)
435,922	89	Pervious (101, 102)

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Summary for Subcatchment 100: Pre-Developed Site

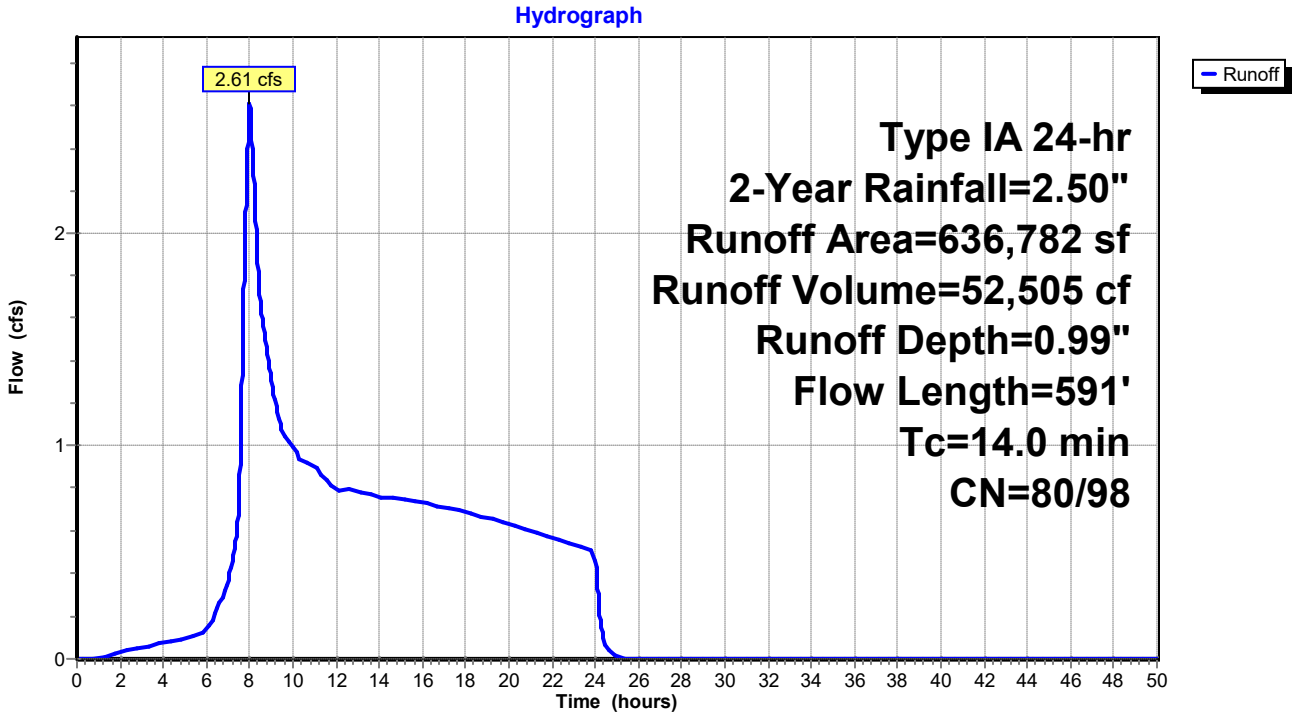
Runoff = 2.61 cfs @ 8.00 hrs, Volume= 52,505 cf, Depth= 0.99"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type IA 24-hr 2-Year Rainfall=2.50"

	Area (sf)	CN	Description
*	590,443	80	Pervious
*	46,339	98	Impervious
	636,782	81	Weighted Average
	590,443	80	92.72% Pervious Area
	46,339	98	7.28% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
13.0	300	0.1210	0.38		**Sheet Flow,** Grass: Short n= 0.150 P2= 2.50"
1.0	291	0.0890	4.80		**Shallow Concentrated Flow,** Unpaved Kv= 16.1 fps
14.0	591	Total			

Subcatchment 100: Pre-Developed Site



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Summary for Subcatchment 101: Detained Site

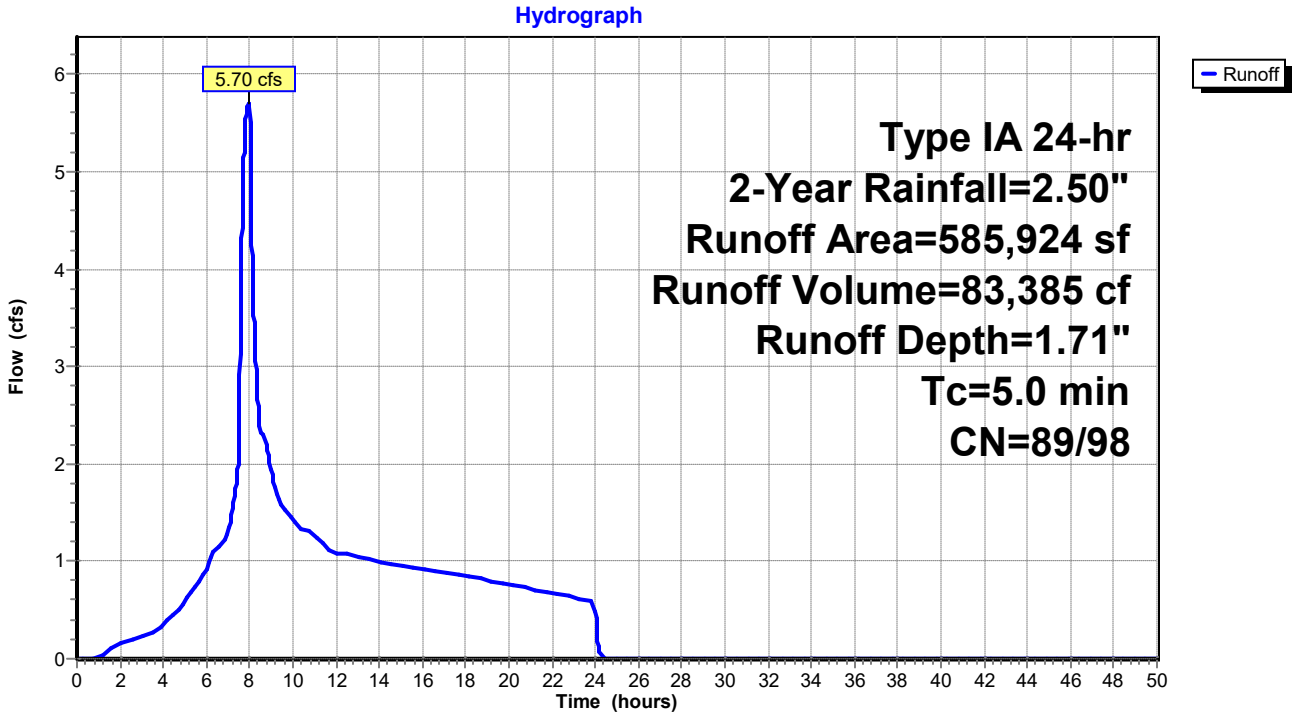
Runoff = 5.70 cfs @ 7.92 hrs, Volume= 83,385 cf, Depth= 1.71"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type IA 24-hr 2-Year Rainfall=2.50"

	Area (sf)	CN	Description
*	404,235	89	Pervious
*	181,689	98	Impervious
	585,924	92	Weighted Average
	404,235	89	68.99% Pervious Area
	181,689	98	31.01% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 101: Detained Site



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Summary for Subcatchment 102: Undetained Site

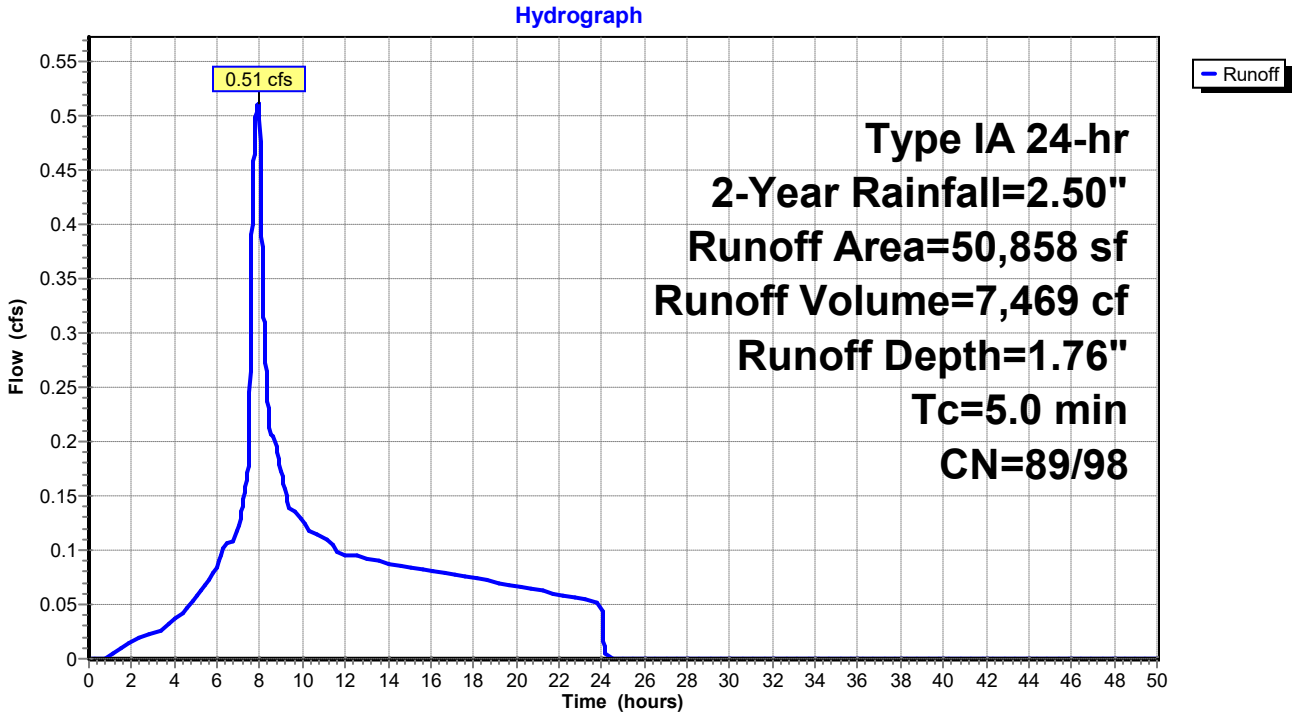
Runoff = 0.51 cfs @ 7.92 hrs, Volume= 7,469 cf, Depth= 1.76"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type IA 24-hr 2-Year Rainfall=2.50"

	Area (sf)	CN	Description
*	31,687	89	Pervious
*	19,171	98	Impervious
	50,858	92	Weighted Average
	31,687	89	62.30% Pervious Area
	19,171	98	37.70% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 102: Undetained Site



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Summary for Pond P2: Detention Pond

Inflow Area = 585,924 sf, 31.01% Impervious, Inflow Depth = 1.71" for 2-Year event
Inflow = 5.70 cfs @ 7.92 hrs, Volume= 83,385 cf
Outflow = 0.97 cfs @ 14.80 hrs, Volume= 83,385 cf, Atten= 83%, Lag= 412.5 min
Primary = 0.97 cfs @ 14.80 hrs, Volume= 83,385 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 276.12' @ 14.80 hrs Surf.Area= 15,806 sf Storage= 24,230 cf

Plug-Flow detention time= 308.3 min calculated for 83,385 cf (100% of inflow)
Center-of-Mass det. time= 308.3 min (1,041.4 - 733.1)

Volume	Invert	Avail.Storage	Storage Description
#1	274.50'	55,934 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

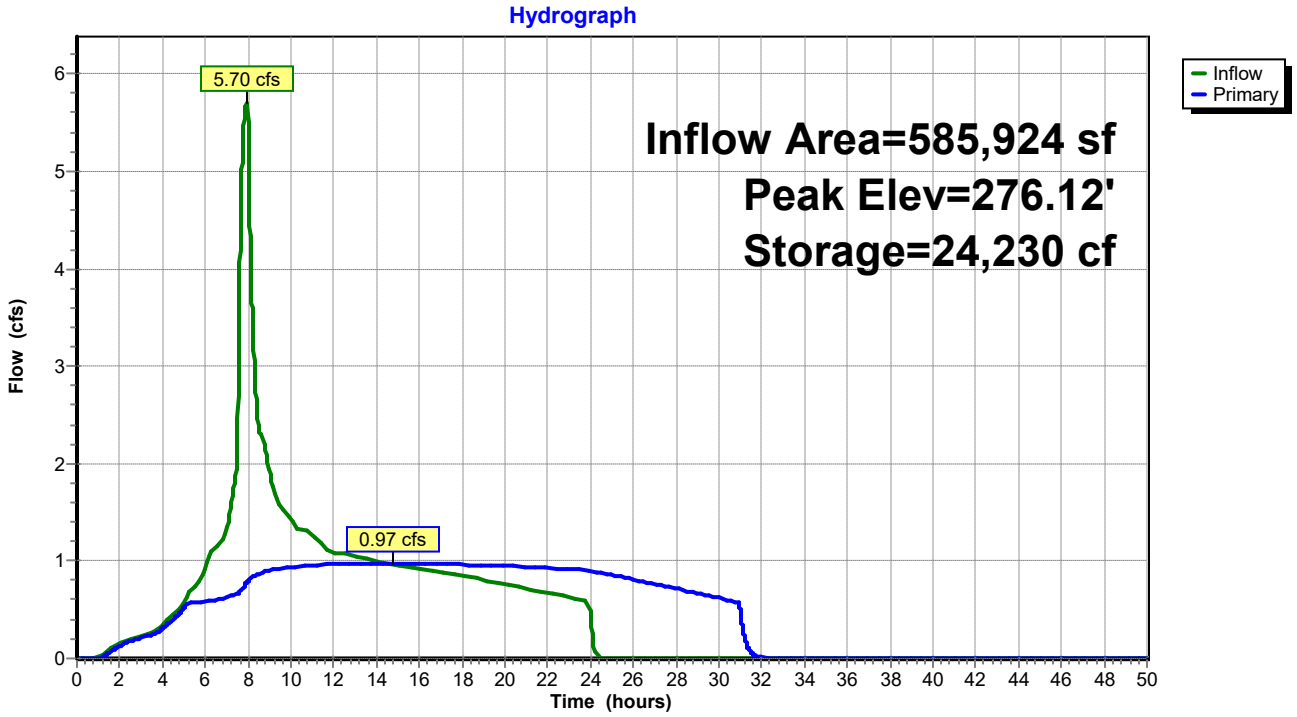
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
274.50	14,178	0	0
275.00	14,677	7,214	7,214
276.00	15,686	15,182	22,395
277.00	16,714	16,200	38,595
278.00	17,963	17,339	55,934

Device	Routing	Invert	Outlet Devices
#1	Device 2	273.50'	**4.8" Vert. Orifice/Grate** C= 0.620
#2	Primary	273.50'	**15.0" Round Culvert** L= 5.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 273.50' / 273.20' S= 0.0600 '/' Cc= 0.900 n= 0.013, Flow Area= 1.23 sf
#3	Device 2	276.12'	**15.0" Vert. Orifice/Grate** C= 0.620

Primary OutFlow Max=0.97 cfs @ 14.80 hrs HW=276.12' (Free Discharge)
└**2=Culvert** (Passes 0.97 cfs of 8.34 cfs potential flow)
  ├**1=Orifice/Grate** (Orifice Controls 0.97 cfs @ 7.73 fps)
  └**3=Orifice/Grate** (Controls 0.00 cfs)

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Pond P2: Detention Pond



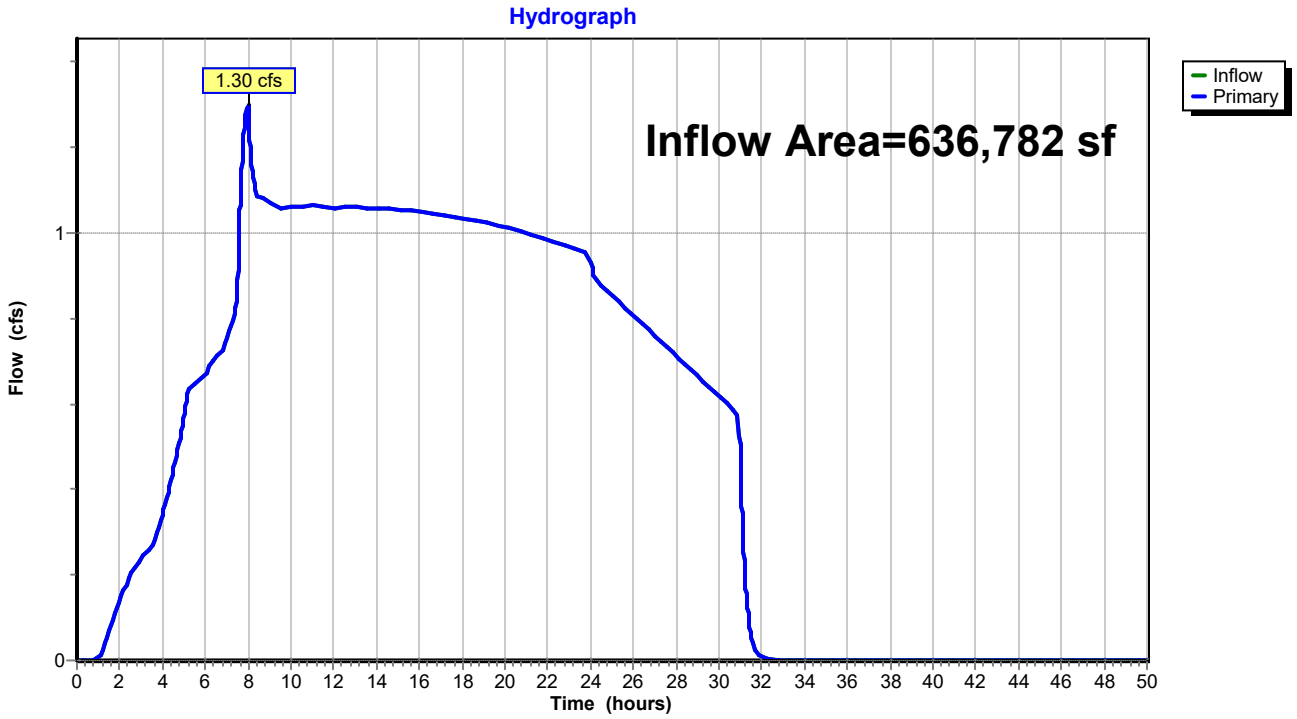
DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

Summary for Link L2: Post-Developed Site

Inflow Area = 636,782 sf, 31.54% Impervious, Inflow Depth = 1.71" for 2-Year event
Inflow = 1.30 cfs @ 8.00 hrs, Volume= 90,854 cf
Primary = 1.30 cfs @ 8.00 hrs, Volume= 90,854 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

Link L2: Post-Developed Site



DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

Summary for Subcatchment 100: Pre-Developed Site

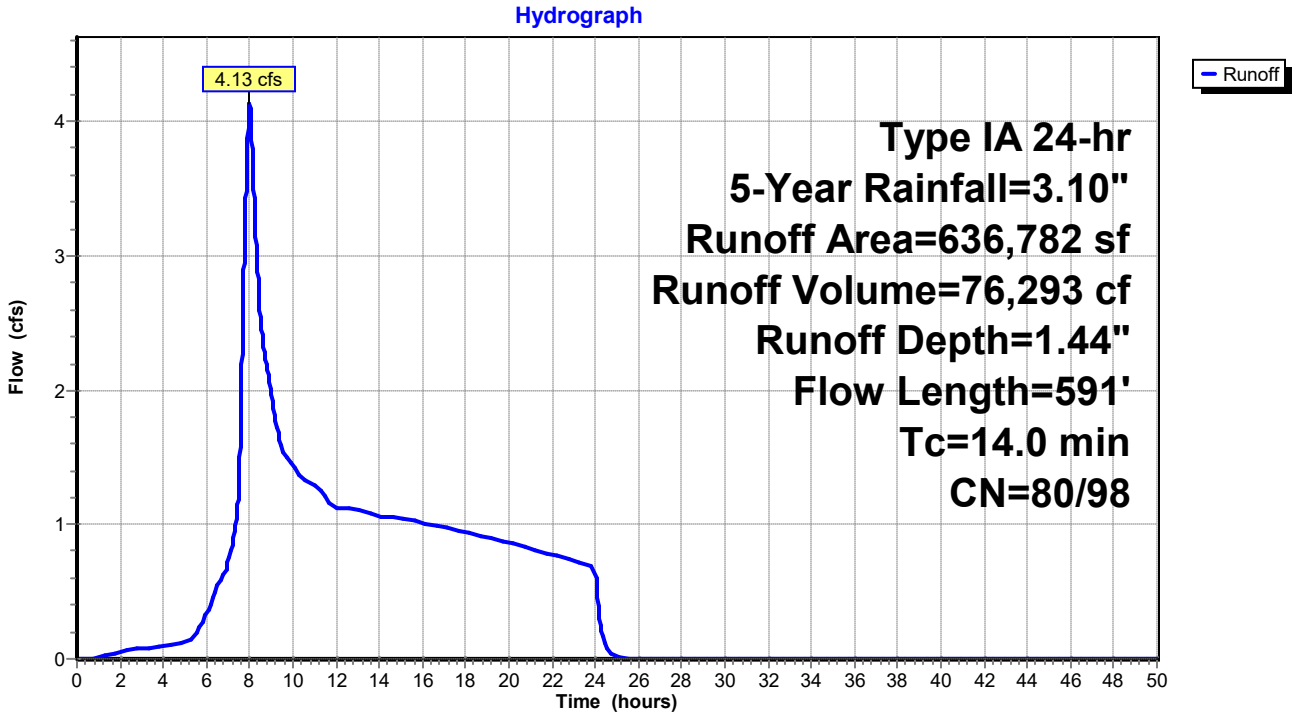
Runoff = 4.13 cfs @ 8.00 hrs, Volume= 76,293 cf, Depth= 1.44"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type IA 24-hr 5-Year Rainfall=3.10"

	Area (sf)	CN	Description
*	590,443	80	Pervious
*	46,339	98	Impervious
	636,782	81	Weighted Average
	590,443	80	92.72% Pervious Area
	46,339	98	7.28% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
13.0	300	0.1210	0.38		**Sheet Flow,** Grass: Short n= 0.150 P2= 2.50"
1.0	291	0.0890	4.80		**Shallow Concentrated Flow,** Unpaved Kv= 16.1 fps
14.0	591	Total			

Subcatchment 100: Pre-Developed Site



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Summary for Subcatchment 101: Detained Site

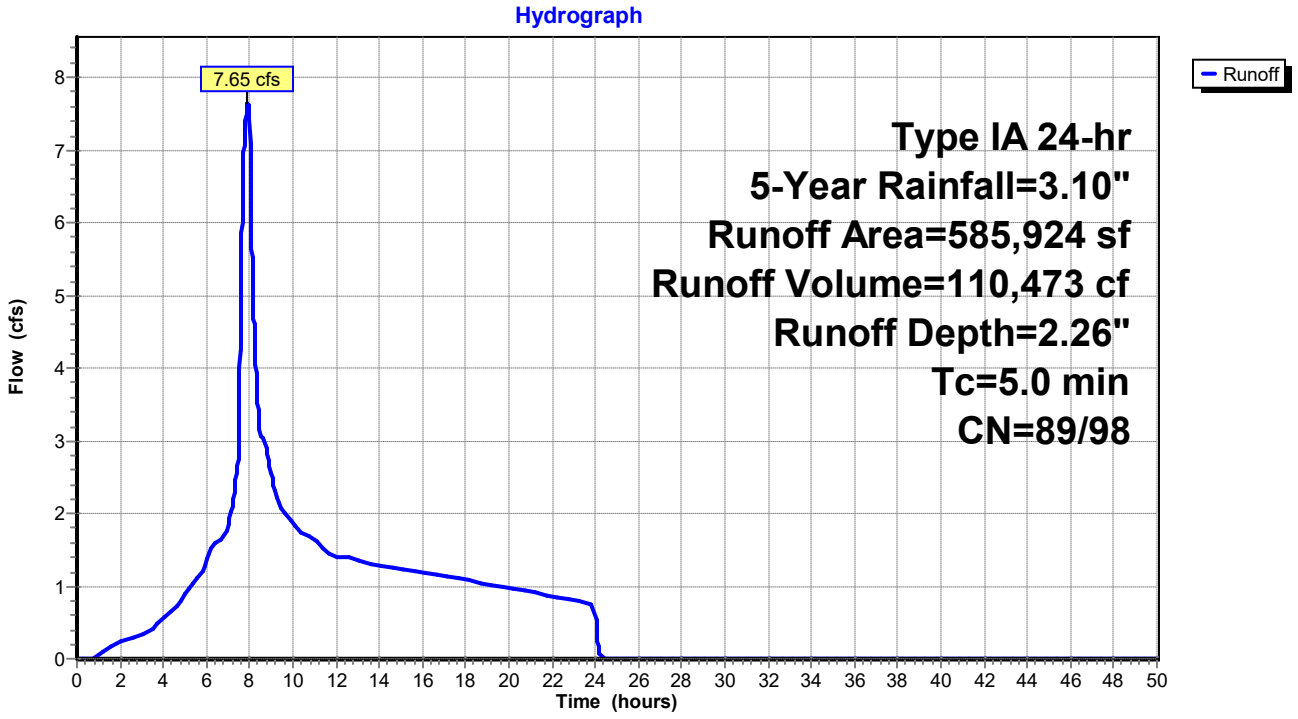
Runoff = 7.65 cfs @ 7.91 hrs, Volume= 110,473 cf, Depth= 2.26"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type IA 24-hr 5-Year Rainfall=3.10"

	Area (sf)	CN	Description
*	404,235	89	Pervious
*	181,689	98	Impervious
	585,924	92	Weighted Average
	404,235	89	68.99% Pervious Area
	181,689	98	31.01% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 101: Detained Site



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Summary for Subcatchment 102: Undetained Site

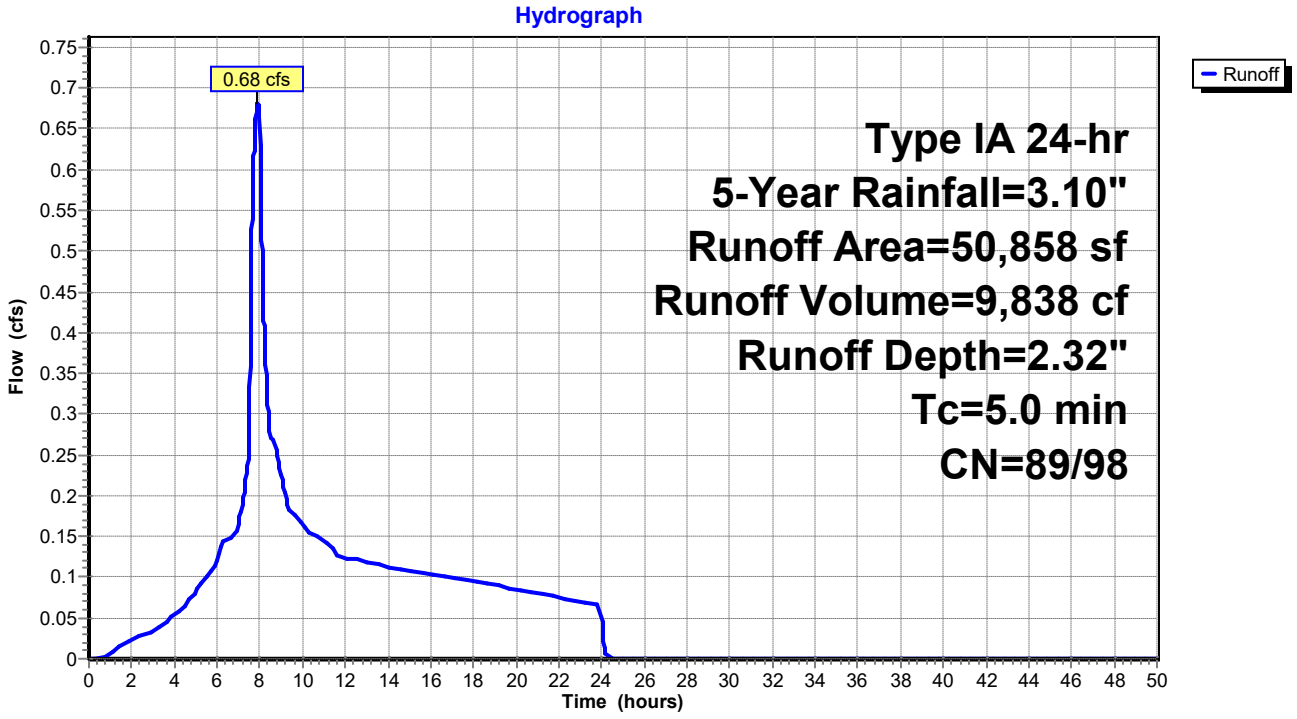
Runoff = 0.68 cfs @ 7.91 hrs, Volume= 9,838 cf, Depth= 2.32"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type IA 24-hr 5-Year Rainfall=3.10"

	Area (sf)	CN	Description
*	31,687	89	Pervious
*	19,171	98	Impervious
	50,858	92	Weighted Average
	31,687	89	62.30% Pervious Area
	19,171	98	37.70% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 102: Undetained Site



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Summary for Pond P2: Detention Pond

Inflow Area = 585,924 sf, 31.01% Impervious, Inflow Depth = 2.26" for 5-Year event
Inflow = 7.65 cfs @ 7.91 hrs, Volume= 110,473 cf
Outflow = 1.74 cfs @ 10.32 hrs, Volume= 110,473 cf, Atten= 77%, Lag= 144.5 min
Primary = 1.74 cfs @ 10.32 hrs, Volume= 110,473 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 276.50' @ 10.32 hrs Surf.Area= 16,204 sf Storage= 30,427 cf

Plug-Flow detention time= 302.0 min calculated for 110,473 cf (100% of inflow)
Center-of-Mass det. time= 302.0 min (1,023.7 - 721.7)

Volume	Invert	Avail.Storage	Storage Description
#1	274.50'	55,934 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

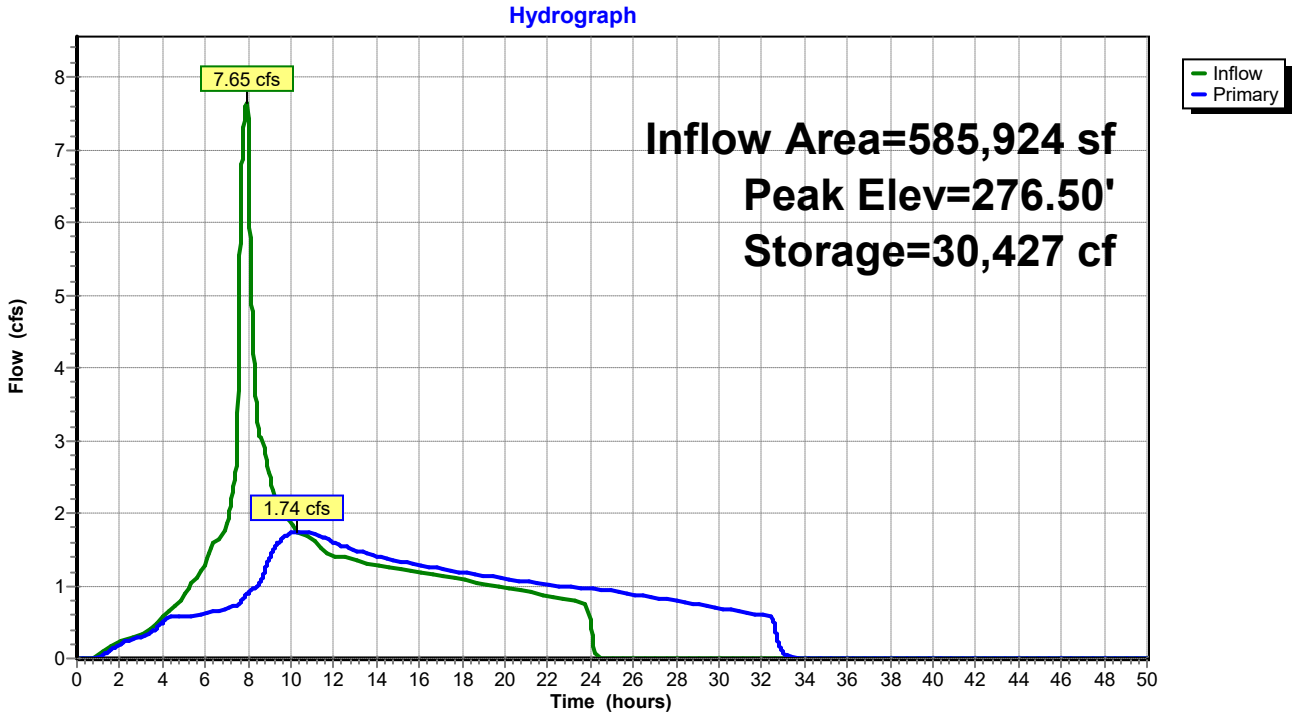
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
274.50	14,178	0	0
275.00	14,677	7,214	7,214
276.00	15,686	15,182	22,395
277.00	16,714	16,200	38,595
278.00	17,963	17,339	55,934

Device	Routing	Invert	Outlet Devices
#1	Device 2	273.50'	**4.8" Vert. Orifice/Grate** C= 0.620
#2	Primary	273.50'	**15.0" Round Culvert** L= 5.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 273.50' / 273.20' S= 0.0600 '/' Cc= 0.900 n= 0.013, Flow Area= 1.23 sf
#3	Device 2	276.12'	**15.0" Vert. Orifice/Grate** C= 0.620

Primary OutFlow Max=1.74 cfs @ 10.32 hrs HW=276.50' (Free Discharge)
└**2=Culvert** (Passes 1.74 cfs of 9.11 cfs potential flow)
  ├**1=Orifice/Grate** (Orifice Controls 1.05 cfs @ 8.33 fps)
  └**3=Orifice/Grate** (Orifice Controls 0.70 cfs @ 2.18 fps)

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Pond P2: Detention Pond



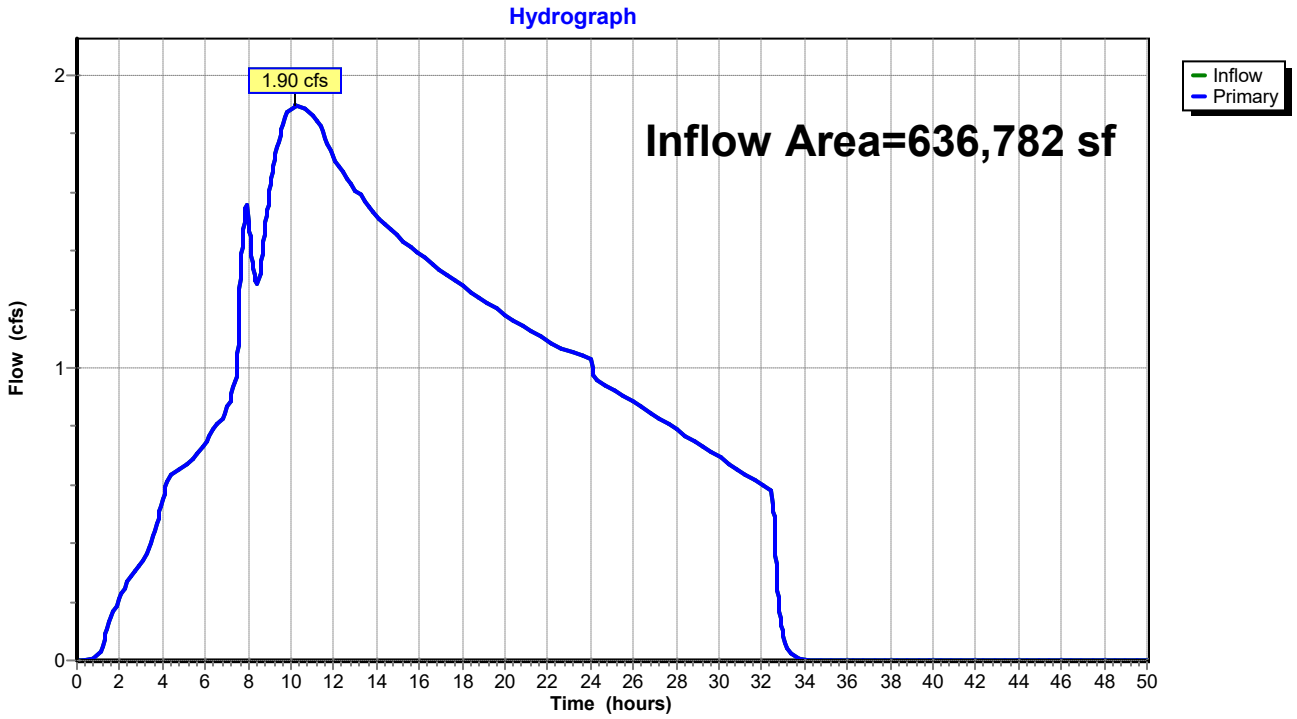
DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

Summary for Link L2: Post-Developed Site

Inflow Area = 636,782 sf, 31.54% Impervious, Inflow Depth = 2.27" for 5-Year event
Inflow = 1.90 cfs @ 10.20 hrs, Volume= 120,310 cf
Primary = 1.90 cfs @ 10.20 hrs, Volume= 120,310 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

Link L2: Post-Developed Site



DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

Summary for Subcatchment 100: Pre-Developed Site

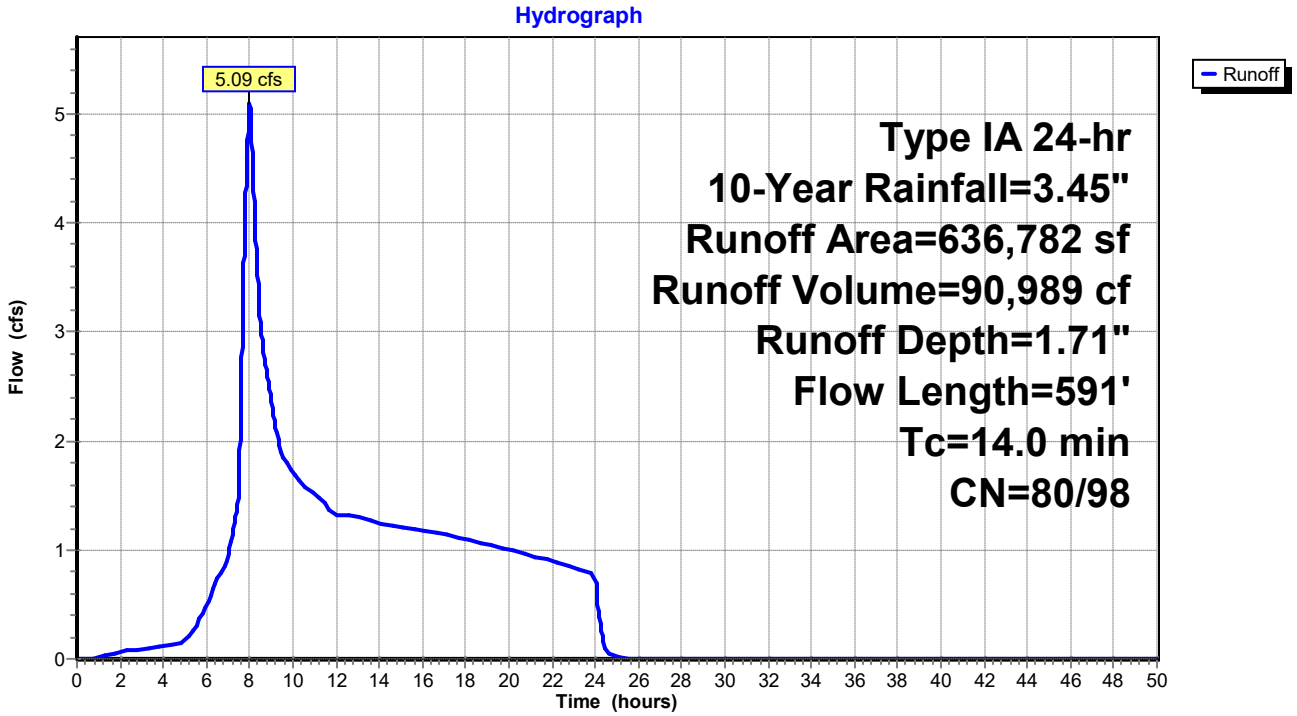
Runoff = 5.09 cfs @ 8.00 hrs, Volume= 90,989 cf, Depth= 1.71"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type IA 24-hr 10-Year Rainfall=3.45"

	Area (sf)	CN	Description
*	590,443	80	Pervious
*	46,339	98	Impervious
	636,782	81	Weighted Average
	590,443	80	92.72% Pervious Area
	46,339	98	7.28% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
13.0	300	0.1210	0.38		**Sheet Flow,** Grass: Short n= 0.150 P2= 2.50"
1.0	291	0.0890	4.80		**Shallow Concentrated Flow,** Unpaved Kv= 16.1 fps
14.0	591	Total			

Subcatchment 100: Pre-Developed Site



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Summary for Subcatchment 101: Detained Site

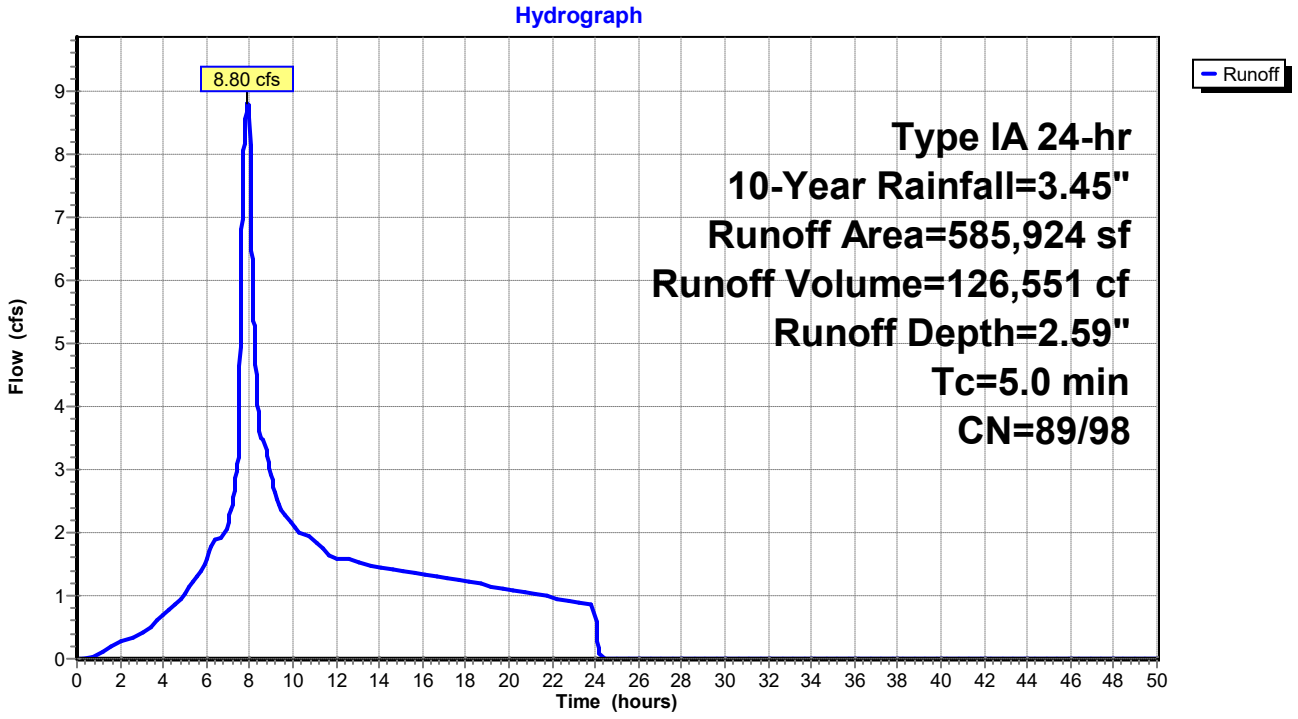
Runoff = 8.80 cfs @ 7.91 hrs, Volume= 126,551 cf, Depth= 2.59"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type IA 24-hr 10-Year Rainfall=3.45"

	Area (sf)	CN	Description
*	404,235	89	Pervious
*	181,689	98	Impervious
	585,924	92	Weighted Average
	404,235	89	68.99% Pervious Area
	181,689	98	31.01% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 101: Detained Site



DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

Summary for Subcatchment 102: Undetained Site

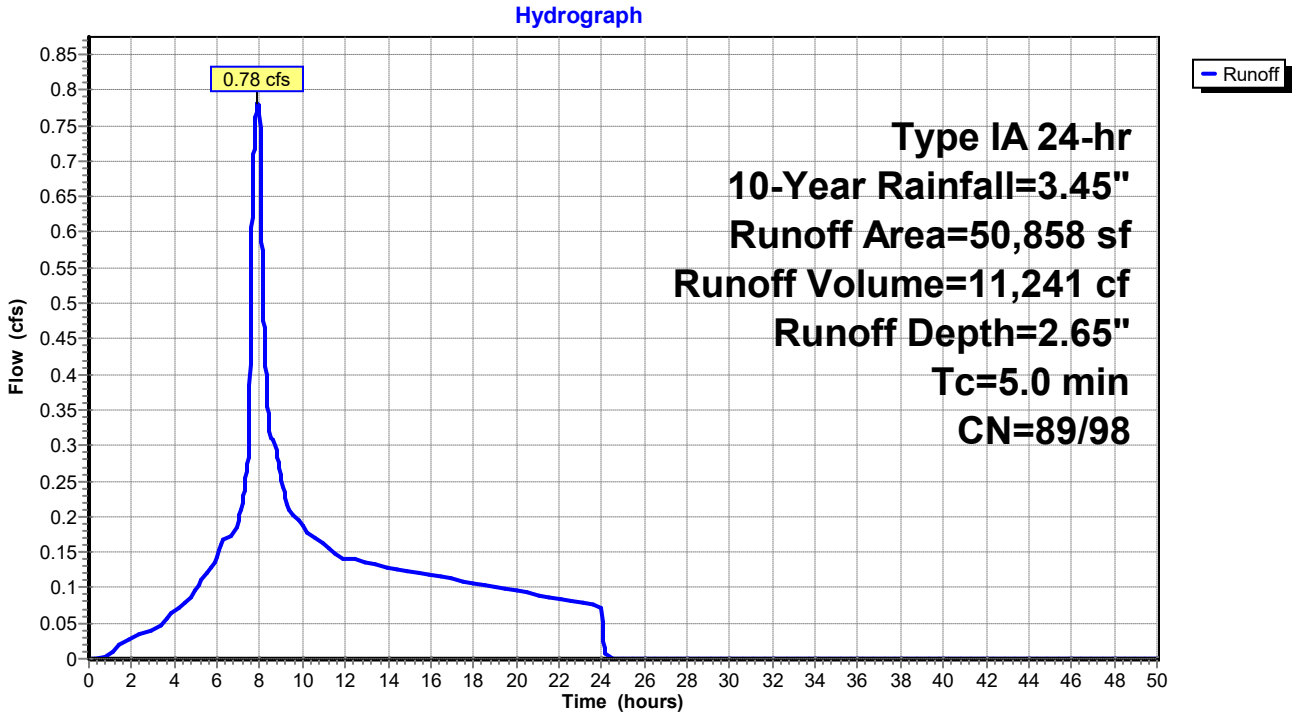
Runoff = 0.78 cfs @ 7.90 hrs, Volume= 11,241 cf, Depth= 2.65"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type IA 24-hr 10-Year Rainfall=3.45"

	Area (sf)	CN	Description
*	31,687	89	Pervious
*	19,171	98	Impervious
	50,858	92	Weighted Average
	31,687	89	62.30% Pervious Area
	19,171	98	37.70% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 102: Undetained Site



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Summary for Pond P2: Detention Pond

Inflow Area = 585,924 sf, 31.01% Impervious, Inflow Depth = 2.59" for 10-Year event
Inflow = 8.80 cfs @ 7.91 hrs, Volume= 126,551 cf
Outflow = 2.40 cfs @ 9.35 hrs, Volume= 126,551 cf, Atten= 73%, Lag= 86.8 min
Primary = 2.40 cfs @ 9.35 hrs, Volume= 126,551 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 276.66' @ 9.35 hrs Surf.Area= 16,367 sf Storage= 33,009 cf

Plug-Flow detention time= 282.0 min calculated for 126,526 cf (100% of inflow)
Center-of-Mass det. time= 282.0 min (998.3 - 716.2)

Volume	Invert	Avail.Storage	Storage Description
#1	274.50'	55,934 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

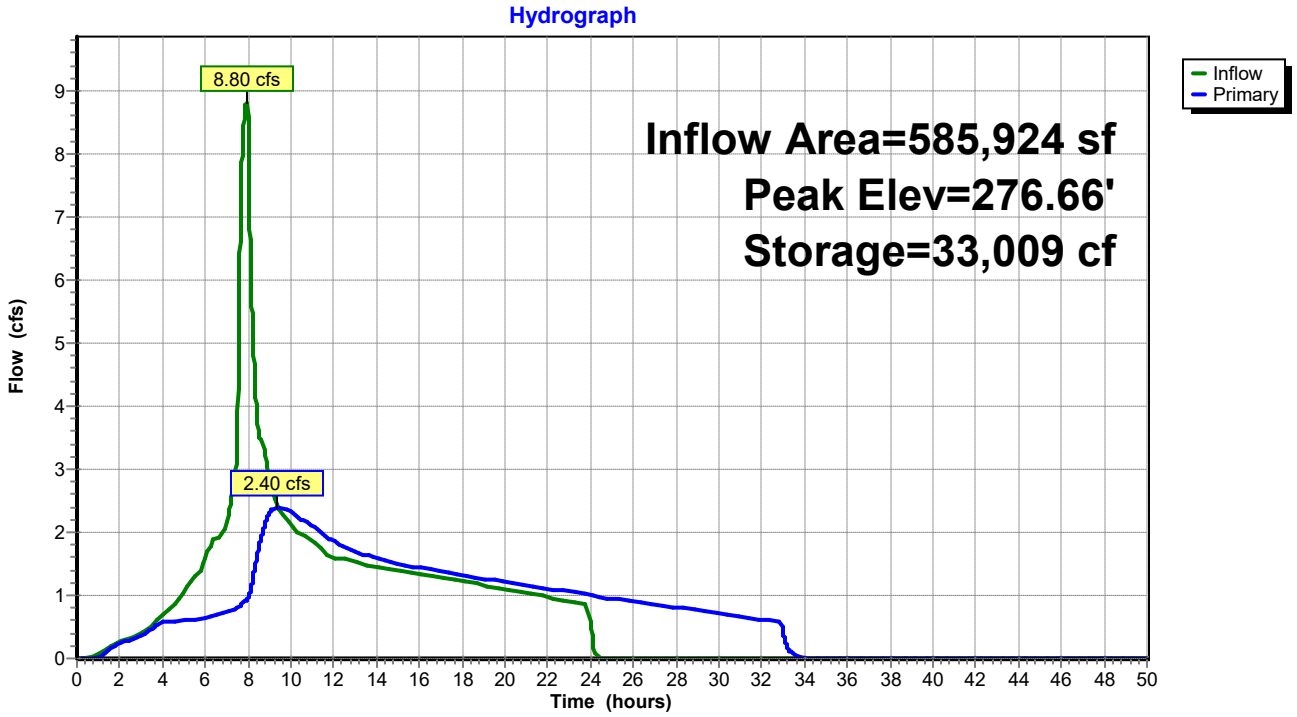
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
274.50	14,178	0	0
275.00	14,677	7,214	7,214
276.00	15,686	15,182	22,395
277.00	16,714	16,200	38,595
278.00	17,963	17,339	55,934

Device	Routing	Invert	Outlet Devices
#1	Device 2	273.50'	**4.8" Vert. Orifice/Grate** C= 0.620
#2	Primary	273.50'	**15.0" Round Culvert** L= 5.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 273.50' / 273.20' S= 0.0600 '/' Cc= 0.900 n= 0.013, Flow Area= 1.23 sf
#3	Device 2	276.12'	**15.0" Vert. Orifice/Grate** C= 0.620

Primary OutFlow Max=2.40 cfs @ 9.35 hrs HW=276.66' (Free Discharge)
└**2=Culvert** (Passes 2.40 cfs of 9.41 cfs potential flow)
  ├**1=Orifice/Grate** (Orifice Controls 1.08 cfs @ 8.56 fps)
  └**3=Orifice/Grate** (Orifice Controls 1.32 cfs @ 2.59 fps)

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Pond P2: Detention Pond



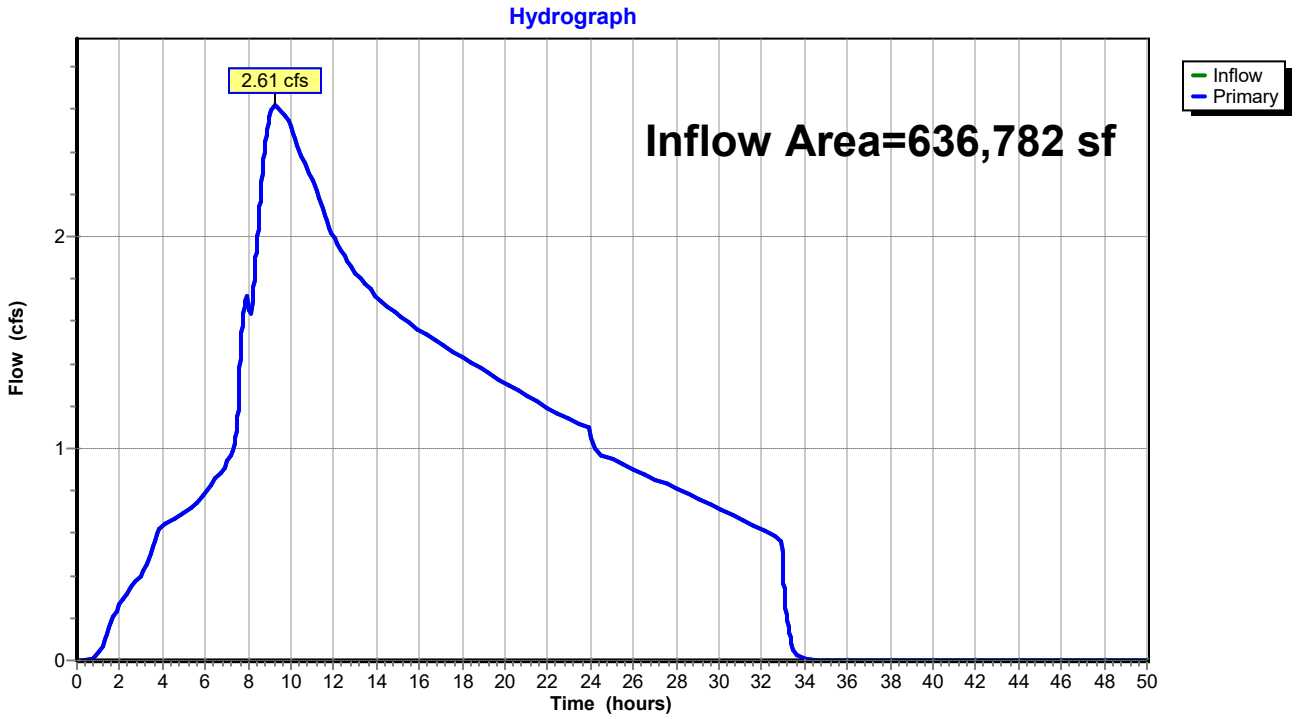
DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

Summary for Link L2: Post-Developed Site

Inflow Area = 636,782 sf, 31.54% Impervious, Inflow Depth = 2.60" for 10-Year event
Inflow = 2.61 cfs @ 9.26 hrs, Volume= 137,792 cf
Primary = 2.61 cfs @ 9.26 hrs, Volume= 137,792 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

Link L2: Post-Developed Site



DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

Summary for Subcatchment 100: Pre-Developed Site

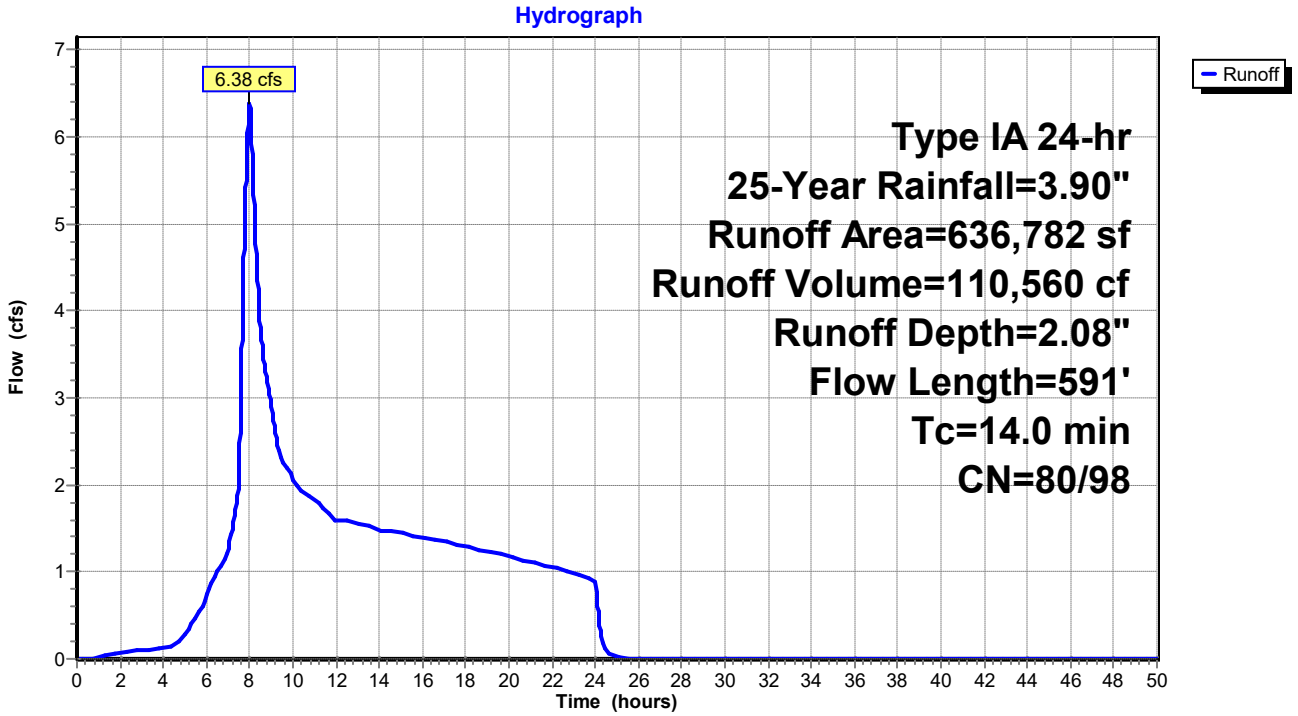
Runoff = 6.38 cfs @ 8.00 hrs, Volume= 110,560 cf, Depth= 2.08"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type IA 24-hr 25-Year Rainfall=3.90"

	Area (sf)	CN	Description
*	590,443	80	Pervious
*	46,339	98	Impervious
	636,782	81	Weighted Average
	590,443	80	92.72% Pervious Area
	46,339	98	7.28% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
13.0	300	0.1210	0.38		**Sheet Flow,** Grass: Short n= 0.150 P2= 2.50"
1.0	291	0.0890	4.80		**Shallow Concentrated Flow,** Unpaved Kv= 16.1 fps
14.0	591	Total			

Subcatchment 100: Pre-Developed Site



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Summary for Subcatchment 101: Detained Site

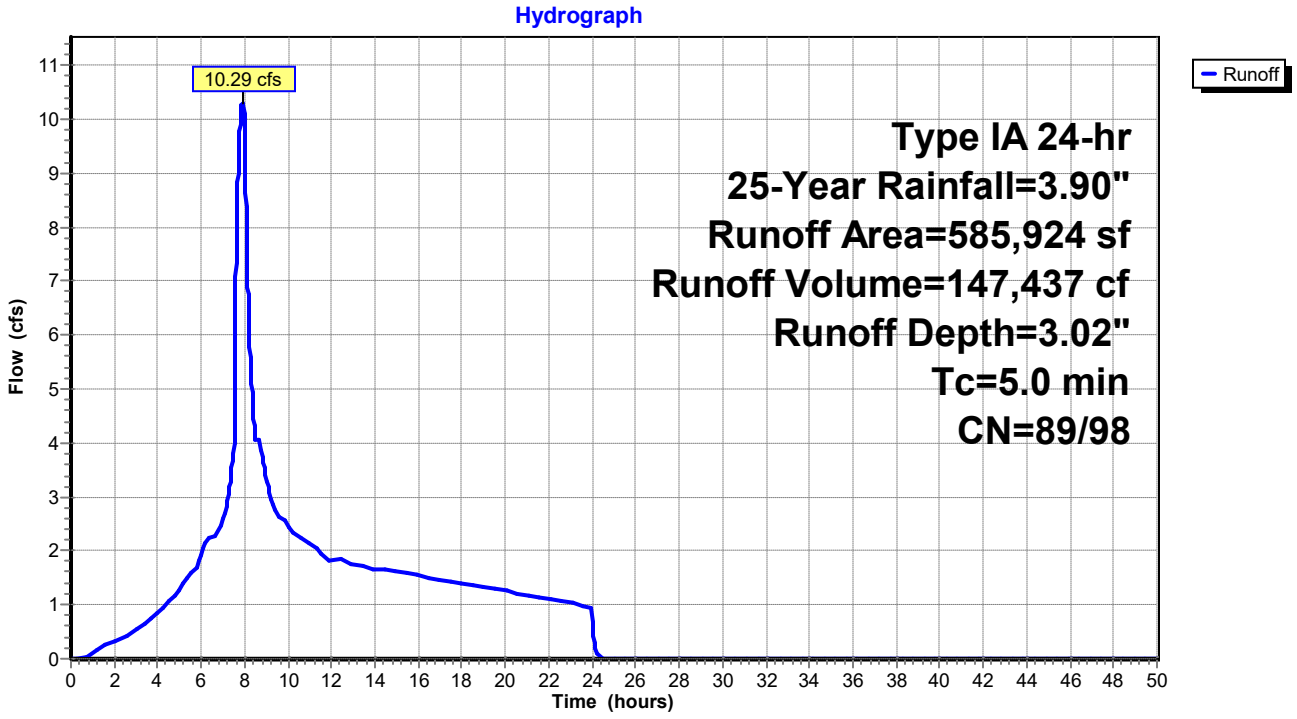
Runoff = 10.29 cfs @ 7.90 hrs, Volume= 147,437 cf, Depth= 3.02"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type IA 24-hr 25-Year Rainfall=3.90"

	Area (sf)	CN	Description
*	404,235	89	Pervious
*	181,689	98	Impervious
	585,924	92	Weighted Average
	404,235	89	68.99% Pervious Area
	181,689	98	31.01% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 101: Detained Site



DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

Summary for Subcatchment 102: Undetained Site

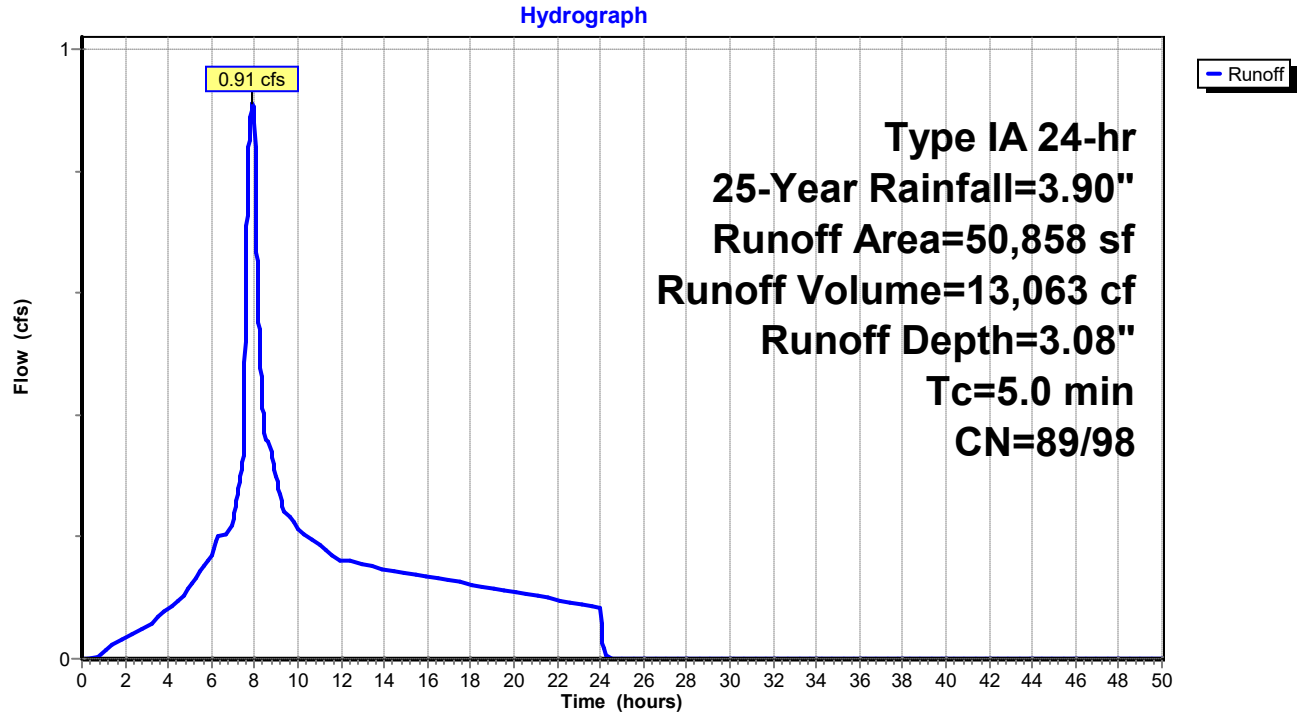
Runoff = 0.91 cfs @ 7.90 hrs, Volume= 13,063 cf, Depth= 3.08"

Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Type IA 24-hr 25-Year Rainfall=3.90"

	Area (sf)	CN	Description
*	31,687	89	Pervious
*	19,171	98	Impervious
	50,858	92	Weighted Average
	31,687	89	62.30% Pervious Area
	19,171	98	37.70% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					**Direct Entry,**

Subcatchment 102: Undetained Site



DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159

Summary for Pond P2: Detention Pond

Inflow Area = 585,924 sf, 31.01% Impervious, Inflow Depth = 3.02" for 25-Year event
Inflow = 10.29 cfs @ 7.90 hrs, Volume= 147,437 cf
Outflow = 3.47 cfs @ 8.94 hrs, Volume= 147,437 cf, Atten= 66%, Lag= 62.3 min
Primary = 3.47 cfs @ 8.94 hrs, Volume= 147,437 cf

Routing by Stor-Ind method, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs
Peak Elev= 276.87' @ 8.94 hrs Surf.Area= 16,583 sf Storage= 36,467 cf

Plug-Flow detention time= 258.6 min calculated for 147,437 cf (100% of inflow)
Center-of-Mass det. time= 258.6 min (968.8 - 710.2)

Volume	Invert	Avail.Storage	Storage Description
#1	274.50'	55,934 cf	**Custom Stage Data (Prismatic)** Listed below (Recalc)

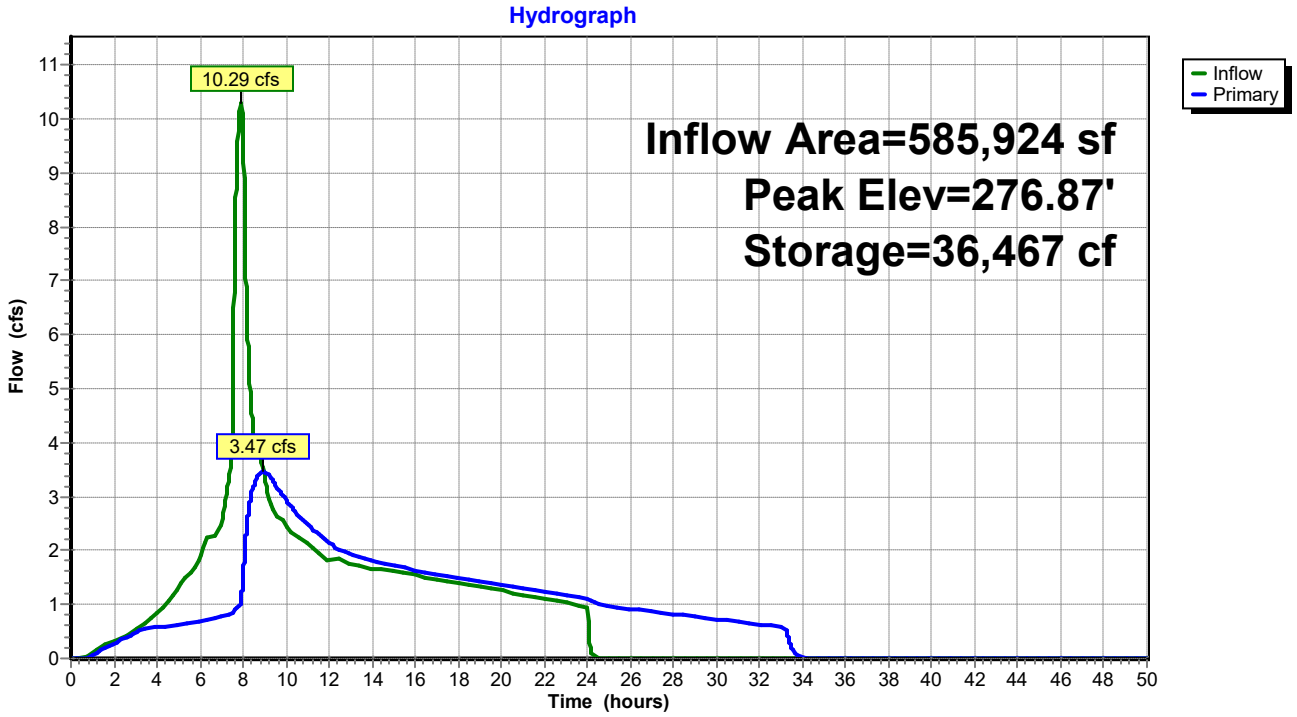
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
274.50	14,178	0	0
275.00	14,677	7,214	7,214
276.00	15,686	15,182	22,395
277.00	16,714	16,200	38,595
278.00	17,963	17,339	55,934

Device	Routing	Invert	Outlet Devices
#1	Device 2	273.50'	**4.8" Vert. Orifice/Grate** C= 0.620
#2	Primary	273.50'	**15.0" Round Culvert** L= 5.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 273.50' / 273.20' S= 0.0600 '/' Cc= 0.900 n= 0.013, Flow Area= 1.23 sf
#3	Device 2	276.12'	**15.0" Vert. Orifice/Grate** C= 0.620

Primary OutFlow Max=3.47 cfs @ 8.94 hrs HW=276.87' (Free Discharge)
└**2=Culvert** (Passes 3.47 cfs of 9.79 cfs potential flow)
  ├**1=Orifice/Grate** (Orifice Controls 1.11 cfs @ 8.86 fps)
  └**3=Orifice/Grate** (Orifice Controls 2.35 cfs @ 3.05 fps)

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Pond P2: Detention Pond



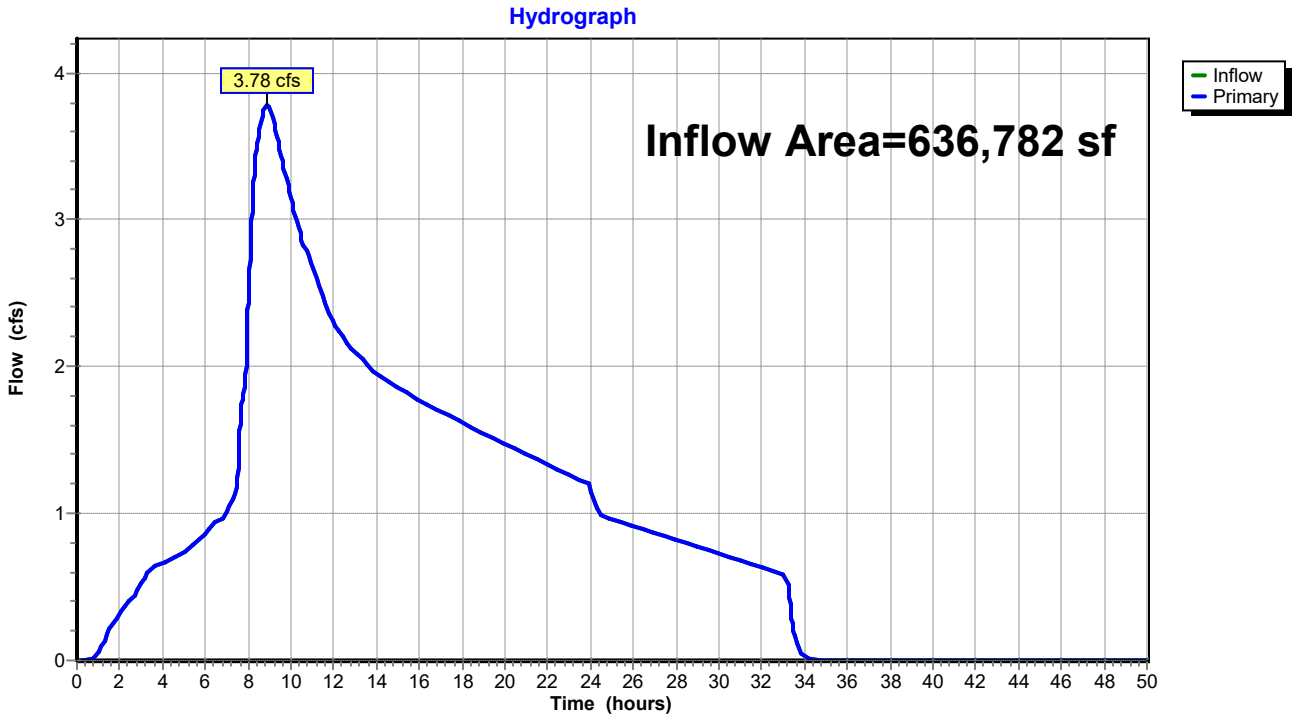
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Summary for Link L2: Post-Developed Site

Inflow Area = 636,782 sf, 31.54% Impervious, Inflow Depth = 3.02" for 25-Year event
Inflow = 3.78 cfs @ 8.87 hrs, Volume= 160,500 cf
Primary = 3.78 cfs @ 8.87 hrs, Volume= 160,500 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-50.00 hrs, dt= 0.01 hrs

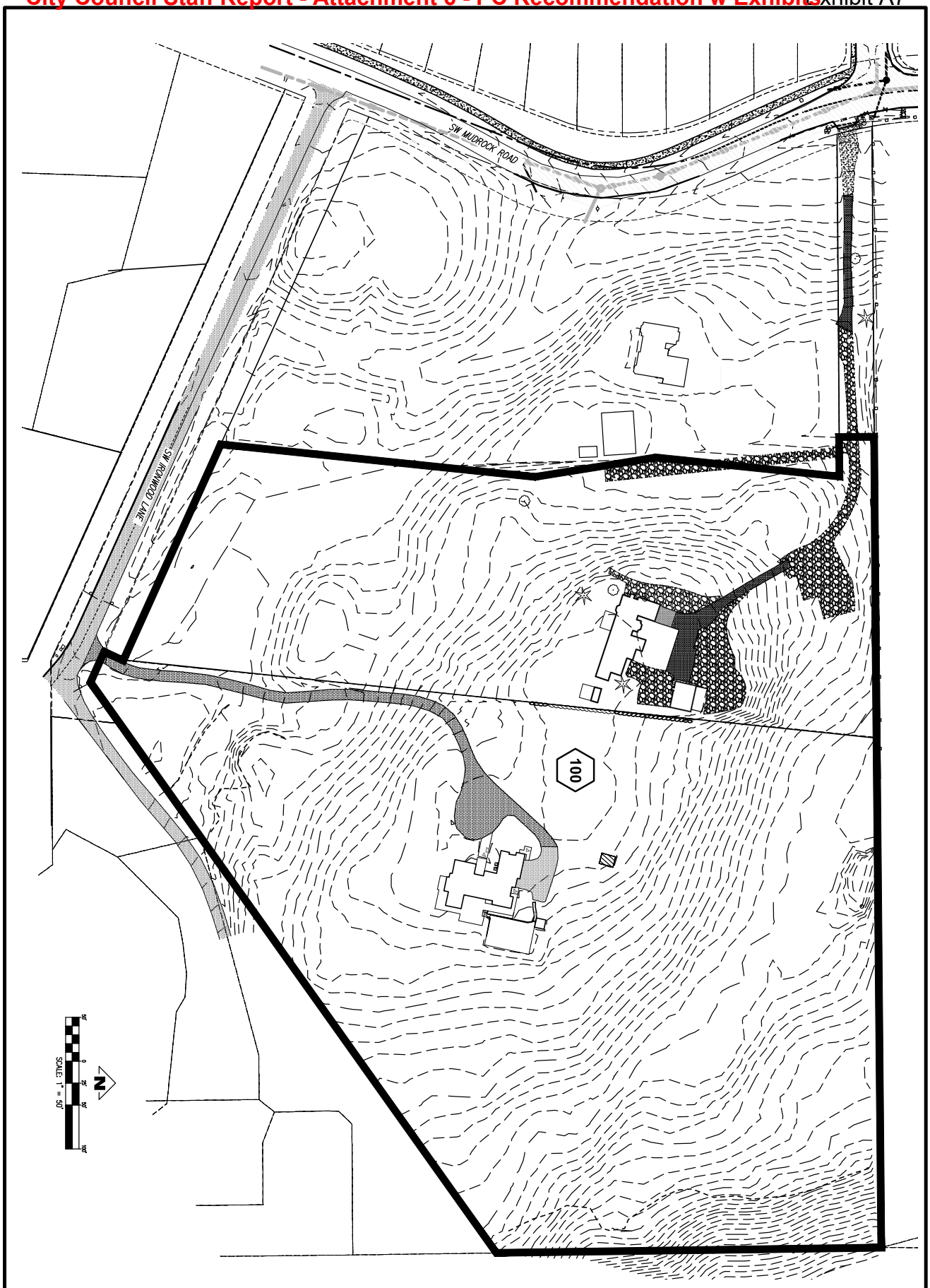
Link L2: Post-Developed Site



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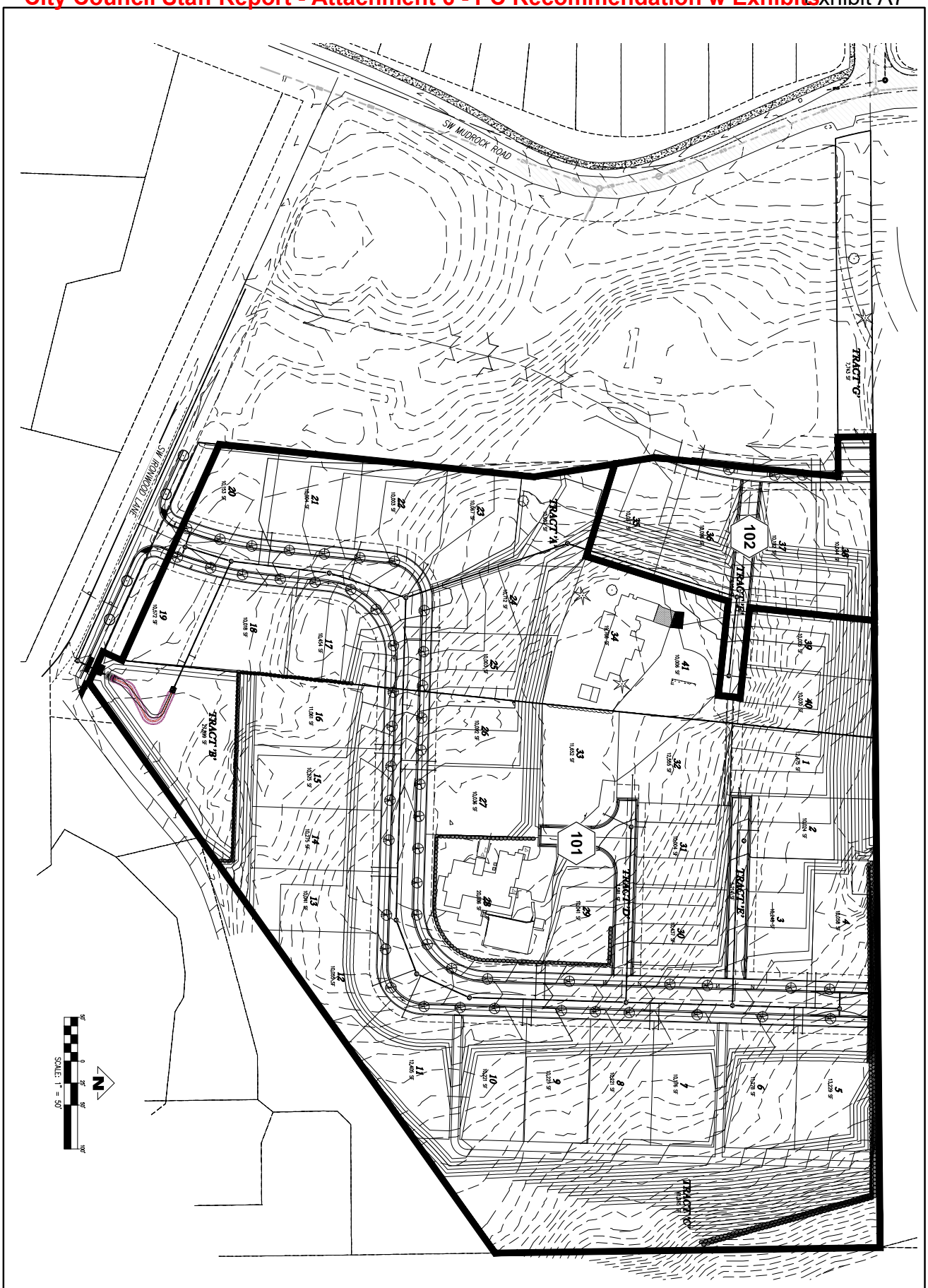
Appendix D:

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SHEET 01 OF 02		EMERIO Design 64857 SW LAMONTAIN ROAD, SUITE 1A00 BEND, OREGON 97702 TEL: (503) 746-8812 FAX: (503) 639-9592 www.emeriodesign.com	REVISIONS NO. DATE DESCRIPTION 1 05/22/20 1ST SUBMITTAL	APPENDIX D(1) PRE-DEVELOPED BASIN MAP	YUZON PUD TAX MAP T2S R1W 33CB TAX LOTS 00100 & 00200 SHERWOOD, OREGON

DocuSign Envelope ID: A83EEAC3-22C2-4490-95F2-7F9509312159



SHEET 02 OF 02

EMERIO Design
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com

REVISIONS		
NO.	DATE	DESCRIPTION
1	05/22/20	1ST SUBMITTAL

APPENDIX D(2)
POST-DEVELOPED BASIN MAP

YUZON PUD

TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
SHERWOOD, OREGON

GeoPacific Engineering, Inc.

Real-World Geotechnical Solutions
Investigation • Design • Construction Support

Geotechnical Engineering Report

23008 SW Murdock Road Subdivision
Tax Lot 2S133CB00200
Sherwood, Oregon

GeoPacific Engineering, Inc. Job No. 20-5429
February 27, 2020

14835 SW 72nd Avenue
Portland, Oregon 97224

Tel (503) 598-8445
Fax (503) 941-9281

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Real-World Geotechnical Solutions
Investigation • Design • Construction Support

February 27, 2020
Project No. 20-5429

Brad Miller
Legacy Homes
18025 SW Brookman Road
Sherwood, Oregon 97140
Via email: bradlegacy@gmail.com

SUBJECT: GEOTECHNICAL ENGINEERING REPORT
23008 SW MURDOCK ROAD SUBDIVISION
TAX LOT 2S133CB00200
SHERWOOD, OREGON

1 PROJECT INFORMATION

This report presents the results of a geotechnical engineering study conducted by GeoPacific Engineering, Inc. (GeoPacific) for the above-referenced project. The purpose of our investigation was to evaluate subsurface conditions at the site, and to provide geotechnical recommendations for site development. This geotechnical study was performed in accordance with GeoPacific Proposal No. P-7228, dated January 10, 2020, and your subsequent authorization of our proposal and *General Conditions for Geotechnical Services*.

Site Location:	Tax Lot 2S133CB00200 23008 SW Murdock Road Sherwood, Oregon 97140 (see Figures 1 and 2)
Developer:	Legacy Homes 18025 SW Brookman Road Sherwood, Oregon 97140 Phone: (503) 544-6785 Email: bradlegacy@gmail.com
Jurisdictional Agency:	Sherwood / Washington County, Oregon

2 SITE AND PROJECT DESCRIPTION

The subject site is a flag lot with access from the east side of SW Murdock Road. The lot is within a residential and rural residential area in Sherwood, Oregon. Topography at the site is gently to moderately sloping to the northwest and south. A single family residence constructed in 1988 and an outbuilding are located on the northern portion of the site. The residence and outbuilding are surrounded by landscape vegetation and trees. The remainder of the site consists primarily of short grass fields and occasional trees.

It is our understanding that the residential building will remain during site development, and the outbuilding will be removed before site development. We anticipate that the homes will be constructed with typical spread foundations and wood framing. A grading plan has not been provided, however, we anticipate cute and fills on the order of five feet or less.

3 REGIONAL GEOLOGIC SETTING

Regionally, the subject site lies within the Willamette Valley/Puget Sound lowland, a broad structural depression situated between the Coast Range on the west and the Cascade Range on the east. A series of discontinuous faults subdivide the Willamette Valley into a mosaic of fault-bounded, structural blocks (Yeats et al., 1996). Uplifted structural blocks form bedrock highlands, while down-warped structural blocks form sedimentary basins.

The Web Soil Survey (United States Department of Agriculture, Natural Resource Conservation Service (USDA NRCS 2015 Website), indicates that near-surface soils primarily consist of the Xerochrepts-Rock outcrop complex. The xerochrept parent material consists of cobbly colluvium derived from basalt. Soils are generally well-drained and underlain by bedrock.

Locally, the site is situated on an uplifted structural block of Columbia River Basalt (Schlicker and Finlayson, 1979). The Columbia River Basalt formation is differentiated into several members. The basalt underlying the subject site is part of the Wanapum Basalt member, which is typically dark gray to black and displays blocky to columnar jointing (Burns et al, 1997). Interflow zones between flows are typically vesicular, scoriaceous, and brecciated, and sometimes include sedimentary rocks. Where highly weathered, the upper portion of the basalt is altered to a distinctive red-brown clayey silt known as laterite or residual soil.

4 REGIONAL SEISMIC SETTING

At least three major fault zones capable of generating damaging earthquakes are thought to exist in the vicinity of the subject site. These include the Portland Hills Fault Zone, the Gales Creek-Newberg-Mt. Angel Structural Zone, and the Cascadia Subduction Zone.

4.1 Portland Hills Fault Zone

The Portland Hills Fault Zone is a series of NW-trending faults that include the central Portland Hills Fault, the western Oatfield Fault, and the eastern East Bank Fault. These faults occur in a northwest-trending zone that varies in width between 3.5 and 5.0 miles. The combined three faults vertically displace the Columbia River Basalt by 1,130 feet and appear to control thickness changes in late Pleistocene (approx. 780,000 years) sediment (Madin, 1990). The Portland Hills

Fault occurs along the Willamette River at the base of the Portland Hills and is about 11.5 miles northeast of the site. The Oatfield Fault occurs along the western side of the Portland Hills and is about 9.5 miles northeast of the site. The accuracy of the fault mapping is stated to be within 500 meters (Wong, et al., 2000). No historical seismicity is correlated with the mapped portion of the Portland Hills Fault Zone, but in 1991 a M3.5 earthquake occurred on a NW-trending shear plane located 1.3 miles east of the fault (Yelin, 1992). Although there is no definitive evidence of recent activity, the Portland Hills Fault Zone is assumed to be potentially active (Geomatrix Consultants, 1995).

4.2 Gales Creek-Newberg-Mt. Angel Structural Zone

The Gales Creek-Newberg-Mt. Angel Structural Zone is a 50-mile-long zone of discontinuous, NW-trending faults that lies about 7.9 miles southwest of the subject site. These faults are recognized in the subsurface by vertical separation of the Columbia River Basalt and offset seismic reflectors in the overlying basin sediment (Yeats et al., 1996; Werner et al., 1992). A geologic reconnaissance and photogeologic analysis study conducted for the Scoggins Dam site in the Tualatin Basin revealed no evidence of deformed geomorphic surfaces along the structural zone (Unruh et al., 1994). No seismicity has been recorded on the Gales Creek Fault or Newberg Fault (the fault closest to the subject site); however, these faults are considered to be potentially active because they may connect with the seismically active Mount Angel Fault and the rupture plane of the 1993 M5.6 Scotts Mills earthquake (Werner et al. 1992; Geomatrix Consultants, 1995).

According to the USGS Earthquake Hazards Program, the Mount Angel fault is mapped as a high-angle, reverse-oblique fault, which offsets Miocene rocks of the Columbia River Basalts, and Miocene and Pliocene sedimentary rocks. The fault appears to have controlled emplacement of the Frenchman Spring Member of the Wanapum Basalts, and thus must have a history that predates the Miocene age of these rocks. No unequivocal evidence of deformation of Quaternary deposits has been described, but a thick sequence of sediments deposited by the Missoula floods covers much of the southern part of the fault trace.

4.3 Cascadia Subduction Zone

The Cascadia Subduction Zone is a 680-mile-long zone of active tectonic convergence where oceanic crust of the Juan de Fuca Plate is subducting beneath the North American continent at a rate of 4 cm per year (Goldfinger et al., 1996). A growing body of geologic evidence suggests that prehistoric subduction zone earthquakes have occurred (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). This evidence includes: (1) buried tidal marshes recording episodic, sudden subsidence along the coast of northern California, Oregon, and Washington, (2) burial of subsided tidal marshes by tsunami wave deposits, (3) paleoliquefaction features, and (4) geodetic uplift patterns on the Oregon coast. Radiocarbon dates on buried tidal marshes indicate a recurrence interval for major subduction zone earthquakes of 250 to 650 years with the last event occurring 300 years ago (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). The inferred seismogenic portion of the plate interface lies approximately along the Oregon Coast at depths of between 20 and 40 kilometers below the surface.

5 FIELD EXPLORATION AND SUBSURFACE CONDITIONS

Our site-specific explorations for this report were conducted on February 19, 2020. Ten exploratory test pits, designated TP-1 through TP-10, were excavated with a medium sized trackhoe to a maximum depth of 11 feet below ground surface (bgs) at the approximate locations indicated on Figure 2. It should be noted that exploration locations were located in the field by pacing or taping distances from apparent property corners and other site features shown on the plans provided. As such, the locations of the explorations should be considered approximate.

A GeoPacific staff member continuously monitored the field exploration program and logged the explorations. Soils observed in the explorations were classified in general accordance with the Unified Soil Classification System (USCS). Rock hardness was classified in accordance with Table 1, modified from the ODOT Rock Hardness Classification Chart. During exploration, our staff member also noted geotechnical conditions such as soil consistency, moisture and groundwater conditions. Logs of the explorations are attached to this report. The following report sections are based on the exploration program and summarize subsurface conditions encountered at the site.

Table 1. Rock Hardness Classification Chart

ODOT Rock Hardness Rating	Field Criteria	Unconfined Compressive Strength	Typical Equipment Needed for Excavation
Extremely Soft (R0)	Indented by thumbnail	<100 psi	Small excavator
Very Soft (R1)	Scratched by thumbnail, crumbled by rock hammer	100-1,000 psi	Small excavator
Soft (R2)	Not scratched by thumbnail, indented by rock hammer	1,000-4,000 psi	Medium excavator (slow digging with small excavator)
Medium Hard (R3)	Scratched or fractured by rock hammer	4,000-8,000 psi	Medium to large excavator (slow to very slow digging), typically requires chipping with hydraulic hammer or mass excavation)
Hard (R4)	Scratched or fractured w/ difficulty	8,000-16,000 psi	Slow chipping with hydraulic hammer and/or blasting
Very Hard (R5)	Not scratched or fractured after many blows, hammer rebounds	>16,000 psi	Blasting

5.1 Soil Descriptions

Topsoil/Fill: Directly underlaying the ground surface in test pit explorations TP-1 and TP-2, we observed a topsoil fill layer which generally consisted of soft, damp, organic SILT (OL). The topsoil fill layer typically extended to a depth of approximately 6 inches bgs in our explorations.

Topsoil Horizon: Directly underlaying the ground surface in test pit explorations TP-3 through TP-10, we observed a topsoil horizon layer which generally consisted of soft, damp, moderately

organic SILT (OL) containing grass roots. The topsoil horizon typically extended to a depth of approximately 3 to 6 inches bgs in our explorations.

Disturbed Native: Underlying the topsoil horizon test pit TP-9, we observed a layer of disturbed native soils to a depth of approximately 3.5 feet bgs. The disturbed native soils consisted of stiff SILT (ML) containing trace weathered basalt pebbles, charcoal fragments, and small roots.

Undocumented Fill: Underlying the topsoil fill in test pits TP-1 and TP-2, and the topsoil horizon in test pit TP-8, we observed undocumented fill to depths up to 6 feet bgs. In test pits TP-1 and TP-2, the undocumented fill consisted of moist, soft to stiff SILT (ML) and organic SILT (OL-ML), containing gravel and plastic, wood, and concrete debris. In test pit TP-1, a concrete floor slab fragment (1' x 2' x 4') was encountered approximately 3 feet bgs. In test pit TP-8, the undocumented fill consisted of soft clayey SILT (ML), containing plastic debris and some gravel. It is likely that other areas of undocumented fill may exist at the site.

Buried Topsoil Horizon: Underlaying the undocumented fill in test pits TP-1 and TP-2, we observed a buried topsoil horizon layer which generally consisted of medium stiff to stiff, moderately organic SILT (ML-OL) to organic SILT (OL). The buried topsoil horizon displayed plastic characteristics, and extended to a depth of approximately 6.5 to 7 feet bgs in our explorations.

Residual Soil: Underlying the undocumented fill in test pit TP-8, the disturbed native soil in test pit TP-9, and topsoil horizon in test pit TP-10, we observed residual soil belonging to the Columbia river basalt formation. The residual soil consisted of very stiff, silty CLAY (CL) containing gravel to cobble-sized weathered BASALT fragments. The residual soils displayed plastic characteristics, and extended to depths of up to 6 feet bgs.

Loess: Underlying the topsoil horizon in test pits TP-3 and TP-6, we observed loess from Catastrophic Flood Deposits. The loess consisted of soft, friable, SILT (ML) loam, and containing small treet roots. The loess extended to a depth of approximately 3.5 to 4 feet bgs. At approximately 3 feet bgs, the silt loam graded to weathered BASALT fragments in a silty loam to clay matrix.

Columbia River Basalt Formation: Underlying the topsoil horizon in test pits TP-4, TP-5, and TP-7, the buried topsoil horizon in test pits TP-1 and TP-2, the residual soil in test pits TP-8 through TP-10, and the loess in test pits TP-3 and TP-6, we observed dense to very dense BASALT belonging to the Columbia River Basalt Formation. The Columbia River Basalt consisted of fractured and weathered BASALT (R1-R4) with a plastic clayey silty to silty clay matrix. The Columbia River Basalt Formation extended beyond the maximum depth of exploration (up to 11 feet bgs) in all of our test pits.

5.2 Groundwater and Soil Moisture

On February 19, 2020, soils encountered in our explorations were damp in the upper 6 inches, grading to moist with depth. In test pit TP-6, we observed approximately 0.5 gallons per minute of groundwater seepage at approximately 4 feet bgs. According to *Oregon Water Resources Department Well Log Information System* website, groundwater has been collected at the site from a depth of approximately 18 to 24 inches bgs. However, the Columbia River Basalt Aquifer is

approximately 200 feet bgs. It is anticipated that groundwater conditions will vary depending on the season, local subsurface conditions, changes in site utilization, and other factors.

6 CONCLUSIONS AND DESIGN RECOMMENDATIONS

Our site investigation indicates that the proposed construction appears to be geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project. In our opinion, the most significant geotechnical issues for the proposed development are the shallow Columbia River Basalt rock, and the presence of soft/loose undocumented fill material.

In our explorations, we encountered layers of both hard rock and topsoil, disturbed native, and undocumented fill material across the site. Once depth of utilities is known, we suggest another round of test pits with a larger excavator to evaluate hard rock. After removal of fill, it is possible that some of the existing undocumented fill material can be reused, but will need to be ripped, root-picked, moisture conditioned, and sorted under the direct observation of the geotechnical engineer.

The following report sections provide recommendations for site development and construction in accordance with the current applicable codes and local standards of practice.

6.1 Site Preparation Recommendations

Areas of proposed construction and areas to receive fill should be cleared of vegetation, and any organic and inorganic debris that may be encountered. Inorganic debris and organic materials from clearing should be removed from the site. Organic-rich root zones should then be stripped from construction areas of the site or where engineered fill is to be placed. Depth of stripping to remove highly organic soil is estimated to be approximately 12 inches across most the of the site. However, along the north end of the site, in the vicinity of test pits TP-1 and TP-2, buried organic topsoil was observed to a maximum depth of approximately 7 feet bgs.

The final depth of soil removal will be determined on the basis of a site inspection after the stripping/excavation has been performed. Stripped topsoil should be removed from the site. Any remaining topsoil should be stockpiled only in designated areas and stripping operations should be observed and documented by the geotechnical engineer or their representative.

In areas of proposed construction or any areas to receive fill material, any remaining undocumented fills, subsurface structures (tile drains, basements, driveway and landscaping fill, old utility lines, septic leach fields, etc.), and soft native soils should be removed and the excavations backfilled with engineered fill. We encountered undocumented fill material to a depth of 5 feet bgs in test pit TP-8, and to a depth of 6 feet bgs in test pits TP-1 and TP-2 (overlying buried organic topsoil). In test pit TP-3 we observed soft loess soils to a depth of approximately 2.5 feet bgs. Other areas of fill or soft/loose soils may be present on site in areas beyond our explorations, especially in the vicinities of existing residential structures. It may be feasible to reuse the undocumented fill layer as engineered fill provided that it is root-picked and meets the requirements of engineered fill in this report.

Once stripping of a particular area is approved, the area must be ripped or tilled to a depth of 12 inches, moisture conditioned, root-picked, and compacted in-place before engineered fill or crushed aggregate base for pavement are placed. Exposed subgrade soils should be evaluated by

the geotechnical engineer. For large areas, this evaluation is normally performed by proof-rolling the exposed subgrade with a fully loaded scraper or dump truck. For smaller areas where access is restricted, the subgrade should be evaluated by probing the soil with a steel probe. Soft/loose soils identified during subgrade preparation should be compacted to a firm and unyielding condition, over-excavated and replaced with engineered fill (as described below), or stabilized with rock before placing of engineered fill. The depth of over-excavation, if required, should be evaluated by the geotechnical engineer at the time of construction.

6.2 Engineered Fill

In general, we anticipate that soils from planned cuts, utility trench excavations, and approved undocumented fill removals will be suitable for use as engineered fill provided they are adequately root-picked and moisture conditioned prior to compacting. All grading for the proposed construction should be performed as engineered grading in accordance with the applicable building code at time of construction with the exceptions and additions noted herein. Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill. Imported fill material must be approved by the geotechnical engineer before being imported to the site. Oversize material greater than 6 inches in size should not be used within 3 feet of foundation footings, and material greater than 12 inches in diameter should not be used in engineered fill.

Engineered fill should be compacted in horizontal lifts not exceeding 8 inches using standard compaction equipment. We recommend that engineered fill be compacted to at least 95% of the maximum dry density determined by ASTM D698 (Standard Proctor) or equivalent. Field density testing should conform to ASTM D2922 and D3017, or D1556. All engineered fill should be observed and tested by the project geotechnical engineer or their representative. Typically, one density test is performed for at least every 2 vertical feet of fill placed or every 500 yd^3, whichever requires more testing. Because testing is performed on an on-call basis, we recommend that the earthwork contractor be held contractually responsible for test scheduling and frequency.

Site earthwork will be impacted by soil moisture and shallow groundwater conditions. Earthwork in wet weather and in shaded areas during dry weather may likely require extensive use of cement or lime treatment, or other special measures, at considerable additional cost compared to earthwork performed under dry-weather conditions.

6.3 Excavating Conditions and Utility Trench Backfill

Weathered basalt bedrock was encountered in each of our test pits at depths of 1 to 7.5 feet bgs. Practical refusal on was achieved in test pits TP-2 (7.5 feet bgs), TP-4 (1.5 feet bgs), TP-5 (1.5 feet bgs), TP-6 (5 feet bgs), and TP-7 (1.5 feet bgs) with a medium sized excavator equipped with rock teeth. The selected contractor for site development should be prepared for hard bedrock.

All temporary cuts in excess of 4 feet in height should be sloped in accordance with U.S. Occupational Safety and Health Administration (OSHA) regulations (29 CFR Part 1926), or be shored. The existing native soil is classified as Type B Soil and temporary excavation side slope inclinations as steep as 1H:1V may be assumed for planning purposes. This cut slope inclination is applicable to excavations above groundwater seepage zones only. Maintenance of safe working conditions, including temporary excavation stability, is the responsibility of the contractor. Actual

slope inclinations at the time of construction should be determined based on safety requirements and actual soil and groundwater conditions.

Saturated soils and perched groundwater may be encountered in utility trenches, particularly during the wet season. We anticipate that dewatering systems consisting of ditches, sumps and pumps would be adequate for perched groundwater control. Regardless of the dewatering system used, it should be installed and operated such that in-place soils are prevented from being removed along with the groundwater. Trench bottom stabilization, such as layers or crushed aggregate base, may be necessary, but is unlikely.

Vibrations created by traffic and construction equipment may cause some caving and raveling of excavation walls. In such an event, lateral support for the excavation walls should be provided by the contractor to prevent loss of ground support and possible distress to existing or previously constructed structural improvements.

PVC pipe should be installed in accordance with the procedures specified in ASTM D2321. We recommend that trench backfill be compacted to at least 95% of the maximum dry density obtained by Standard Proctor (ASTM D698) or equivalent. Initial backfill lift thickness for a ¾"-0 crushed aggregate base may need to be as great as 4 feet to reduce the risk of flattening underlying flexible pipe. Subsequent lift thickness should not exceed 1 foot. If imported granular fill material is used, then the lifts for large vibrating plate-compaction equipment (e.g. hoe compactor attachments) may be up to 2 feet, provided that proper compaction is being achieved and each lift is tested. Use of large vibrating compaction equipment should be carefully monitored near existing structures and improvements due to the potential for vibration-induced damage.

Adequate density testing should be performed during construction to verify that the recommended relative compaction is achieved. Typically, one density test is taken for every 4 vertical feet of backfill on each 200-lineal-foot section of trench.

6.4 Erosion Control Considerations

During our field exploration program, we did not observe soil types that would be considered highly susceptible to erosion. In our opinion, the primary concern regarding erosion potential will occur during construction, in areas that have been stripped of vegetation. Erosion at the site during construction can be minimized by implementing the project erosion control plan, which should include judicious use of straw wattles and silt fences. If used, these erosion control devices should be in place and remain in place throughout site preparation and construction.

Erosion and sedimentation of exposed soils can also be minimized by quickly re-vegetating exposed areas of soil, and by staging construction such that large areas of the project site are not denuded and exposed at the same time. Areas of exposed soil requiring immediate and/or temporary protection against exposure should be covered with either mulch or erosion control netting/blankets. Areas of exposed soil requiring permanent stabilization should be seeded with an approved grass seed mixture, or hydroseeded with an approved seed-mulch-fertilizer mixture.

6.5 Wet Weather Earthwork

Soils underlying the site are likely to be moisture sensitive and will be difficult to handle or traverse with construction equipment during periods of wet weather. Earthwork is typically most economical

when performed under dry weather conditions. Earthwork performed during the wet-weather season will require expensive measures such as cement treatment or imported granular material to compact areas where fill may be proposed to the recommended engineering specifications. If earthwork is to be performed or fill is to be placed in wet weather or under wet conditions when soil moisture content is difficult to control, the following recommendations should be incorporated into the contract specifications.

- Earthwork should be performed in small areas to minimize exposure to wet weather. Excavation or the removal of unsuitable soils should be followed promptly by the placement and compaction of clean engineered fill. The size and type of construction equipment used may have to be limited to prevent soil disturbance. Under some circumstances, it may be necessary to excavate soils with a backhoe to minimize subgrade disturbance caused by equipment traffic;
- The ground surface within the construction area should be graded to promote surface water run-off and prevent surface water ponding;
- Material used as engineered fill should consist of clean, granular soil containing less than 5 percent passing the No. 200 sieve. The fines should be non-plastic. Alternatively, cement treatment of on-site soils may be performed to facilitate wet weather placement;
- The ground surface within the construction area should be sealed by a smooth drum vibratory roller, or equivalent, and under no circumstances should be left uncompacted and exposed to moisture. Soils which become too wet for compaction should be removed and replaced with clean granular materials;
- Excavation and fill placement should be observed by the geotechnical engineer to verify that all unsuitable materials are removed, and suitable compaction and site drainage is achieved; and
- Geotextile silt fences, straw wattles, and fiber rolls should be strategically located to control erosion.

If cement or lime treatment is used to facilitate wet weather construction, GeoPacific should be contacted to provide additional recommendations and field monitoring.

6.6 Spread Foundations

The proposed residential structures may be supported on shallow foundations bearing on competent undisturbed, native soils and/or engineered fill, appropriately designed and constructed as recommended in this report. Foundation design, construction, and setback requirements should conform to the applicable building code at the time of construction. To maximize bearing strength and protection against frost heave, spread footings should be embedded a minimum depth of 12 inches below exterior grade.

The anticipated allowable soil bearing pressure is 1,500 psf for footings bearing on competent, native soil and/or engineered fill. A maximum chimney and column load of 40 kips is recommended for the site. For heavier loads, the geotechnical engineer should be consulted. The recommended maximum allowable bearing pressure may be increased by 1/3 for short-term transient conditions such as wind and seismic loading. The coefficient of friction between on-site soil and poured-in-place concrete may be taken as 0.42, which includes no factor of safety. The maximum anticipated

total and differential footing movements (generally from soil expansion and/or settlement) are 1 inch and ¾ inch over a span of 20 feet, respectively. We anticipate that the majority of the estimated settlement will occur during construction, as loads are applied. Excavations near structural footings should not extend within a 1H:1V plane projected downward from the bottom edge of footings.

Footing excavations should penetrate through topsoil and any loose soil to competent subgrade that is suitable for bearing support. All footing excavations should be trimmed neat, and all loose or softened soil should be removed from the excavation bottom before placing reinforcing steel bars. Due to the moisture sensitivity of on-site native soils, foundations constructed during the wet weather season may require overexcavation of footings and backfill with compacted, crushed aggregate.

Our recommendations are for house construction incorporating raised wood floors and conventional spread footing foundations. If living space of the structures will incorporate basements, a geotechnical engineer should be consulted to make additional recommendations for retaining walls, water-proofing, underslab drainage and wall subdrains. After site development, a Final Soil Engineer's Report should either confirm or modify the above recommendations.

6.7 Concrete Slab-on-Grade Floors

Areas beneath concrete slab-on-grade floors should be prepared as recommended in the *Site Preparation Recommendations* section. Care should be taken during foundation and floor slab excavation to avoid disturbing subgrade soils. If subgrade soils have been adversely impacted by wet weather or otherwise disturbed, the surficial soils should be scarified to a minimum depth of 8 inches, moisture conditioned to within about 3 percent of optimum moisture content, and compacted to engineered fill specifications. Alternatively, disturbed soils may be removed, and the removal zone backfilled with additional crushed rock.

For concrete slab-on-grade floor evaluation using the beam on elastic foundation method, a subgrade reaction modulus of 150 kcf (87 pci) should be assumed for the medium stiff, fine-grained soils anticipated to be present in the upper four feet at the site. This value assumes the concrete slab system is designed and constructed as recommended herein, with a minimum thickness of 8 inches of 1½"-0 crushed aggregate beneath the slab. The total thickness of crushed aggregate will be dependent on the subgrade conditions at the time of construction and should be verified visually by proof-rolling. Under-slab aggregate should be compacted to at least 95 percent of its maximum dry density as determined by ASTM D698 (Standard Proctor) or equivalent.

In areas where moisture will be detrimental to floor coverings or equipment inside the proposed structure, appropriate vapor barrier and damp-proofing measures should be implemented. Appropriate design professionals should be consulted regarding vapor barrier and damp proofing systems, ventilation, building material selection, and mold prevention issues, which are outside GeoPacific's area of expertise.

6.8 Footing and Roof Drains

Construction should include typical measures for controlling subsurface water beneath the homes, including positive crawlspace drainage to an adequate low-point drain exiting the foundation,

visqueen covering the expose ground in the crawlspace, and crawlspace ventilation (foundation vents). The homebuyers should be informed and educated that some slow flowing water in the crawlspaces is considered normal and not necessarily detrimental to the home given these other design elements incorporated into its construction. Appropriate design professionals should be consulting regarding crawlspace ventilation, building material selection and mold prevention issues, which are outside GeoPacific's area of expertise.

Down spouts and roof drains should collect roof water in a system separate from the footing drains to reduce the potential for clogging. Roof drain water should be directed to an appropriate discharge point and storm system well away from structural foundations. Grades should be sloped downward and away from buildings to reduce the potential for ponded water near structures.

If the proposed structures will have a raised floor, and no concrete slab-on-grade floors in living spaces are used, perimeter footing drains would not be required based on soil conditions encountered at the site and experience with standard local construction practices. Where it is desired to reduce the potential for moist crawl spaces, footing drains may be installed. If concrete slab-on-grade floors are used, perimeter footing drains should be installed as recommended below.

Where necessary, perimeter footing drains should consist of 3 or 4-inch diameter, perforated plastic pipe embedded in a minimum of 1 ft^3 per lineal foot of clean, free-draining drain rock. The drain pipe and surrounding drain rock should be wrapped in non-woven geotextile (Mirafi 140N, or approved equivalent) to minimize the potential for clogging and/or ground loss due to piping. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. In our opinion, footing drains may outlet at the curb, or on the back sides of lots where sufficient fall is not available to allow drainage to meet the street.

6.9 Permanent Below-Grade Walls

Lateral earth pressures against below-grade retaining walls will depend upon the inclination of any adjacent slopes, type of backfill, degree of wall restraint, method of backfill placement, degree of backfill compaction, drainage provisions, and magnitude and location of any adjacent surcharge loads. At-rest soil pressure is exerted on a retaining wall when it is restrained against rotation. In contrast, active soil pressure will be exerted on a wall if its top is allowed to rotate or yield a distance of roughly 0.001 times its height or greater.

If the subject retaining walls will be free to rotate at the top, they should be designed for an active earth pressure equivalent to that generated by a fluid weighing 35 pcf for level backfill against the wall. For restrained wall, an at-rest equivalent fluid pressure of 55 pcf should be used in design, again assuming level backfill against the wall. These values assume that drainage provisions are incorporated, free draining gravel backfill is used, and hydrostatic pressures are not allowed to develop against the wall.

During a seismic event, lateral earth pressures acting on below-grade structural walls will increase by an incremental amount that corresponds to the earthquake loading. Based on the Mononobe Okabe equation, level conditions above the wall, and peak horizontal accelerations appropriate for the site location, seismic loading should be modeled using the active or at-rest earth pressures

recommended above, plus an incremental rectangular-shaped seismic load of magnitude 6.5H, where H is the total height of the wall.

We assume relatively level ground surface below the base of the walls. As such, we recommend passive earth pressure of 320 pcf for use in design, assuming wall footings are cast against competent native soils or engineered fill. If the ground surface slopes down and away from the base of any of the walls, a lower passive earth pressure should be used and GeoPacific should be contacted for additional recommendations.

A coefficient of friction of 0.42 may be assumed along the interface between the base of the wall footing and subgrade soils. The recommended coefficient of friction and passive earth pressure values do not include a safety factor, and an appropriate safety factor should be included in design. The upper 12 inches of soil should be neglected in passive pressure computations unless it is protected by pavement or slabs on grade.

The above recommendations for lateral earth pressures assume that the backfill behind the subsurface walls will consist of properly compacted structural fill, and no adjacent surcharge loading. If the walls will be subjected to the influence of surcharge loading within a horizontal distance equal to or less than the height of the wall, the walls should be designed for the additional horizontal pressure. For uniform surcharge pressures, a uniformly distributed lateral pressure of 0.3 times the surcharge pressure should be added. Traffic surcharges may be estimated using an additional vertical load of 250 psf (2 feet of additional fill), in accordance with local practice.

The recommended equivalent fluid densities assume a free-draining condition behind the walls so that hydrostatic pressures do not build-up. This can be accomplished by placing a 12 to 18-inch wide zone of sand and gravel containing less than 5 percent passing the No. 200 sieve against the walls. A 3-inch minimum diameter perforated, plastic drain pipe should be installed at the base of the walls and connected to a suitable discharge point to remove water in this zone of sand and gravel. The drain pipe should be wrapped in filter fabric (Mirafi 140N or other as approved by the geotechnical engineer) to minimize clogging.

Wall drains are recommended to prevent detrimental effects of surface water runoff on foundations – not to dewater groundwater. Drains should not be expected to eliminate all potential sources of water entering a basement or beneath a slab-on-grade. An adequate grade to a low point outlet drain in the crawlspace is required by code. Underslab drains are sometimes added beneath the slab when placed over soils of low permeability and shallow, perched groundwater.

Water collected from the wall drains should be directed into the local storm drain system or other suitable outlet. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. Down spouts and roof drains should not be connected to the wall drains in order to reduce the potential for clogging. The drains should include clean-outs to allow periodic maintenance and inspection. Grades around the proposed structure should be sloped such that surface water drains away from the building.

GeoPacific should be contacted during construction to verify subgrade strength in wall keyway excavations, to verify that backslope soils are in accordance with our assumptions, and to take density tests on the wall backfill materials.

Structures should be located a horizontal distance of at least 1.5H away from the back of the retaining wall, where H is the total height of the wall. GeoPacific should be contacted for additional foundation recommendations where structures are located closer than 1.5H to the top of any wall.

6.10 Seismic Design

The Oregon Department of Geology and Mineral Industries (DOGAMI), Oregon HazVu: 2020 Statewide GeoHazards Viewer indicates that the site is in an area where *very strong* ground shaking is anticipated during an earthquake. Structures should be designed to resist earthquake loading in accordance with the methodology described in the 2018 International Building Code (IBC) with applicable Oregon Structural Specialty Code (OSSC) revisions (current 2020). We recommend Site Class C be used for design per the OSSC, and as defined in ASCE 7. Design values determined for the site using the ATC online Hazards by Location tool are summarized in Table 2 and are based upon existing soil conditions.

Table 2 - Recommended Earthquake Ground Motion Parameters (ASCE 7-16)

Parameter	Value
Location (Lat, Long), degrees	45.352, -122.824
Probabilistic Ground Motion Values, 2% Probability of Exceedance in 50 yrs	
Peak Ground Acceleration PGA_M	0.455 g
Short Period, S_s	0.83 g
1.0 Sec Period, S_1	0.391 g
Soil Factors for Site Class C:	
F_a	1.2
F_v	1.5
$SD_s = 2/3 \times F_a \times S_s$	0.664 g
$SD_1 = 2/3 \times F_v \times S_1$	0.391 g
Seismic Design Category	D

6.11 Soil Liquefaction

The DOGAMI, Oregon HazVu: 2020 Statewide GeoHazards Viewer indicates that the site is not mapped for soil liquefaction during an earthquake. In our explorations, to a maximum depth of 11 feet bgs, we encountered residual soil and weathered rock above the water table, which are not considered susceptible to liquefaction. Soil liquefaction is a phenomenon wherein saturated soil deposits temporarily lose strength and behave as a liquid in response to ground shaking caused by strong earthquakes. Soil liquefaction is generally limited to loose sands and granular soils located below the water table, and fine-grained soils with a plasticity index less than 8; however, some studies have shown there to be liquefaction potential in fine-grained soils with a plasticity index as high as 15.

7 UNCERTAINTIES AND LIMITATIONS

We have prepared this report for the owner and their consultants for use in design of this project only. This report should be provided in its entirety to prospective contractors for bidding and estimating purposes; however, the conclusions and interpretations presented in this report should not be construed as a warranty of the subsurface conditions. Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, GeoPacific should be notified for review of the recommendations of this report, and revision of such if necessary.

Sufficient geotechnical monitoring, testing and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by explorations. Recommendations for design changes will be provided should conditions revealed during construction differ from those anticipated, and to verify that the geotechnical aspects of construction comply with the contract plans and specifications.

Within the limitations of scope, schedule and budget, GeoPacific attempted to execute these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, expressed or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.

We appreciate this opportunity to be of service.

Sincerely,

GEOPACIFIC ENGINEERING, INC.

REGISTERED PROFESSIONAL ENGINEER
14743PE
OREGON
JAN. 23, 1990
JAMES D. IMBRIE

EXPIRES: 06/30/2021

Tanya Battye, E.I.T.
Geotechnical Staff

James D. Imbrie, G.E.
Principal Engineer

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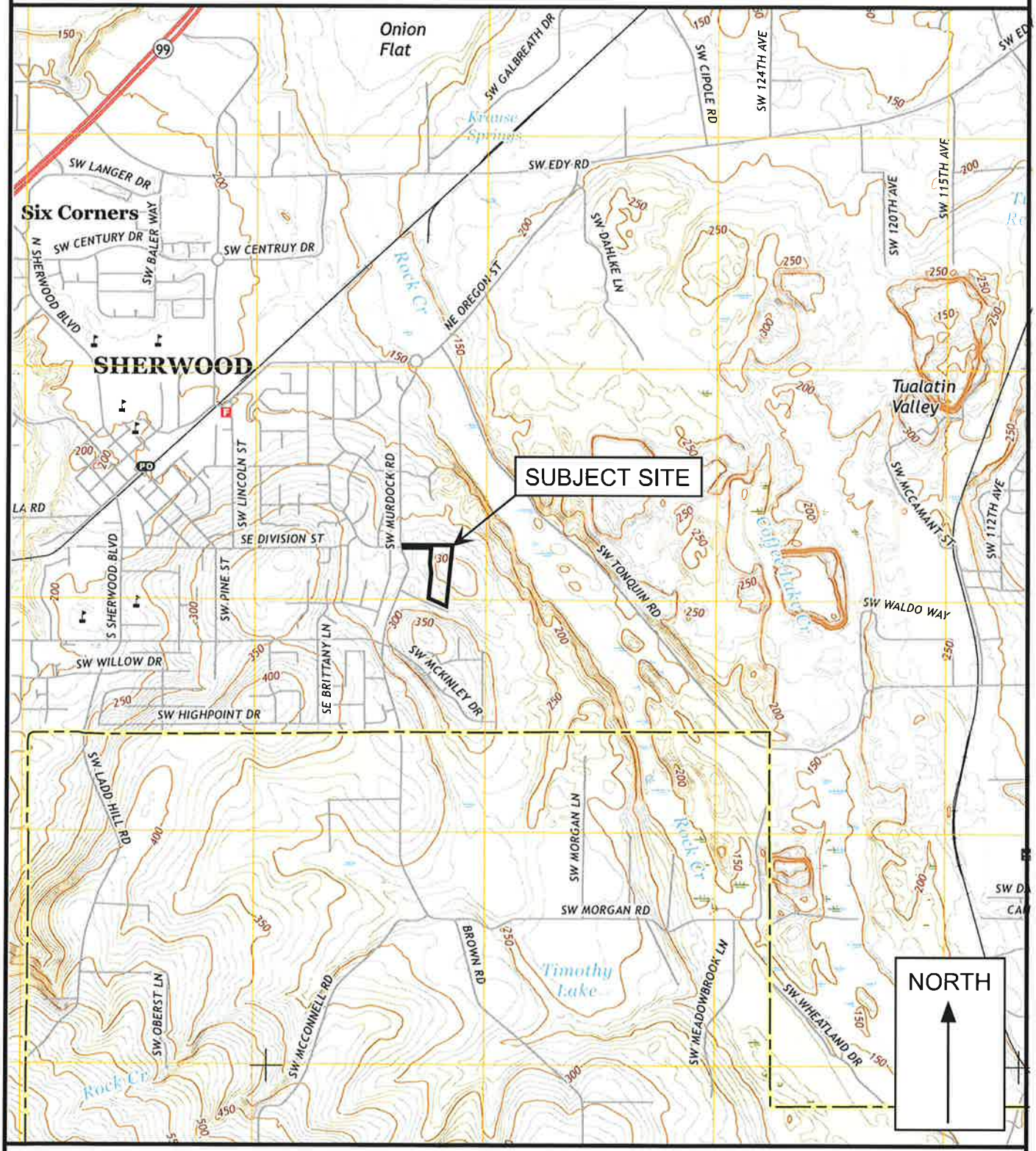
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FIGURES

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

VICINITY MAP



Legend

Approximate Scale 1 in = 2,000 ft

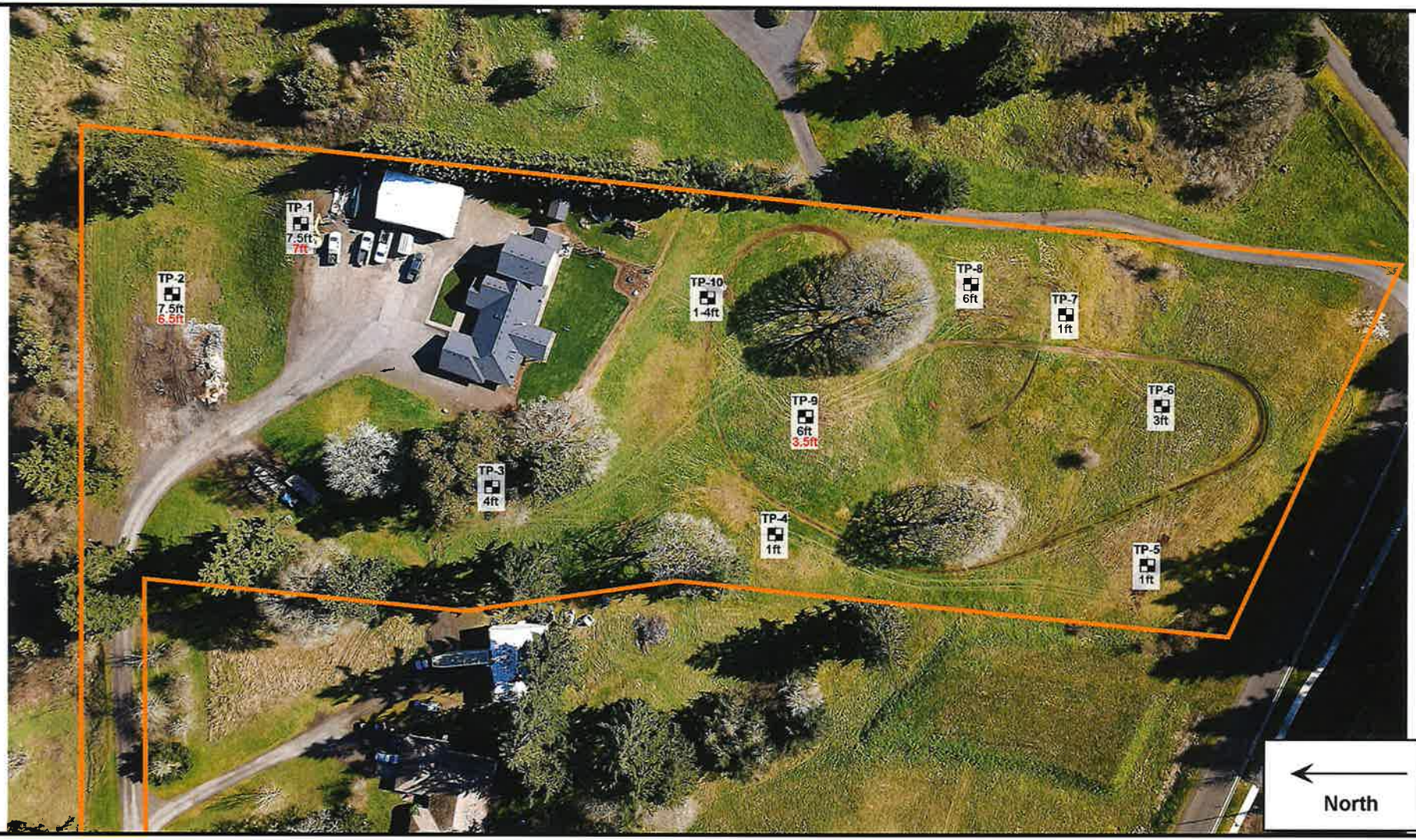
Date: 2/13/2020
Drawn by: TEB

Base map: U.S. Geological Survey, 20170328, USGS US Topo 7.5-minute map for Sherwood, OR 2017; USGS - National Geospatial Technical Operations Center (NGTOC).

Project: 23008 SW Murdock Road Sherwood, Oregon	Project No. 20-5429	FIGURE 1

GeoPacific Engineering, Inc.
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SITE AERIAL AND EXPLORATION LOCATIONS



Legend

TP-1 / 2ft / 2ft — Test Pit Designation, Approximate Location, Depth to Rock, and Depth of Fill

Site Boundary

0 100'
APPROXIMATE SCALE 1"=100'

Date: 2.20.2020
Drawn by: MTB

Project: 23008 SW Murdock Road, Sherwood, Oregon	Project No. 20-5429	FIGURE 2

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EXPLORATION LOGS

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TEST PIT LOG

Project: 23008 SW Murdock Road, Sherwood, Oregon	Project No. 20-5429	Exploration No. **TP-1**

Depth (ft)	Sample Type	tons/sq.ft.	Moisture Content (%)	Water Bearing Zone	Material Description
0					Soft, organic SILT (OL), brown, 0-6 inches, lacking horizons, damp [Fill/Topsoil]
1		1.5			Soft to medium stiff, SILT (ML) with some well-rounded gravel, gravel is 1/4-1/2 inch in diameter, silt is light brown to gray with disturbed composition and layering, plastic, trace wood and concrete debris, moist [Undocumented Fill]
2		2.0			
3		1.0			Concrete floor slab fragment, approximately 1x2x4 feet
4		1.5			
5					
6					Medium stiff, moderately organic SILT (OL-ML), dark brown to reddish brown, plastic, moist [Buried Topsoil Horizon]
7					Dense, fractured and weathered, BASALT, (R1-R3), matrix of reddish brown clayey SILT to silty CLAY (ML-CL), plastic, moist [Columbia River Basalt Formation]
8					
9					
10					
11					Test Pit terminated at 11 feet.
12					No groundwater or seepage encountered in excavation.
13					
14					

LEGEND

Bag Sample (100 to 1,000 g) | Split-Spoon | Shelby Tube Sample | Seepage | Static Water Table | Water Bearing Zone

Date Drilled: 2.19.2020
Logged By: MTB
Surface Elevation: 312 Feet

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TEST PIT LOG

Project: 23008 SW Murdock Road Sherwood, Oregon	Project No. 20-5429	Exploration No. **TP-2**

Depth (ft)	Sample Type	tons/sq.ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1		1.25			Soft, organic SILT (OL), black, 0-6 inches, lacking horizons, damp [Fill/Topsoil]
2		2.0			
3		2.25			Soft to stiff, organic SILT (OL-ML) with gravel, silt is light brown to gray with disturbed composition and layering, plastic, trace wood debris, organic smell, moist [Undocumented Fill]
4		3.5			
5					
6					Stiff, organic SILT (OL), dark reddish brown, plastic, moist [Buried Topsoil Horizon]
7					Very dense, weathered, BASALT, (R2-R4), some fracturing, matrix of reddish brown clayey SILT to silty CLAY (ML-CL), plastic, moist [Columbia River Basalt Formation]
8					Test Pit terminated at 7.5 feet.
9					No groundwater or seepage encountered in excavation.
10					
11					
12					
13					
14					

LEGEND

100 to 1,000 g Bag Sample | Split-Spoon | Shelby Tube Sample | Seepage | Static Water Table | Water Bearing Zone

Date Drilled: 2.19.2020
Logged By: MTB
Surface Elevation: 296 Feet

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TEST PIT LOG

Project: 23008 SW Murdock Road, Sherwood, Oregon	Project No. 20-5429	Exploration No. **TP-3**

Depth (ft)	Sample Type	tons/sq.ft.	Moisture Content (%)	Water Bearing Zone	Material Description
0					Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon]
1	100 to 1,000 g	0.75			Soft, SILT (ML) loam, reddish-brown, friable, numerous small tree roots, moist [Loess]
2		0.75			
3		1.25			Grades to weathered BASALT fragments in silty loam to clay matrix.
4	100 to 1,000 g	4.5			
5					Dense, BASALT, (R3), gray with red coloration along fracture lines, some vesicles and secondary mineralization, moist [Columbia River Basalt Formation]
6					Test Pit terminated at 5.5 feet.
7					No groundwater encountered in excavation.
8					
9					
10					
11					
12					
13					
14					

LEGEND

Bag Sample | Split-Spoon | Shelby Tube Sample | Seepage | Static Water Table | Water Bearing Zone

Date Drilled: 2.19.2020
Logged By: MTB
Surface Elevation: 306 Feet

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: 23008 SW Murdock Road Sherwood, Oregon	Project No. 20-5429	Exploration No. **TP-4**

Depth (ft)	Sample Type	tons/sq.ft.	Moisture Content (%)	Water Bearing Zone	Material Description
0					Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon]
1					Dense, BASALT, (R3 to R4), gray with red coloration along fracture lines, some vesicles and secondary mineralization, moist [Columbia River Basalt Formation]
2–14					Test Pit terminated at 1.5 feet. No groundwater encountered in excavation.

LEGEND

Bag Sample (100 to 1,000 g) | Split-Spoon | Shelby Tube Sample | Seepage | Static Water Table | Water Bearing Zone

Date Drilled: 2.19.2020
Logged By: MTB
Surface Elevation: 292 Feet

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: 23008 SW Murdock Road Sherwood, Oregon	Project No. 20-5429	Exploration No. **TP-5**

Depth (ft)	Sample Type	tons/sq.ft.	Moisture Content (%)	Water Bearing Zone	Material Description
					Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon]
1					Dense, BASALT, (R3 to R4), gray with red coloration along fracture lines, some vesicles and secondary mineralization, moist [Columbia River Basalt Formation]
2					Test Pit terminated at 1.5 feet. No groundwater encountered in excavation.
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					

LEGEND

Bag Sample (100 to 1,000 g) | Split-Spoon | Shelby Tube Sample | Seepage | Static Water Table | Water Bearing Zone

Date Drilled: 2.19.2020
Logged By: MTB
Surface Elevation: 282 Feet

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: 23008 SW Murdock Road, Sherwood, Oregon	Project No. 20-5429	Exploration No. **TP-6**

Depth (ft)	Sample Type	tons/sq.ft.	Moisture Content (%)	Water Bearing Zone	Material Description
					Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon]
1		1.25			Soft, SILT (ML) loam, reddish-brown, friable, numerous small tree roots, moist [Loess]
2		2.5			
3		2.5			Grades to weathered BASALT fragments in reddish-brown, silty loam to clay matrix, seepage at 4 feet.
4		4.5			Dense, BASALT, (R3 to R4), gray with red coloration along fracture lines, some vesicles and secondary mineralization, moist to very moist [Columbia River Basalt Formation]
5					Test Pit terminated at 5 feet. Groundwater seepage encountered in excavation at 4 feet, visually estimated flow of 1/2 gallon per minute.
6					
7					
8					
9					
10					
11					
12					
13					
14					

LEGEND

Bag Sample (100 to 1,000 g) | Split-Spoon | Shelby Tube Sample | Seepage | Static Water Table | Water Bearing Zone

Date Drilled: 2.19.2020
Logged By: MTB
Surface Elevation: 285 Feet

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: 23008 SW Murdock Road, Sherwood, Oregon	Project No. 20-5429	Exploration No. **TP-7**

Depth (ft)	Sample Type	tons/sq.ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1					Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon]
					Dense, BASALT, (R3 to R4), gray with red coloration along fracture lines, some vesicles and secondary mineralization, moist [Columbia River Basalt Formation]
2					Test Pit terminated at 1.5 feet.
					No groundwater encountered in excavation.
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					

LEGEND



Bag Sample


Split-Spoon


Shelby Tube Sample


Seepage

Static Water Table


Water Bearing Zone

Date Drilled: 2.19.2020
Logged By: MTB
Surface Elevation: 296 Feet

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: 23008 SW Murdock Road, Sherwood, Oregon

Project No. 20-5429

Exploration No. **TP-8**

Depth (ft)	Sample Type	tons/sq.ft.	Moisture Content (%)	Water Bearing Zone	Material Description
					Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon]
1		1.5			Soft, clayey SILT (ML), light brown, plastic, slight organic smell, some gravel, moist [Undocumented Fill]
2		2.0			
3		2.0			
4		4.0			
5					Very stiff, silty CLAY (CL) reddish-brown, plastic, with weathered BASALT fragments gravel to cobble sized, moist [Residual Soil]
6					Dense, BASALT, (R3), gray with red coloration along fracture lines, some vesicles and secondary mineralization, moist to very moist [Columbia River Basalt Formation]
7					Test Pit terminated at 6 feet.
8					No groundwater encountered in excavation.
9					
10					
11					
12					
13					
14					

LEGEND

Bag Sample (100 to 1,000 g) | Split-Spoon | Shelby Tube Sample | Seepage | Static Water Table | Water Bearing Zone

Date Drilled: 2.19.2020
Logged By: MTB
Surface Elevation: 294 Feet

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: 23008 SW Murdock Road, Sherwood, Oregon

Project No. 20-5429

Exploration No. **TP-9**

Depth (ft)	Sample Type	tons/sq.ft.	Moisture Content (%)	Water Bearing Zone	Material Description
0					Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon]
1		1.5			Stiff, SILT (ML), brown, trace weathered basalt pebbles, some charcoal fragments, trace small roots, moist [Disturbed Native]
2		2.0			
3		2.0			
4		4.0			Very stiff, silty CLAY (CL) reddish-brown, plastic, with weathered BASALT fragments gravel to cobble sized, moist [Residual Soil]
5					
6					Dense, BASALT, (R3), gray with red coloration along fracture lines, some vesicles and secondary mineralization, moist to very moist [Columbia River Basalt Formation]
7					Test Pit terminated at 6 feet.
8					No groundwater encountered in excavation.
9					
10					
11					
12					
13					
14					

LEGEND

Bag Sample (100 to 1,000 g) | Split-Spoon | Shelby Tube Sample | Seepage | Static Water Table | Water Bearing Zone

Date Drilled: 2.19.2020
Logged By: MTB
Surface Elevation: 301 Feet

GeoPacific Engineering, Inc.
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

TEST PIT LOG

Project: 23008 SW Murdock Road
Sherwood, Oregon

Project No. 20-5429

Exploration No. **TP-10**

Depth (ft)	Sample Type	tons/sq.ft.	Moisture Content (%)	Water Bearing Zone	Material Description
1					Soft, moderately organic SILT (OL), brown, grass roots, damp [Topsoil Horizon]
2					Very stiff, silty CLAY (CL), reddish-brown, plastic, with high concentration of weathered BASALT fragments (R1-R2), gravel to cobble sized, moist [Residual Soil]
3					
4					
5					
6					Dense, heavily weathered BASALT, (R1 to R2), reddish black with black staining along fracture lines, some vesicles and secondary mineralization, silty CLAY (CL) matrix, orange to tan, moist [Columbia River Basalt Formation]
7					
8					
9					Test Pit terminated at 8.5 feet.
10					No groundwater encountered in excavation.
11					
12					
13					
14					

LEGEND

Bag Sample (100 to 1,000 g) | Split-Spoon | Shelby Tube Sample | Seepage | Static Water Table | Water Bearing Zone

Date Drilled: 2.19.2020
Logged By: MTB
Surface Elevation: 313 Feet

DEQ Northwest Region Cleanup Program

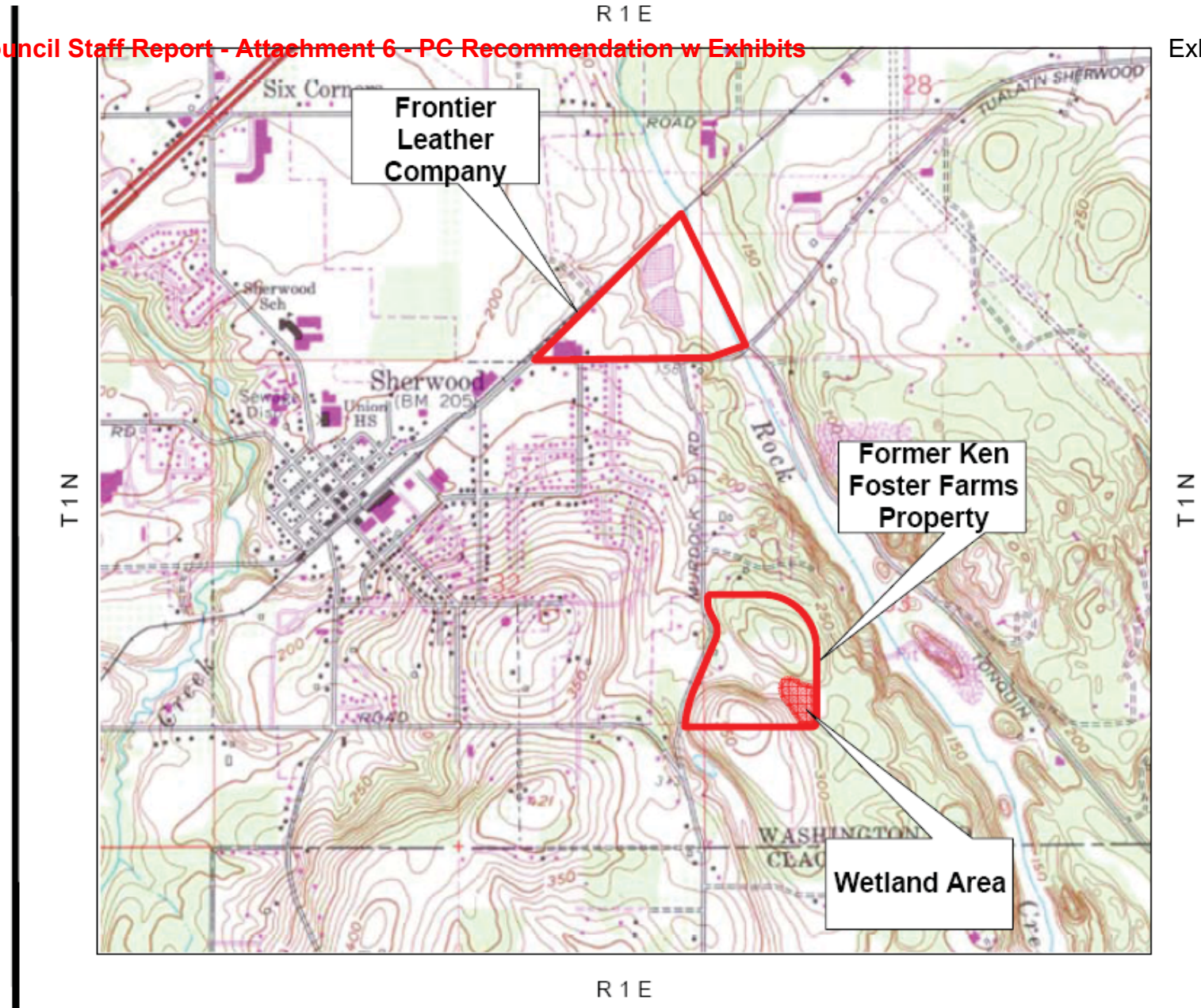
Proposed Cleanup Plan
KFF Site, Sherwood Oregon

Mark Pugh, Project Manager
DEQ Northwest Region Cleanup Program

Sept. 22, 2016
Sherwood, Oregon

Presentation Outline

- Background Information
  - Site History
  - Previous Investigations
- Remedial Action Areas
- Cleanup Options
- Proposed Plan
- Question and Answer Session



Adapted from: Sherwood, Or Quadrangle 7.5' x 7.5' Minute Series USGS Topographic Quadrangle Map, 1961, Revised 1985. National Geodetic Vertical Datum of 1927.

0 1/2 1 MILE

Site History

- Historical farm land covering approximately 40 acres
- Rolling topography with generally thin soil layer and shallow basalt bedrock
- Tannery waste placed on the ground surface between 1962-1971; lime added to control odor; tilled into soil
- Tannery waste contains primarily trivalent chromium (CrIII), with relatively low concentrations of hexavalent chromium (CrVI)
- Farm land initially subdivided into 10 parcels and developed in the late 70s- mid-80s ; additional subdivision for single family residential use
- Approximately 2 acre wetland area





Legend

Groundwater well	2700 Tax lot number
Fence line	Tax lot
Engineered soil cell	Tax lot with NFA determination
Approximate fill area	Drive way
Approximate wetland area	

0 75 150 300 Feet

Oregon Department of Environmental Quality
Ken Foster Farm
Sherwood, Oregon

Site Map

Figure 2

March 2015

Previous Investigations

DEQ (2005) Preliminary Assessment

EPA (2006) Integrated Assessment

- Total Chromium (primarily CrIII) detected across the site
- CrVI not identified as a concern
- Referred to DEQ for additional followup

DEQ (2007) DEQ Risk Assessment

2011-Change in CrVI cleanup level (130X lower)

Settlement

2010
DEQ begins settlement negotiations with responsible parties

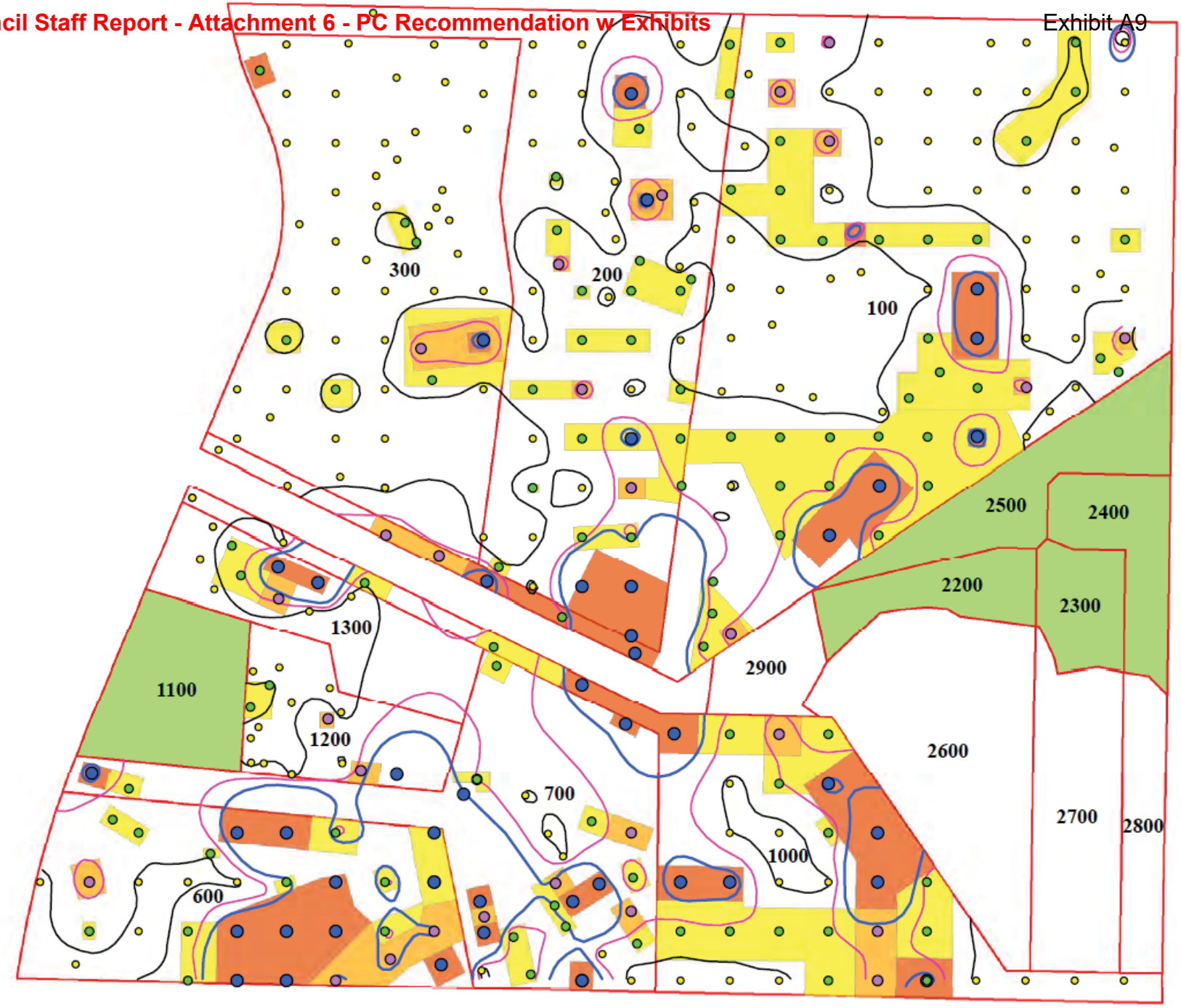
May 2011
Global settlement - $2,600,000 cash payment from parties in exchange for liability release from DEQ

December 2013
Court Issues final decision

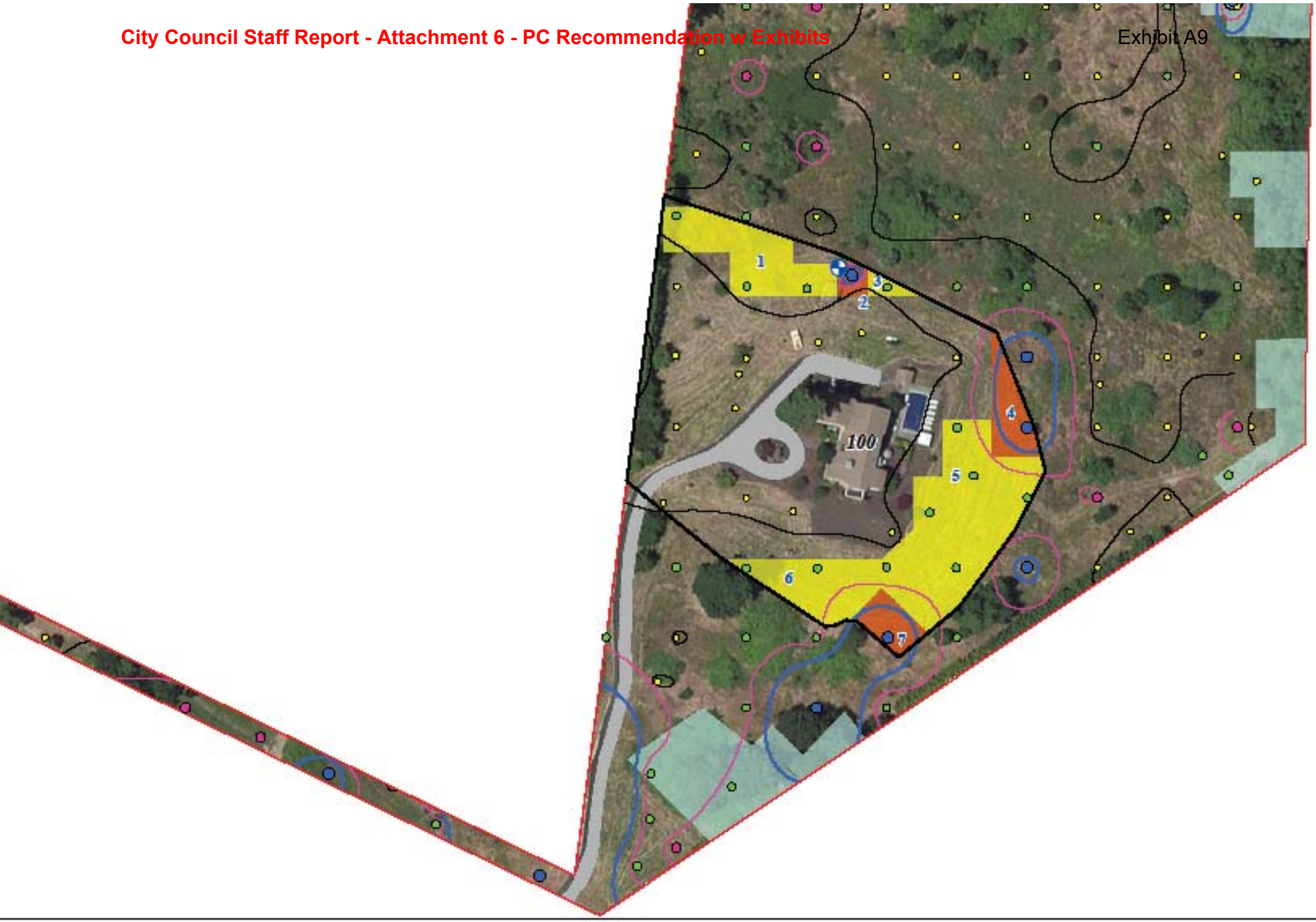
- Total settlement $2.6 million
- $2.3 million available for cleanup

DEQ Remedial Investigation-2013

- Potential Human Health Risk from CrVI in soil on most tax lots
- Potential Ecological Risk to birds and benthic organisms from CrIII in soil/sediment


300
200
100
2500
2400
2200
2300
1300
1100
2900
1200
2600
700
2700
2800
1000
600
N


DS-45 0.363
DS-46 0.962
DS-47 0.008J/ 0.008J
DS-49 0.022
DS-50 0.004 U
DS-51 0.297
S-30 1.84
DS-53 0.289
DS-54 1.18
DS-55 0.108
DS-56 0.061
DS-57 0.026
DS-58 0.098
DS-59 0.150
DS-60 0.396
DS-61 0.049
DS-62 0.097
DS-63 0.322
DS-64 1.19
DS-65 0.161
DS-66 0.008 U
DS-67 0.184
DS-68 0.646
DS-69 0.018 J
DS-70 0.015 J
DS-1 0.412
DS-71 0.410
DS-72 0.220
DS-74 0.104
DS-75 0.212
DS-76 0.019 J
DS-77 0.017J/ 0.28
DS-78 0.095
S-33 2.03
DS-2 0.049
DS-3 0.273/ 0.490
DS-4 0.506
DS-5 0.318
DS-79 0.682
DS-80 0.466
DS-81 0.141
DS-82 0.026
DS-83 0.313
DS-73 0.051
DS-84 0.027
DS-8 0.057
DS-6 0.031
DS-7 0.045
S-31 0.162
DS-9 0.137
DS-85 0.253/ 4.88
DS-86 0.139
DS-87 0.259
DS-88 0.015 J
S-32 0.152
DS-11 0.172
DS-10 0.065
DS-12 0.426
DS-13 2.49
DS-89 0.115
DS-90 0.119
DS-91 1.33
DS-92 0.568
DS-95 0.558
100
DS-14 0.402
DU-1
DS-15 0.220
DS-16 0.268
DS-17 0.165
DS-19 0.689
DS-18 0.187
DS-20 0.398
DS-93 0.995
DS-94 0.266
DS-48 0.081
DS-26 0.705
DS-21 0.413
DS-22 0.659
DS-23 0.443
DS-24 0.375
DS-96 1.54
DS-97 0.275
DS-43 0.014 J
DS-27 0.801
DS-28 0.237
DS-29 0.343
DS-30 0.705
DS-25 2.77
DS-98 0.616
S-5 0.170
DS-42 1.49
DS-31 0.770
DS-32 3.76
DS-33 0.375
DS-41 1.09
DS-40 2.47
DS-34 0.525
S-3 0.440
DS-35 0.716
DS-39 0.369
DS-36 0.846/ 1.22
DS-37 0.545
DS-38 3.03



Legend

CrVI (mg/kg)

CrVI Contour (mg/kg) Remedial Scenario

Ecological Hot Spot Remedial Action Area

Remedial Action Objectives

RAO# 1. Prevent current residents from exposure to upland soils containing Cr(VI) resulting greater than1 in 1,000,000 cancer risk

RAO#2. Prevent future residents from exposure to upland soils containing Cr(VI) resulting greater than1 in 1,000,000 risk

RAO#3. Reduce transport of chromium, lead, and mercury in upland surface soil to wetlands that would result in further sediment contamination

Cleanup Options

- Capping
- Removal
- Treatment
- Institutional Controls
  - Presence of Contamination
  - Maintain Protective Remedy

    -----Easement and Equitable Servitudes

    -----Deed Notice

    -----Other measures selected or approved by the Director

KFF Cleanup Alternatives

- Capping in Place
- Comprehensive Capping in Place
- On-Site Consolidation and Capping
- Excavation and Off-Site Disposal

Capping in Place

- Cost Effective
- Relatively easy to implement
- Leaves exposed contamination susceptible to contact by residents, and storm runoff
- Concerns of compromising cap and re-distributing contamination during site development
- DEQ would likely require confirmation testing

Comprehensive Capping in Place

- ✚ Highly effective
- ✚ Reduces potential for mobilization of residual contamination
- ✚ No confirmation testing needed
- ▬ High Cost*
- ▬ Larger Cap Area to Maintain

On-Site Consolidation and Capping

- Highly effective
- Coordinated with grading plan
- Reduce cap maintenance area
- Reduces potential for mobilization of residual contamination
- High Cost*

Excavation and Off-site Disposal

- ✚ Reduces contaminant mass
- ✚ Reliable
- ✚ No cap maintenance
- ▬ Bedrock prevents complete removal
- ▬ May require imported fill for grading
- ▬ Implementation risk (truck traffic;dust)
- ▬ Leaves exposed contamination susceptible to contact by residents and storm runoff

Proposed Cleanup Plan

- **Current Use (DEQ)**
  - -Yard Areas
  - -Tax Lots 100,200,700,1200

- **Future Use (Owners/developers)**
  - -Undeveloped Properties/Areas

Proposed Cleanup Plan for Current Use

- Capping Preferred-Cost Effective
- $700,000 estimated cost
- Consolidation and capping and/or excavation and off-site disposal
- Maintenance/Public Communication
  - ECSI on-line database
  - Ongoing Coordination with City of Sherwood
  - Real Estate Disclosure Laws
  - DEQ Periodic Inspection
- NFA/Certificate of Completion recorded on deed*
- Off-Site Properties to south

*Not in Staff Report


1
2
3
4
5
6
7
100


1
2
3
4
5
6
200



Legend


1
2
1200
3

Proposed Cleanup Plan for Future Use

- Owner/developer implement cleanup
- Comprehensive capping preferred
- Cleanup costs defrayed through apportionment of settlement funds based on area cleaned up
- Apportionment amount based on relative tax lot size

Proposed Cleanup Plan for Future Use (cont'd)

- $1,400,000 available for apportionment
- Apportionment Agreement
- Flexibility in cleanup method
- Maintenance/Public Communication
  - ECSI on-line database
  - Ongoing Coordination with City of Sherwood
  - Real Estate Disclosure Laws (NFA letter)
  - DEQ Periodic Inspection

*Not in Staff Report

DEQ Roles and Responsibilities

- Preparation of agreements and other administrative documents
- Oversight and technical assistance
- Conduct public notice and comment
- Provide cap specifications for incorporation into property-specific plans

DEQ Roles and Responsibilities (cont'd)

- Soil Management Plan
- Cap Inspection
- Identification and Testing of Cap Material*

*Not in Staff Report

Next Steps

- DEQ accept comments through September 2016
- Review and respond to comments as appropriate
- Prepare Record of Decision with selected remedy- October 2016
- Agreements with individual owners/developers (ongoing)
- Planning and work plan preparation fall 2016-winter 2017
- DEQ implement remedy on current use property in summer 2017

Mark Pugh
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Portland, OR 97232
(503) 229-5587
pugh.mark@deq.state.or.us

Quality

Cleanup Program
700 NE Multnomah St.
Suite 600
Portland, OR 97232
Phone: 503-229-5696
800-452-4011
Fax: 503-229-6124
Contact: Mark Pugh

www.oregon.gov/DEQ

DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.

Prospective Purchaser Agreement for a portion of the Ken Foster Farm Site in Sherwood, Oregon

Comments due: 5 p.m., Jan. 31, 2020

Project location: 23008 SW Murdock Road in Sherwood, Oregon

Proposal: The Oregon Department of Environmental Quality invites public comment on its proposed consent judgment for a prospective purchaser agreement with Jacob Miller, LLC for a portion of the Ken Foster Farm site in Sherwood, Oregon.

Highlights: DEQ created the prospective purchaser agreement program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that expedites the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a contaminated site.

Jacob Miller, LLC proposes developing a 5.4-acre property into 12 to 14 residential lots and non-residential tracts. The lots will be remediated to applicable DEQ human-health risk-based concentrations for residential use by capping, soil removal and off-site disposal, and/or consolidation and capping on non-residential tracts. All tracts will meet human health risk-based concentrations for use as open-space.

The soil quality on the property will be verified thorough confirmation soil testing. The entire site will be covered with a protective layer of clean soil or hardscape such as roads, driveways, etc. prior to occupation. If testing shows that soil contamination on any portion of the site remains above applicable cleanup standards after remediation, the area will be covered with an engineered cap equally protective as that described in the Record of Decision. To the extent that the cap requires long-term maintenance, the requirement will be memorialized in a deed notice or easement and equitable servitude recorded on the property deed.

Upon completion of cleanup work DEQ will reimburse Jacob Miller, LLC up to $307,023 based on approximately $57,000 per acre for the 5.4-acre property. The proposed consent judgment also will provide Jacob Miller, LLC with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed consent judgment will also provide Jacob Miller LLC with third party liability protection.

Background: The 5.4-acre subject property is part of the Ken Foster Farm site, a 40-acre tract of former pasture land at 23000 to 23500 SW Murdock Road in Sherwood, Washington County, Oregon. Between 1962 and 1971, tannery wastes from the former Frontier Leather Tannery were applied to the land at the KFF site as a soil amendment.

In 2011, DEQ entered into a settlement in the form of a consent judgment with former owners and operators of the tannery and several former and current land owners of property at the KFF site. Under terms of the settlement, DEQ was issued a cash payment of approximately 2.6 million dollars for cleanup of tannery-related contamination.

From 2013 to June 2015, DEQ completed a remedial investigation and feasibility study. The results showed that many samples contained hexavalent chromium levels above the DEQ human health risk-based concentration for residential use. DEQ evaluated remedial alternatives and concluded that soil removal and/or capping could both be protective and effective remedial alternatives for the residential

Quality

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properties. DEQ documented its recommended cleanup alternative in a Record of Decision issued in January 2017.

How to comment: Send comments to DEQ Project Manager, Mark Pugh at 700 NE Multnomah St., Portland, OR 97232 or pugh.mark@deq.state.or.us.

Find more information: Visit DEQ's Environmental Cleanup Site Information database at https://go.usa.gov/xV3zw

If you do not have web access and want to review the project file, contact the DEQ project manager at 503 229-5587.

Environmental Cleanup Site Information (ECSI) ID: 2516

The next step: DEQ will consider all public comments received by the date and time stated above before making a final decision on whether to enter into the proposed consent judgment. Upon issuance of this Consent Order, DEQ will provide public notice of the consent judgment through posting notice on the DEQ Public Notice webpage, and will make copies of the consent judgment available by posting on the Environmental Cleanup Site Information database.

Alternative formats: DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.

Public Notice

Prospective Purchaser Agreement for a portion of the Ken Foster Farm Site in Sherwood, Oregon

Comments due: 5 p.m., Dec. 1, 2019

Project location: 23120 SW Murdock Road in Sherwood, Oregon

Proposal: The Oregon Department of Environmental Quality invites public comment on its proposed consent judgment for a prospective purchaser agreement with JT Roth Construction, Inc. for a portion of the Ken Foster Farm site in Sherwood, Oregon.

Highlights: DEQ created the prospective purchaser agreement program in 1995 through amendments to the state's Environmental Cleanup Law. The prospective purchaser agreement is a tool that expedites the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a contaminated site.

JT Roth proposes developing a 9.5-acre property into 23 residential lots and five non-residential tracts. The lots will be remediated to applicable DEQ human-health risk-based concentrations for residential use by capping, soil removal and off-site disposal, or consolidation and capping on non-residential tracts. For non-residential tracts this will be accomplished through soil removal and consolidation. All tracts will meet human health risk-based concentrations for use as open-space.

The soil quality on the property will be verified thorough confirmation soil testing. The entire site will be covered with a protective layer of clean soil or hardscape such as roads, driveways, etc. prior to occupation. If testing shows that soil contamination on any portion of the site remains above applicable cleanup standards after remediation, the area will be covered with an engineered cap equally protective as that described in the Record of Decision. To the extent that the cap requires long-term maintenance, the requirement will be memorialized in a deed notice or easement and equitable servitude recorded on the property deed.

Upon completion of cleanup work DEQ will reimburse JT Roth up to $540,138 based on approximately $57,000 per acre for the 9.5-acre property. The proposed consent judgment also will provide JT Roth with a release from liability for claims by the State of Oregon under ORS 465.200 to 465.545 and 465.990, 466.640, and 468B.310 regarding existing hazardous substance releases at or from the property. The proposed consent judgment will also provide JT Roth with third party liability protection.

Background: The 9.5-acre subject property is part of the Ken Foster Farm site, a 40-acre tract of former pasture land at 23000 to 23500 SW Murdock Road in Sherwood, Washington County, Oregon. Between 1962 and 1971, tannery wastes from the former Frontier Leather Tannery were applied to the land at the KFF site as a soil amendment.

In 2011, DEQ entered into a settlement in the form of a consent judgment with former owners and operators of the tannery and several former and current land owners of property at the KFF site. Under terms of the settlement, DEQ was issued a cash payment of approximately 2.6 million dollars for cleanup of tannery-related contamination.

State of Oregon
Department of
Environmental
Quality

Cleanup Program
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Contact: Mark Pugh

www.oregon.gov/DEQ

DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.

Notice issued: 10/24/19
By: Mark Pugh

Public Notice

From 2013 to June 2015, DEQ completed a remedial investigation and feasibility study. The results showed that many samples contained hexavalent chromium levels above the DEQ human health risk-based concentration for residential use. DEQ evaluated remedial alternatives and concluded that soil removal and/or capping could both be protective and effective remedial alternatives for the residential properties. DEQ documented its recommended cleanup alternative in a Record of Decision issued in January 2017.

How to comment: Send comments to DEQ Project Manager, Mark Pugh at 700 NE Multnomah St., Portland, OR 97232 or pugh.mark@deq.state.or.us.

Find more information: Visit DEQ's Environmental Cleanup Site Information database at https://go.usa.gov/xV3zw

If you do not have web access and want to review the project file, contact the DEQ project manager at 503 229-5587.

Environmental Cleanup Site Information (ECSI) ID: 2516

The next step: DEQ will consider all public comments received by the date and time stated above before making a final decision on whether to enter into the proposed consent judgment. Upon issuance of this Consent Order, DEQ will provide public notice of the consent judgment through posting notice on the DEQ Public Notice webpage, and will make copies of the consent judgment available by posting on the Environmental Cleanup Site Information database.

Alternative formats: DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.

DEQ
State of Oregon
Department of
Environmental
Quality

Cleanup Program
700 NE Multnomah St.
Suite 600
Portland, OR 97232
Phone: 503-229-5696
800-452-4011
Fax: 503-229-6124
Contact: Mark Pugh

www.oregon.gov/DEQ

DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.

EMERIO Design

CIVIL ENGINEERS & PLANNERS

September 24, 2020

City of Sherwood Planning
22560 SW Pine St
Sherwood, OR 97140

RE: Submitting Land Use Applications as a single application

Dear Eric Rutledge,

The attached land use application forms are for the properties located at 23008 SW Murdock Road (Yuzon) and 23100 SW Murdock Road (Miller). The proposed PUD development site includes two (2) parcels, however, the development is being proposed under a single land use application.

Respectfully,

Steve Miller

Steve Miller - Senior Planner/Project Manager
Emerio Design, LLC
6445 SW Fallbrook Pl., Suite 100
Beaverton, OR 97008

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

Case No. _____
Fee _____
Receipt #_____
Date _____
TYPE_____

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- ☐ Annexation
- ☐ Plan Amendment (Proposed Zone _____)
- ■ Planned Unit Development
- ☐ Site Plan (square footage of building and parking area)
- ☐ Variance (list standards to be varied in description)
- ☐ Conditional Use
- ☐ Partition (# of lots _____)
- ☐ Subdivision (# of lots _____)
- ☐ Other: _____

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at **www.sherwoodoregon.gov.** Click on Government/Finance/Fee Schedule.

Owner/Applicant Information:

Applicant: Emerio Design, LLC / Attn: Steve Miller
Phone: (541) 318-7487 Cell
Applicant Address: 6445 SW Fallbrook Pl. #100 Beaverton 97008
Email: stevem@emeriodesign.com
Owner: ~~Brad Miller~~ Jacob Miller
Phone: (503) 544-6783 503.515.9281
Owner Address: 23008 SW Murdock Road
Email: ~~bradlegacy@gmail.com~~ miller.ktm450@gmail.com
Contact for Additional Information: Steve Miller

Property Information:

Street Location: 23008 SW Murdock Rd.
Tax Lot and Map No: 2S133CB00200
Existing Structures/Use: The site is developed with a single-family dwelling and one (1) detached accessory structure.
Existing Plan/Zone Designation: Very Low Density Residential (VLDR)
Size of Property(ies) 5.37

Proposed Action:

Purpose and Description of Proposed Action:

The Applicant is proposing a 41 Lot Residential PUD subdivision, with 17 of the 41 lots being located on the subject property.

Proposed Use: Residential Subdivision - PUD

Proposed No. of Phases (one year each): _____

Continued on Reverse

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicant's Signature	Date
Owner's Signature	6/16/2020 Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

☐ **3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property.

☐ **Copy of Deed** to verify ownership, easements, etc.

☐ **At least 3 folded** sets of plans*

☐ **At least 3 copies** of narrative addressing application criteria*

☐ **Fee** (along with calculations utilized to determine fee if applicable)

☐ **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

Case No. _____
Fee _____
Receipt # _____
Date _____
TYPE _____

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- ☐ Annexation
- ☐ Plan Amendment (Proposed Zone _____)
- ■ Planned Unit Development
- ☐ Site Plan (square footage of building and parking area)
- ☐ Variance (list standards to be varied in description)
- ☐ Conditional Use
- ☐ Partition (# of lots _____)
- ☐ Subdivision (# of lots _____)
- ☐ Other: _____

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Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at **www.sherwoodoregon.gov.** Click on Government/Finance/Fee Schedule.

Owner/Applicant Information:

Applicant: Emerio Design, LLC / Attn: Steve Miller
Phone: (541) 318-7487 Cell
Applicant Address: 6445 SW Fallbrook Pl. #100 Beaverton 97008
Email: stevem@emeriodesign.com
Owner: Dennis and Paula Yuzon
Phone: _____
Owner Address: 23120 SW Murdock Road
Email: _____
Contact for Additional Information: Steve Miller

Property Information:

Street Location: 23120 SW Murdock Rd.
Tax Lot and Map No: 2S133CB00100
Existing Structures/Use: The site is developed with a single-family dwelling, swimming pool, and one (1) accessory structure.
Existing Plan/Zone Designation: Very Low Density Residential (VLDR)
Size of Property(ies) 9.95

Proposed Action:

Purpose and Description of Proposed Action:
The Applicant is proposing a 41 Lot Residential PUD subdivision, with 24 of the 41 lots being located on the subject property.

Proposed Use: Residential Subdivision - PUD

Proposed No. of Phases (one year each): _____

Continued on Reverse

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicant's Signature	Date
Dennis A. Gunzon	6/16/20
Owner's Signature	Date

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

☐ **3 Copies of Application Form*** completely filled out and signed by the property owner (or person with authority to make decisions on the property.

☐ **Copy of Deed** to verify ownership, easements, etc.

☐ **At least 3 folded** sets of plans*

☐ **At least 3 copies** of narrative addressing application criteria*

☐ **Fee** (along with calculations utilized to determine fee if applicable)

☐ **Neighborhood Meeting Verification** including affidavit, sign-in sheet and meeting summary (required for Type III, IV and V projects)

* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

Case No. _____
Fee _____
Receipt # _____
Date _____
TYPE _____

City of Sherwood
Application for Land Use Action

Type of Land Use Action Requested: (check all that apply)

- ☐ Annexation
- ☐ Plan Amendment (Proposed Zone _____)
- ■ Planned Unit Development
- ☐ Site Plan (square footage of building and parking area)
- ☐ Variance (list standards to be varied in description)
- ☐ Conditional Use
- ☐ Partition (# of lots _____)
- ☐ Subdivision (# of lots _____)
- ☐ Other: _____

By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Sherwood employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

Note: See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at **www.sherwoodoregon.gov.** Click on Government/Finance/Fee Schedule.

Owner/Applicant Information:

Applicant: Emerio Design, LLC
Phone: (541) 318-7487 Cell
Applicant Address: 6445 SW Fallbrook Pl. #100, Beaverton, OR 97008
Email: stevem@emeriodesign.com
Owner: JT Roth Construction, Inc.
Phone: (503) 806-0943
Owner Address: 12600 SW 72nd Ave STE 200, Portland, OR 97223
Email: timr@jtrothinc.com
Contact for Additional Information: Tim Roth

Property Information:

Street Location: Tract E - Denali Meadows PUD
Tax Lot and Map No: N/A
Existing Structures/Use: N/A
Existing Plan/Zone Designation: VLDR
Size of Property(ies) 6,084 Sq. Ft.

Proposed Action:

Purpose and Description of Proposed Action:

PUD

Proposed Use: right-of-way and portion of Lots 19 and 20

Proposed No. of Phases (one year each): Single Phase

Continued on Reverse
Updated September 2016

LAND USE APPLICATION FORM

Authorizing Signatures:

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Applicant's Signature — Date: 10-20-2020

Owner's Signature — Date: 10-20-20

The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review. Applicant can verify submittal includes specific materials necessary for the application per checklist.

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* **Note** that the required numbers of copies identified on the checklist are required for completeness; however, upon initial submittal applicants are encouraged to submit only 3 copies for completeness review. Prior to completeness, the required number of copies identified on the checklist and one full electronic copy will be required to be submitted.

Chicago Title Company

10151 SE Sunnyside Road, Suite 300
Clackamas, Oregon 97015
Phone: 503.786.3940 Fax: 866.892.3853
E-mail: trios@ctt.com

METROSCAN PROPERTY PROFILE

Washington (OR)

OWNERSHIP INFORMATION

Owner	: Yuzon Dennis A	Parcel Number	: R1292443
CoOwner	: Yuzon Paula B	Ref Parcel #	: 2S133CB 00100
Site Address	: 23120 SW Murdock Rd Sherwood 97140	T: 02S R: 01W S: 33 Q: SW QQ: NW	
Mail Address	: 23120 SW Murdock Rd Sherwood Or 97140	Bldg # 1 Of 1	
Telephone	:		

SALES INFORMATION

Transfer Date	: 11/01/1986	Document #	:
Sale Price	: $50,000	Deed Type	: Deed
% Owned	: 100	Vesting Type	:
Prior Transfer Date	:	Prior Document #	: 86052739
Prior Sales Price	: $50,000		

PROPERTY DESCRIPTION

Map Page Grid	:
Census Tract	: 321.04 Block: 2
Neighborhood	: 4TL0
School District	: Sherwood
Subdivision/Plat	:
Class Code	: Single Family Res
Land Use	: 1910 Res,Potential Development,Improved
Legal	: ACRES 9.95
	:
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $312,840
Mkt Structure	: $373,550
Mkt Total	: $686,390
%Improved	: 54
M50 Total	: $653,540
Levy Code	: 08810
17-18 Taxes	: $12,391.18
Millage Rate	: 18.9601

PROPERTY CHARACTERISTICS

Bedrooms	: 4	Lot Acres	: 9.95	Year Built	: 1992
Bathrooms	: 4.00	Lot SqFt	: 433,422	EffYearBlt	: 1992
HeatMethod	: Heat Pump	BsmFin SF	:	Floor Cover	: Wood
Pool	: Yes	BsmUnfinSF	:	Foundation	: Concrete Ftg
Appliances	:	Bldg SqFt	: 5,148	Roof Shape	: Gable
Dishwasher	: Yes	1stFlrSF	: 2,356	Roof Matl	: Composition
Hood Fan	:	UpperFlSF	: 2,792	InteriorMat	: Drywall
Deck	: Multiple	Porch SqFt	:	Paving Matl	: Asphalt
GarageType	: Attached	Attic SqFt	:	Ext Finish	: Wood Std Shtg
Garage SF	: 1,174	Deck SqFt	:	Const Type	: Wd Stud\shtg

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed

MAR 6 1987

650

FORM No. 987—Stevens-Ness Law Publishing Co., Portland, Ore. 97204

SPECIAL WARRANTY DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

87011209

HAZEL E. FOSTER, *Grantor,*
conveys and specially warrants to MICHAEL GIBBONS, *Grantee,*
the following described real property free of encumbrances created or suffered by the Grantor except as specifically set forth herein, situated in Washington *County, Oregon to-wit:*

Beginning at an iron rod on the East line of the Northwest one-quarter of the Southwest one-quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, which bears North 0° 45' 56" West, 874.54 feet from the Southeast corner of said Northwest one-quarter; thence continuing North 0° 45' 56" West, 440.0 feet to the Northeast corner of said Northwest one-quarter; thence South 89° 29' 17" West along the North line of said Northwest one-quarter, 580.0 feet to an iron rod; thence South 05° 53' 10" West, 863.26 feet to an iron rod; thence North 65° 41' 52" West, 679.60 feet to an iron rod on the Easterly line of County Road No. 2257, (S.W. Murdock Road); thence South 21° 09' 26" West along said Easterly line, 50.07 feet to an iron rod; thence South 65° 41' 52" East, 700.25 feet to an iron rod; thence North 54° 34' 40" East, 826.66 feet to the place of beginning.

1-2

This Deed is in fulfillment of that certain contract dated 6/6/83
Recorded 6/7/83, Fee No. 83017687, Washington County records;
(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The said property is free of all encumbrances created or suffered by the Grantor except Easement recorded 4/28/17, in Book 108, page 555, Easement recorded 8/14/48, in Book 288, page 4; Waiver of remonstrance of record; Conditions and restrictions in Contract of Sale between Foster and Gibbons, dated 6/6/83; Zoning ordinances, building and use restrictions, reservations in Federal*

The true consideration for this conveyance is $ 59,500.00. *(Here comply with the requirements of ORS 93.030)*
(patents, beneficial utility easements of record;

Dated this 3 *day of* June, *19* 83

Hazel E. Foster

Hazel E. Foster

STATE OF OREGON, *County of* Washington) ss. June 3, 19 83

Personally appeared the above named Hazel E. Foster

and acknowledged the foregoing instrument to be her *voluntary act and deed.*

Before me: Mary A McCaugall

(OFFICIAL SEAL) *Notary Public for Oregon—My commission expires:* 7/15/84

SPECIAL WARRANTY DEED

FOSTER — GRANTOR

GIBBONS — GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:
Dennis and Paula Yuzon
17690 Cheyenne Way
Tualatin, OR 97068

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements shall be sent to the following address
same as above

NAME, ADDRESS, ZIP

STATE OF OREGON

STATE OF OREGON } SS
County of Washington }

SPACE RESERVED FOR RECORDER'S

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of Assessment and Taxation, Ex-Officio County Clerk

2

1987 MAR -6 PM 1:42

NOV 13 1986

TICOR TITLE INSURANCE

86052739

ASSIGNMENT AND CONVEYANCE BY OWNER
OF VENDEE'S INTEREST IN LAND SALE CONTRACT

THIS ASSIGNMENT, made and entered into this 12 day of November, 1986, by and between MICHAEL GIBBONS (hereinafter referred to as "Assignor") and DENNIS A. and PAULA B. YUZON (husband and wife) (hereinafter referred to as "Assignee").

RECITALS:

WHEREAS, Assignor is the owner of the vendee's interest in a land sale contract dated June 6, 1983, between HAZEL E. FOSTER as vendor and MICHAEL GIBBONS as vendee, which contract was recorded in Washington County, State of Oregon, on June 7, 1983, Fee No. 83019568, the "Contract." The property which is being transferred hereunder is described more particularly in Exhibit "A" attached hereto and by this reference incorporated herein.

WHEREAS, the vendee's interest in the Contract is subject to those certain rights, easements, liens and encumbrances (the "Underlying Obligations") set forth on Exhibit "B" attached hereto and by this reference incorporated herein.

WHEREAS, Assignor desires to assign and convey his interest in the Contract and the Property to Assignee, and Assignee desires to acquire such interests on the terms and conditions set forth below.

NOW, THEREFORE, the parties agree as follows:

1. Assignment and Conveyance. Assignor hereby assigns his interest in the Contract and conveys his interest in the Property to Assignee.

2. Assignor's Covenants. Assignor covenants as follows:

2.1 He is the owner of the vendee's interest in the Contract;

2.2 He is not in default under the terms of the Contract or the Underlying Obligations;

2.3 The vendee's interest in the Contract is free of all liens and encumbrances except the Underlying Obligations, and,

2.4 The unpaid balance of the purchase price due under the Contract is $40,954.70, with interest paid to October 29, 1986.

WASHINGTON COUNTY
REAL PROPERTY TRANSFER TAX
$ 50.00 FEE PAID
11-13-86 DATE

1-5

NOV 13 88

3. Assignee's Assumption. Assignee hereby assumes the obligations of the vendee under the Contract and agrees to defend, indemnify and hold Assignor harmless therefrom.

4. Consideration. The consideration paid for this assignment is the sum of $50,000.

5. Closing; Title Insurance. Assignor shall, on closing and recording, furnish a purchaser's title insurance policy an amount equal to the sales price of $50,000, insuring Assignee a marketable title as of the date hereof free and clear of liens and encumbrances except the usual printed exceptions, and the exceptions shown on Exhibit "B" hereto.

6. Attorneys' Fees. In the event action is instituted to enforce any term of this Assignment and Conveyance, the prevailing party shall recover from the losing party reasonable attorney fees incurred in such action as set by the trial court and, in the event of an appeal, as set by the appellate courts.

IN WITNESS WHEREOF, the Parties have executed this assignment this 12 day of November, 1986.

ASSIGNOR:

Michael Gibbons

ASSIGNEE:

Dennis Yuzon

Paula Yuzon

STATE OF OREGON)
Washington) ss.
County of ~~Multnomah~~)

SUBSCRIBED and SWORN to before me this 29 day of October, 1986.

Dennis Yuzon and Paula Yuzon executed this document 10/28/86;
Michael Gibbons executed this document 10/29/86;

Mary G McDougall
Notary Public for Oregon
My Commission Expires: 7/15/88

The contract vendor, Hazel E. Foster, hereby consents to the above assignment of the vendee's interest in the contract.

Non-Order Search
Doc: ORWASH:1986 00052739

Page 2 of 5

Requested By: beckyrao, Printed: 10/18/2018 11:42 AM

NOV 19 1986

The unpaid balance indicated in Paragraph 2.4 is accurate. The vendee, Michael Gibbons, is not in default.

DATED: Nov. 12, 1986

Hazel E. Foster

12:4:150

FORM NO. 23 — ACKNOWLEDGMENT
STEVENS-NESS LAW PUB CO., PORTLAND, ORE

STATE OF OREGON,
County of Washington } ss.

BE IT REMEMBERED, That on this 12 day of November, 19 86 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Hazel E. Foster

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Mary A. McDougall
Notary Public for Oregon.
My Commission expires 7/15/88

Non-Order Search
Doc: ORWASH:1986 00052739

Requested By: beckyrao, Printed: 10/18/2018 11:42 AM

AUG 13 1986

EXHIBIT "A"

Beginning at an iron rod on the East line of the Northwest one-quarter of the Southwest one-quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, which bears North 0° 45' 56" West, 874.54 feet from the Southeast corner of said Northwest one-quarter; thence continuing North 0° 45' 56" West, 440.0 feet to the Northeast corner of said Northwest one-quarter; thence South 89° 29' 17" West along the North line of said Northwest one-quarter, 580.0 feet to an iron rod; thence South 05° 53' 10" West, 863.26 feet to an iron rod; thence North 65° 41' 52" West, 679.60 feet to an iron rod on the Easterly line of County Road No. 2257, (S.W. Murdock Road); thence South 21° 09' 26" West along said Easterly line, 50.07 feet to an iron rod; thence South 65° 41' 52" East, 700.25 feet to an iron rod; thence North 54° 34' 40" East, 826.66 feet to the place of beginning.

12:5:109

4

NOV 13 1986

EXHIBIT "B"

An easement, including the terms and provisions thereof,
From: E. Murdock and Sarah Murdock
To: Pacific Telephone and Telegraph
Recorded: April 28, 1917 Book: 108 Page: 555
Affects: Not Specified
For: Anchor and wires

An easement, including the terms and provisions thereof,
From: Kenneth F. Foster and Hazel Foster, his wife
To: The Pacific Telephone and Telegraph Company, a California Corporation
Recorded: August 14, 1948 Book: 288 Page: 4
Affects: Not Specified
For: Power poles

Waiver of remonstrance and consent to local improvement, including the terms and provisions thereof,
Filed by: Hazel E. Foster
Dated: May 12, 1983
Recorded: May 17, 1983 Fee No.: 83016886
Records of Washington County, Oregon

Waiver of remonstrance and consent to local improvement, including the terms and provisions thereof,
Filed by: Hazel E. Foster
Dated: May 24, 1983 Fee No.: 83017818
Records of Washington County, Oregon.
For: Street Improvement

Conditions and Restrictions Contained in Contract of Sale,
Vender: Hazel E. Foster
Vendee: Michael Gibbons
Dated: June 6, 1983
Recorded: June 7, 1983 Fee No.: 83019568
Records of Washington County, Oregon.

12:5:113

STATE OF OREGON } ss
County of Washington

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of Assessment and Taxation, Ex-Officio County Clerk

1986 NOV 13 AM 9:29

TAX STATEMENTS TO:
Mr. + Mrs. Gibbons
17695 Cheyenne Loop
Tualatin, OR 97062

5

SEP 15 1986

FORM No. 851—ASSIGNMENT OF REAL ESTATE CONTRACT by Vendee-Buyer.

TICOR TITLE INSURANCE

ASSIGNMENT OF CONTRACT

86041491

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, for the consideration hereinafter stated, has sold and assigned and hereby does grant, bargain, sell, assign and set over unto HAZEL E. FOSTER

TICOR TITLE INSURANCE COMPANY HAS RECORDED THIS INSTRUMENT BY REQUEST AS AN ACCOMMODATION ONLY AND HAS NOT EXAMINED IT FOR REGULARITY AND SUFFICIENCY OR AS TO ITS EFFECT UPON THE TITLE TO ANY REAL PROPERTY THAT MAY BE DESCRIBED THEREIN.

his heirs, successors and assigns, all of the vendee's right, title and interest in and to that certain contract for the sale of real estate dated June 1, 19 83, *between* HAZEL E. FOSTER *as seller and* BRIAN REED PUZISS *as buyer, which contract is recorded in the Deed* Miscellaneous* Records of* Washington *County, Oregon, in book/reel/volume No.* ~~XXXX~~ *at page* ~~XXXX~~ *thereof, or as* ~~fee/file/instrument/microfilm/reception~~ *No.* 83019057 *(indicate which), (reference to said recorded contract hereby being expressly made), together with all of the right, title and interest of the undersigned in and to the real estate described therein; the undersigned hereby expressly covenants with and warrants to the assignee above named that the undersigned is the owner of the vendee's interest in the real estate described in said contract of sale and that the unpaid balance of the purchase price thereof is not more than $* ~~XXXX~~ *with interest paid thereon to* ~~XXXX~~, 19 ~~XX~~; *further, upon compliance by said assignee with the terms of said contract, the undersigned directs that conveyance of said real estate be made and delivered to the order of said assignee.*

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ 1.00 ~~*However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which).*~~*

In construing this assignment, it is understood that if the context so requires, the singular shall be taken to mean and include the plural, the masculine shall include the feminine and the neuter and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to one or more individuals and/or corporations.

IN WITNESS WHEREOF, the undersigned assignor has hereunto set his hand; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its board of directors.

DATED: September 4, 19 86. X Brian Reed Puziss

(If executed by a corporation, affix corporate seal.)

STATE OF OREGON,))ss. *County of* September, 19 86.

Personally appeared the above named Brian Reed Puziss *and acknowledged the foregoing instrument to be his voluntary act and deed.*

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: 4/5/[illegible]

STATE OF OREGON, County of) ss. , 19

Personally appeared and *who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of* , *a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.*

Before me:

Notary Public for Oregon

My commission expires:

(OFFICIAL SEAL)

Strike whichever warranty not applicable. NOTE—The sentence between the symbols ( ), if not applicable, should be deleted. See ORS 93.030. If the contract is not already of record, it should be recorded, preferably in the Deed Records.

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:
Hazel Foster
715 S. Columbia
Newberg, OR 97132

Until a change is requested all tax statements shall be sent to the following address:
Hazel Foster
715 S. Columbia
Newberg, OR 97132

NAME, ADDRESS, ZIP

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON } SS
County of Washington }

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of Assessment and Taxation, Ex-Officio [illegible]ty Clerk

1986 SEP 15 PM 1:07

SEP 15 1986

FORM No. 851—ASSIGNMENT OF REAL ESTATE CONTRACT by Vendee-Buyer

1-1-74 TICOR TITLE INSURANCE

ASSIGNMENT OF CONTRACT

86041490

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, for the consideration hereinafter stated, has sold and assigned and hereby does grant, bargain, sell, assign and set over unto HAZEL E. FOSTER

TICOR TITLE INSURANCE COMPANY HAS RECORDED THIS INSTRUMENT BY REQUEST AS AN ACCOMMODATION ONLY AND HAS NOT EXAMINED IT FOR REGULARITY AND SUFFICIENCY OR AS TO ITS EFFECT UPON THE TITLE TO ANY REAL PROPERTY THAT MAY BE DESCRIBED THEREIN.

his heirs, successors and assigns, all of the vendee's right, title and interest in and to that certain contract for the sale of real estate dated June 1, *, 19* 83 *, between* HAZEL E. FOSTER

as seller and BRIAN REED PUZISS

as buyer, which contract is recorded in the Deed Miscellaneous* Records of* Washington *County, Oregon, in book/reel/volume No.* *at page* *thereof, or as document/fee/file/instrument/microfilm No.* 83019058 *(indicate which), (reference to said recorded contract hereby being expressly made), together with all of the right, title and interest of the undersigned in and to the real estate described therein; the undersigned hereby expressly covenants with and warrants to the assignee above named that the undersigned is the owner of the vendee's interest in the real estate described in said contract of sale and that the unpaid balance of the purchase price thereof is not more than $* *with interest paid thereon to* *, 19* *; further, upon compliance by said assignee with the terms of said contract, the undersigned directs that conveyance of said real estate be made and delivered to the order of said assignee.*

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ 1.00 *.* ~~*However, the actual consideration consists of or includes other property or value given or promised which is* part of the *consideration (indicate which).*~~

In construing this assignment, it is understood that if the context so requires, the singular shall be taken to mean and include the plural, the masculine shall include the feminine and the neuter and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to one or more individuals and/or corporations.

IN WITNESS WHEREOF, the undersigned assignor has hereunto set his hand; if the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its board of directors.

DATED: September 6 *, 19* 86.

X Brian Reed Puziss

(If executed by a corporation, affix corporate seal.)

STATE OF OREGON,)
) ss.
County of)

September *, 19* 86.

Personally appeared the above named Brian Reed Puziss

and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: 3/5/89

STATE OF OREGON, County of) ss.
, 19

Personally appeared *and* *who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of* *, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and* *each of them acknowledged said instrument to be its voluntary act and deed.*

Before me:

Notary Public for Oregon

My commission expires:

(OFFICIAL SEAL)

*Strike whichever words not applicable. NOTE—The sentence between the symbols ( ), if not applicable, should be deleted. See ORS 93.030. If the contract is not already of record, it should be recorded, preferably in the Deed Records.

GRANTEE'S NAME AND ADDRESS

After recording return to:
Hazel Foster
715 S. Columbia
Newberg, OR 97132

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address
Hazel Foster
715 S. Columbia
Newberg, OR 97132

NAME, ADDRESS, ZIP

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON
County of Washington } SS

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of Assessment and Taxation Ex-Officio County Clerk

1986 SEP 15 PM 1:07

TICOR TITLE INSURANCE

86001022

REAL ESTATE CONTRACT AMENDMENT

About the 5th day of June, 1983, HAZEL E. FOSTER entered a real estate contract as seller with MICHAEL GIBBONS as buyer, which contract was recorded as fee number 83019568, Washington County, Oregon.

That contract required monthly payments of not less than $654.15 each, including interest.

The parties to that contract now desire to amend it. Buyer wishes to reduce his monthly payment obligation, while seller believes the interest rate in the original contract is favorable to her and accordingly seeks a slower payoff. Accordingly, it is hereby agreed that monthly payments under said contract will be reduced to not less than $434.40 each, including interest at the original contract rate.

The parties agree that all portions of the original contract inconsistent with the new terms are hereby amended, the remaining terms being ratified and confirmed.

DATED this 31 day of December, 1985.

TICOR TITLE INSURANCE COMPANY HAS RECORDED THIS INSTRUMENT BY REQUEST AS AN ACCOMMODATION ONLY AND HAS NOT EXAMINED IT FOR REGULARITY AND SUFFICIENCY OR AS TO ITS EFFECT UPON THE TITLE TO ANY REAL PROPERTY THAT MAY BE DESCRIBED THEREIN.

Hazel E. Foster
HAZEL E. FOSTER

MICHAEL GIBBONS

STATE OF OREGON)
) ss.
County of Washington)

The foregoing instrument was acknowledged before me this 31st day of December, 1985, by HAZEL E. FOSTER.

Notary Public for Oregon
My Commission Expires: 7/14/86

STATE OF OREGON)
) ss.
County of Washington)

The foregoing instrument was acknowledged before me this 31st day of December, 1985, by MICHAEL GIBBONS.

Notary Public for Oregon
My Commission Expires: 7/14/86

STATE OF OREGON)
) ss
County of Washington)

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances, do hereby certify that the within instrument of writing was received and recorded in book of said county.

Donald W. Mason, Director of Assessment and Taxation, Ex-Officio Recorder

WASHINGTON COUNTY, OREGON

1986 JAN -7 PM 2:38

6 7 83

FORM No. 706—CONTRACT—REAL ESTATE—Monthly Payments

Ticor
Title Insurance Company

CONTRACT—REAL ESTATE

83019568

THIS CONTRACT, Made this 6 *day of* June *, 1983 , between*

HAZEL E. FOSTER

, hereinafter called the seller,

and MICHAEL GIBBONS

, hereinafter called the buyer,

WITNESSETH: That in consideration of the mutual covenants and agreements herein contained, the seller agrees to sell unto the buyer and the buyer agrees to purchase from the seller all of the following described lands and premises situated in Washington *County, State of* OREGON *, to-wit:*

as described on attached sheet headed Exhibit A and incorporated by this reference.

MICHAEL D. O'NEIL
Attorney at Law
11875 SW King James Pl.
Tigard Oregon 97223

Attorney represents Seller

WASHINGTON COUNTY
REAL PROPERTY TRANSFER TAX
$ 60.00 6-7-83
FEE PAID DATE

for the sum of Fifty Nine Thousand Five Hundred----------*Dollars ($* 59,500.00 *)* *(hereinafter called the purchase price) on account of which* Ten Thousand---------- *Dollars ($*10,000.00 *) is paid on the execution hereof (the receipt of which is hereby acknowledged by the seller); the buyer agrees to pay the remainder of said purchase price (to-wit: $* 49,500.00 *) to the order of the seller in monthly payments of not less than* Six Hundred Fifty Four and 15/100---------- *Dollars ($*654.15*) each,* H.E.F. *payable on the* 20th *day of each month hereafter beginning with the month of* July *, 1983, and continuing until said purchase price is fully paid. All of said purchase price may be paid at any time; all deferred balances of said purchase price shall bear interest at the rate of* ten *per cent per annum from* this contract date *until paid, interest to be paid* monthly *and* * ~~XXXXXXXXXX~~ being included in *the minimum monthly payments above required. Taxes on said premises for the current tax year shall be prorated between the parties hereto as of the date of this contract.*

The buyer warrants to and covenants with the seller that the real property described in this contract is "(1) primarily for buyer's personal, family, household or agricultural purposes. ~~(2) for business or commercial purposes other than agricultural purposes.~~

The buyer shall be entitled to possession of said lands on this contract date *, and may retain such possession so long as he is not in default under the terms of this contract. The buyer agrees that at all times he will keep the premises and the buildings, now or hereafter erected thereon, in good condition and repair and will not suffer or permit any waste or strip thereof, that he will keep said premises free from construction and all other liens and save the seller harmless therefrom and reimburse seller for all costs and attorney's fees incurred by him in defending against any such liens, that he will pay all taxes hereafter levied against said property, as well as all water rents, public charges and municipal liens which hereafter lawfully may be imposed upon said premises, all promptly before the same or any part thereof become past due. Now if the buyer shall fail to pay any such liens, costs, water rents, taxes, or charges as aforesaid, the seller may do so and any payment so made shall be added to and become a part of the debt secured by this contract and shall bear interest at the rate aforesaid, without waiver, however, of any right arising to the seller for buyer's breach of contract.*

The seller agrees that at his expense and within thirty *days from the date hereof, he will furnish unto buyer a title insurance policy in suring (in an amount equal to said purchase price) marketable title in and to said premises in the seller on or subsequent to the date of this agreement, save and except the usual printed exceptions and the building and other restrictions and easements now of record, if any. Seller also agrees that when said purchase price is fully paid and upon request and upon surrender of this agreement, he will deliver a good and sufficient deed conveying said premises in fee simple unto the buyer, his heirs and assigns, free and clear of encumbrances as of the date hereof and free and clear of all encumbrances since said date placed, permitted or arising by, through or under seller, excepting, however, the said easements and restrictions and the taxes, municipal liens, water rents and public charges as assumed by the buyer and further excepting all liens and encumbrances created by the buyer or his assigns.*

(Continued on reverse) #special warranty

(*IMPORTANT NOTICE: Delete, by lining out, whichever phrase and whichever warranty (A) or (B) is not applicable. If warranty (A) is applicable and if seller is a creditor, as such word is defined in the Truth-in-Lending Act and Regulation Z, the seller MUST comply with the Act and Regulation by making required disclosures; for this purpose, use Stevens-Ness Form No. 1308 or similar. If the contract becomes a first lien to finance the purchase of a dwelling use Stevens-Ness Form No. 1307 or similar.

To be done by Seller if applicable

(SELLER'S NAME AND ADDRESS)

After recording return to
Michael Gibbons
13360 S.W. Farmington Rd.
Beaverton, OR 97005
(NAME, ADDRESS, ZIP)

Until a change is requested all tax statements shall be sent to the following address
Michael Gibbons
13360 S.W. Farmington Rd.
Beaverton, OR 97005
(NAME, ADDRESS, ZIP)

(SPACE RESERVED FOR RECORDER'S USE)

1-4

STATE OF OREGON, } ss.
County of }

I certify that the within instrument was received for record on the day of , 19 , at o'clock M., and recorded in book/reel volume No. on page or as document/fee/file/instrument/microfilm No. , Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME TITLE

By *Deputy*

JUN 7 1983

6 7 83

And it is understood and agreed between said parties that time is of the essence of this contract, and in case the buyer shall fail to make the payments above required, or any of them, punctually within 30 days of the time limited therefor, or fail to keep any agreement herein contained, then the seller at his option shall have the following rights: (1) to declare this contract null and void; (2) to declare the whole unpaid principal balance of said purchase price with the interest thereon at once due and payable; (3) to withdraw said deed and other documents from escrow; and/or (4) to foreclose this contract by suit in equity, and in any of such cases, all rights and interest created or then existing in favor of the buyer as against the seller hereunder shall utterly cease and determine and the right to the possession of the premises above described and all other rights acquired by the buyer hereunder shall revert to and revest in said seller without any act of re-entry, or any other act of said seller to be performed and without any right of the buyer of return, reclamation or compensation for moneys paid on account of the purchase of said property, as absolutely, fully and perfectly as if this contract and such payments had never been made; and in case of such default all payments theretofore made on this contract are to be retained by and belong to said seller as the agreed and reasonable rent of said premises up to the time of such default. And the said seller, in case of such default, shall have the right immediately, or at any time thereafter, to enter upon the land aforesaid, without any process of law, and take immediate possession thereof, together with all the improvements and appurtenances thereon or thereto belonging.

The buyer further agrees that failure by the seller at any time to require performance by the buyer of any provision hereof shall in no way affect his right hereunder to enforce the same, nor shall any waiver by said seller of any breach of any provision hereof be held to be a waiver of any succeeding breach of any such provision, or as a waiver of the provision itself.

+Default shall not occur as to any deficiency in Buyer's performance hereunder other than the required monthly payments, unless Buyer fails to correct that deficiency within thirty (30) days after Seller has sent Buyer written notice specifying such deficiency.

In addition to remedies allowed Seller above, the Seller at her election, upon Buyer's default, shall have the remedy of specific performance.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ 59,500.00 part of the

In case suit or action is instituted to foreclose this contract or to enforce any provision hereof, the losing party in said suit or action agrees to pay such sum as the trial court may adjudge reasonable as attorney's fees to be allowed the prevailing party in said suit or action and if an appeal is taken from any judgment or decree of such trial court, the losing party further promises to pay such sum as the appellate court shall adjudge reasonable as the prevailing party's attorney's fees on such appeal.

In construing this contract, it is understood that the seller or the buyer may be more than one person or a corporation, that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally, all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto, but their respective heirs, executors, administrators, personal representatives, successors in interest and assigns as well.

IN WITNESS WHEREOF, said parties have executed this instrument in triplicate; if either of the undersigned is a corporation, it has caused its corporate name to be signed and its corporate seal affixed hereto by its officers duly authorized thereunto by order of its board of directors.

Hazel E. Foster — Michael Gibbons

NOTE—The sentence between the symbols (+), if not applicable, should be deleted. See ORS 93.030).

STATE OF OREGON, County of Washington) ss.
June 3, 19 83.
Personally appeared the above named HAZEL E. FOSTER ~~and H. GRANT GIBBONS~~ and acknowledged the foregoing instrument to be ~~their~~ her voluntary act and deed.
Before me: Mary A. McArgall
(OFFICIAL SEAL)
Notary Public for Oregon
My commission expires 7/15/84

STATE OF OREGON, County of Washington) ss.
June 6, 19 83.
Personally appeared Michael Gibbons ~~and~~ who, ~~being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of~~ ~~a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of~~ acknowledged said instrument to be ~~its~~ his voluntary act and deed.
Before me: Mary A. McArgall (SEAL)
Notary Public for Oregon
My commission expires: 7/15/84

ORS 93.635 (1) All instruments contracting to convey fee title to any real property, at a time more than 12 months from the date that the instrument is executed and the parties are bound, shall be acknowledged, in the manner provided for acknowledgment of deeds, by the conveyor of the title to be conveyed. Such instruments, or a memorandum thereof, shall be recorded by the conveyor not later than 15 days after the instrument is executed and the parties are bound thereby.
ORS 93.990(3) Violation of ORS 93.635 is punishable, upon conviction, by a fine of not more than $100.

ADDITIONAL CONTRACT TERMS:

(1) Buyer will give Seller the paid receipt annually upon Buyer's payment of real property taxes. (2) Seller will prepare and deposit at her expense a fulfillment deed with an escrow agent satisfactory to her upon instructions to deliver the deed only upon Buyer's full payment and performance of this contract. (3) The parties understand and agree that the entire contract balance hereunder will be amortized and paid off in approximately ten years. (4) It is expressly agreed that this property, the Buyer, his heirs, successors and assigns forever shall be subject to the Conditions and Restrictions shown on Exhibit B attached hereto and by this reference hereby incorporated herein which shall hereafter appertain to the described property and forever run therewith; the Buyer for himself, his heirs, successors and assigns covenants with the Seller, her heirs, successors and assigns that the terms of the said Conditions and Restrictions shall forever be performed by them. (5) Buyer acknowledges he has inspected this property and all applicable regulations, that the property is sold without warranties other than those of title, and that he accepts the same in present condition without reference to any representations by Seller. (6) Buyer will not subcontract, assign or otherwise transfer voluntarily or involuntarily any interest in this property or under this contract during the term of this contract without the prior written consent of the Seller, which may not be unreasonably withheld, Seller's right to deny consent is limited to her assessment of the proposed grantee's financial capacity, to perform in a manner that protects the Seller's interest. In case of a dispute, Seller and Buyer herein shall appoint a representative who shall choose a third party, impartial to the matter, and the decision of the majority shall prevail. (7) Buyer accepts the premises subject to the conditions and restrictions established in the minor land partitioning, 83-65-MP. (8) If the property is currently under real property tax deferral for any reason, Buyer will continue it so or be responsible to Seller for any penalty for its removal from said deferral. (9) Buyer acknowledges that a portion of this property is classified as a Significant Natural Resource and some density transfer may be required with development. (10) Delinquent real estate taxes shall constitute a default under this contract.

2

JUN 7 1983

6 7 83

EXHIBIT A

Beginning at an iron rod on the East line of the Northwest one-quarter of the Southwest one-quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, which bears North 0° 45' 56" West, 874.54 feet from the Southeast corner of said Northwest one-quarter; thence continuing North 0° 45' 56" West, 440.0 feet to the Northeast corner of said Northwest one-quarter; thence South 89° 29' 17" West along the North line of said Northwest one-quarter, 580.0 feet to an iron rod; thence South 05° 53' 10" West, 863.26 feet to an iron rod; thence North 65° 41' 52" West, 679.60 feet to an iron rod on the Easterly line of County Road No. 2257, (S.W. Murdock Road); thence South 21° 09' 26" West along said Easterly line, 50.07 feet to an iron rod; thence South 65° 41' 52" East, 700.25 feet to an iron rod; thence North 54° 34' 40" East, 826.66 feet to the place of beginning.----------

SUBJECT TO: City of Sherwood Ordinance No. 730, recorded October 30, 1980, fee number 80039610, Washington County Records, creating liens pursuant to a Local Improvement District for water and sewer (Rock Creek Water and Sewer LID); Easement, including the terms and provisions thereof, recorded April 28, 1917, Book 108, page 555, Records of Washington County, Oregon; Easement, including the terms and provisions thereof, recorded August 14, 1948, Book 288, page 4, Records of Washington County, Oregon; Waiver of remonstrance and consent to local improvement, including the terms and provisions thereof, dated May 12, 1983, recorded fee number 83016886, Records of Washington County, Oregon; and zoning ordinances, building and use restrictions, reservations in federal patents, beneficial utility easements of record and findings and conditions of said minor land partitioning.

H.E.F. Seller agrees to pay all assessment installments of both principal and interest of above described local improvement district when due.

Hazel E. Foster

Michael Gibbons

3

After recording return to:
Michael Gibbons
[illegible] S.W. Farmington Rd.
Beaverton, OR 97005

Until a change is requested all tax statements shall be sent to the following address:
Michael Gibbons
[illegible] S.W. Farmington Rd.
Beaverton, OR 97005

1 - 4

I certify that the within instrument was received for record on the day of , 19 , at o'clock M., and recorded in book/reel/volume No on page or as document/fee/file/instrument/microfilm No , Record of Deeds of said county.

Witness my hand and seal of County affixed.

By Deputy

JUN 7 1983

6 7 83

EXHIBIT B

CONDITIONS AND RESTRICTIONS

No old buildings shall be moved on said real property.

No noxious or offensive trade shall be carried on upon property, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

All building exteriors shall be completed and painted within one and one-half years from the time construction is commenced. All dwellings must be 1,000 square feet or more on the main level.

All mobile homes must comply with all zoning, sanitation and building requirements of Washington County.

All animals must be reasonably controlled to avoid their being a nuisance to other homeowners. All homesites will be maintained in a reasonably neat manner with no rubbish, and unused automobiles will be adequately housed.

STATE OF OREGON
County of Washington) ss

I Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county

Donald W. Mason Director of Assessment and Taxation Ex-Officio Chief Deputy Clerk

17.00
A1

4

1983 JUN -7 AM 9:45

I certify that the within instrument was received for record on the day of 19 at o'clock M., and recorded in book/reel/volume No on page or as document/fee/file/instrument/microfilm No Record of Deeds of said county.
Witness my hand and seal of County affixed.

By Deputy

After recording return to
Michael Gibbons
[illegible] S.W. Farmington Rd.
Beaverton, OR [illegible]

Until a change is requested all tax statements shall be sent to the following address
Michael Gibbons
[illegible] S.W. Farmington Rd.
Beaverton, OR [illegible]

1 - 4

7 1983

Chicago Title Company

10151 SE Sunnyside Road, Suite 300
Clackamas, Oregon 97015
Phone: 503.786.3940 Fax: 866.892.3853
E-mail: trios@ctt.com

METROSCAN PROPERTY PROFILE

Washington (OR)

OWNERSHIP INFORMATION

Owner	: Miller Timothy M	Parcel Number	: R1449882
CoOwner	:	Ref Parcel #	: 2S133CB 00200
Site Address	: 23008 SW Murdock Rd Sherwood 97140	T: 02S R: 01W S: 33 Q: SW QQ: NW	
Mail Address	: PO Box 398 Sherwood Or 97140	Bldg # 1 Of 1	
Telephone	:		

SALES INFORMATION

Transfer Date	: 06/13/2012	Document #	: 47854
Sale Price	: $243,250 Full	Deed Type	: Warranty
% Owned	: 100	Vesting Type	:
Prior Transfer Date	:	Prior Document #	: 87028888
Prior Sales Price	: $52,500		

PROPERTY DESCRIPTION

Map Page Grid	:
Census Tract	: 321.04 Block: 2
Neighborhood	: 4TL0
School District	: Sherwood
Subdivision/Plat	:
Class Code	: Single Family Res
Land Use	: 1910 Res,Potential Development,Improved
Legal	: ACRES 5.37
	:
	:

ASSESSMENT AND TAX INFORMATION

Mkt Land	: $176,380
Mkt Structure	: $319,390
Mkt Total	: $495,770
%Improved	: 64
M50 Total	: $495,770
Levy Code	: 08810
17-18 Taxes	: $9,399.84
Millage Rate	: 18.9601

PROPERTY CHARACTERISTICS

Bedrooms	: 4	Lot Acres	: 5.37	Year Built	: 1988
Bathrooms	: 3.00	Lot SqFt	: 233,917	EffYearBlt	: 1988
HeatMethod	: Forced	BsmFin SF	:	Floor Cover	: Wood
Pool	:	BsmUnfinSF	:	Foundation	: Concrete Ftg
Appliances	: Yes	Bldg SqFt	: 3,283	Roof Shape	: Hip
Dishwasher	:	1stFlrSF	: 2,723	Roof Matl	: Comp Shingle
Hood Fan	:	UpperFlSF	: 560	InteriorMat	: Drywall
Deck	:	Porch SqFt	: 266	Paving Matl	: Asphalt
GarageType	: Attached	Attic SqFt	:	Ext Finish	: Wood Std Shtg
Garage SF	: 484	Deck SqFt	:	Const Type	: Wd Stud\shtg

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed

46/244

Washington County, Oregon 2012-047854
06/13/2012 10:58:52 AM
D-DW Cnt=1 Stn=22 I REED
$15.00 $5.00 $11.00 $15.00 $244.00 - Total =$290.00

01715693201200478540030039

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk

RECORDING REQUESTED BY:

Chicago Title Company of Oregon
5300 SW Meadows Road, Suite 100
Lake Oswego, OR 97035

GRANTOR:
Terrance D. Stearns and Lori G. Stearns
32045 NE Corral Creek Rd.
Newberg OR 97132

GRANTEE:
Timothy M. Miller
23008 SW Murdock Road
Sherwood OR 97140

SEND TAX STATEMENTS TO:
Timothy M. Miller
Same as above

AFTER RECORDING RETURN TO:
Timothy M. Miller
23008 SW Murdock Rd.
Sherwood, OR 97140
Escrow No: 472512498502FB-CT42

WASHINGTON COUNTY
REAL PROPERTY TRANSFER TAX
$ 244.00 FEE PAID
6-13-12 DATE

23008 SW Murdock Road
Sherwood, OR 97140

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Chicago Title Insurance Co. 472512498502-42

WARRANTY DEED – STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Terrance D. Stearns and Lori G. Stearns, **as tenants in common,**

Grantor, conveys and warrants to

Timothy M. Miller

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

A portion of that certain tract of land in the Southwest quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, described in that certain contract to Brian Reed Puzziss recorded as Document No. 83019057, Washington County, Oregon, Deed Records, said portion being more particularly described as follows:

Beginning at an iron rod on the South line of said Puzziss Tract, which point bears South 65° 41' 52" East 409.25 feet from the Southwest corner thereof, and running thence North 05° 53' 10" East 360.00 feet to an iron rod; thence North 09° 02' 41" West 139.67 feet to an iron rod; thence North 05° 53' 10" East 210.00 feet to an iron rod, which bears Southerly 40.00 feet (when measured at right angles) from the North line of the Southwest quarter of said Section 33; thence South 89° 29' 17" West, parallel with said North line, 390.00 feet to a point on the Easterly right-of-way line of Murdock Road (County Road No. 2257); thence Northwesterly, along a 447.46 foot radius curve to the right (the long chord of which bears North 12° 37' 04" West 40.91 feet) 40.92 feet, to a point on the North line of said Southwest quarter; thence along the boundary of said Puzziss tract, North 89° 29' 17" East 697.05 feet, South 05° 53' 10" West 863.26 feet and North 65° 41' 52" West 270.00 feet to the point of beginning.

The true consideration for this conveyance is $243,250.00.

ENCUMBRANCES: Please see attached Exhibit A.

472512498502FB-CT42
Deed (Warranty – Statutory (Individual or Corporation))

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated June 11, 2012; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Terrance D. Stearns

Lori G. Stearns

STATE OF OREGON
County of Clackamas

This instrument was acknowledged before me on 6-11-12 by Terrance D. Stearns and Lori G. Stearns.

Notary Public for Oregon

My Commission Expires: 4-9-15

(SEAL)

OFFICIAL SEAL
FRANCINE L BECKLER
NOTARY PUBLIC-OREGON
COMMISSION NO. 457389
MY COMMISSION EXPIRES APRIL 09, 2015

472512498502FB-CT42
Deed (Warranty – Statutory (Individual or Corporation))

EXHIBIT "A"

1. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Hazel E. Foster
Purpose: Utilities
Recording Date: November 13, 1986
Recording No.: 86-052740

2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Portland General Electric Company
Purpose: Underground distribution line
Recording Date: December 8, 1989
Recording No.: 89-059742

Washington County, Oregon
06/13/2012 10:58:52 AM
D-DW Cnt=1 Stn=22 I REED
$15.00 $5.00 $11.00 $15.00 $244.00 - Total =$290.00

2012-047854

01715693201200478540030039

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk

RECORDING REQUESTED BY:

Chicago Title Company of Oregon
5300 SW Meadows Road, Suite 100
Lake Oswego, OR 97035

GRANTOR:
Terrance D. Stearns and Lori G. Stearns
32045 NE Corral Creek Rd.
Newberg OR 97132

GRANTEE:
Timothy M. Miller
23008 SW Murdock Road
Sherwood OR 97140

SEND TAX STATEMENTS TO:
Timothy M. Miller
Same as above

AFTER RECORDING RETURN TO:
Timothy M. Miller
23008 SW Murdock Rd.
Sherwood, OR 97140
Escrow No: 472512498502FB-CT42

WASHINGTON COUNTY
REAL PROPERTY TRANSFER TAX
$244.00 FEE PAID
6-13-12 DATE

23008 SW Murdock Road
Sherwood, OR 97140

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Chicago Title Insurance Co. 472512498502-42

WARRANTY DEED – STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Terrance D. Stearns and Lori G. Stearns, **as tenants in common,**

Grantor, conveys and warrants to

Timothy M. Miller

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

A portion of that certain tract of land in the Southwest quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, described in that certain contract to Brian Reed Puzziss recorded as Document No. 83019057, Washington County, Oregon, Deed Records, said portion being more particularly described as follows:

Beginning at an iron rod on the South line of said Puzziss Tract, which point bears South 65° 41' 52" East 409.25 feet from the Southwest corner thereof, and running thence North 05° 53' 10" East 360.00 feet to an iron rod; thence North 09° 02' 41" West 139.67 feet to an iron rod; thence North 05° 53' 10" East 210.00 feet to an iron rod, which bears Southerly 40.00 feet (when measured at right angles) from the North line of the Southwest quarter of said Section 33; thence South 89° 29' 17" West, parallel with said North line, 390.00 feet to a point on the Easterly right-of-way line of Murdock Road (County Road No. 2257); thence Northwesterly, along a 447.46 foot radius curve to the right (the long chord of which bears North 12° 37' 04" West 40.91 feet) 40.92 feet, to a point on the North line of said Southwest quarter; thence along the boundary of said Puzziss tract, North 89° 29' 17" East 697.05 feet, South 05° 53' 10" West 863.26 feet and North 65° 41' 52" West 270.00 feet to the point of beginning.

The true consideration for this conveyance is $243,250.00.

ENCUMBRANCES: Please see attached Exhibit A.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated June 11, 2012; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Terrance D. Stearns

Lori G. Stearns

STATE OF OREGON
County of Clackamas

This instrument was acknowledged before me on 6-11-12 by Terrance D. Stearns and Lori G. Stearns.

Notary Public for Oregon

My Commission Expires: 4-9-15

(SEAL)

OFFICIAL SEAL
FRANCINE L BECKLER
NOTARY PUBLIC-OREGON
COMMISSION NO. 457389
MY COMMISSION EXPIRES APRIL 09, 2015

472512498502FB-CT42
Deed (Warranty – Statutory (Individual or Corporation))

EXHIBIT "A"

1. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Hazel E. Foster
Purpose: Utilities
Recording Date: November 13, 1986
Recording No.: 86-052740

2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Portland General Electric Company
Purpose: Underground distribution line
Recording Date: December 8, 1989
Recording No.: 89-059742

CHICAGO TITLE

Chicago Title - Oregon
1433 SW 6th Avenue, Portland, OR 97201

Prelim Title Report

Title Officer: Kevin Kimball
Email:
Title No.: 472520004169

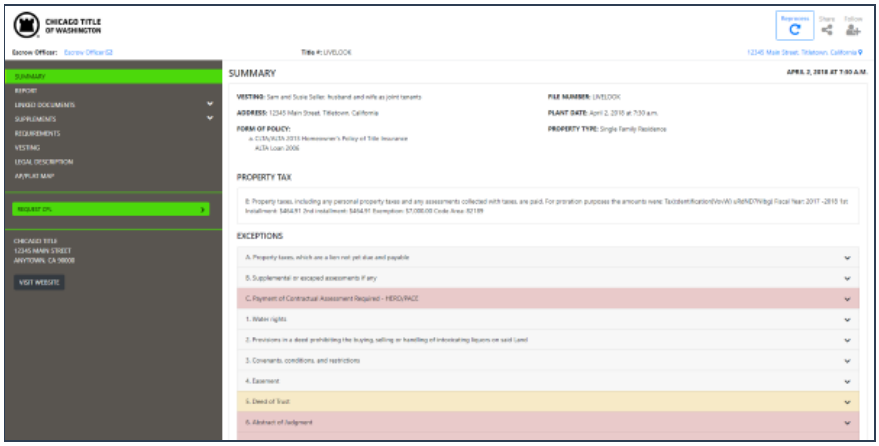
Property Address: 23008 SW Murdock Road, Sherwood, OR 97140

Introducing LiveLOOK

LiveLOOK title document delivery system is designed to provide 24/7 real-time access to all information related to a title insurance transaction.

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Effortless, Efficient, Compliant, and Accessible

Chicago Title
Company of Oregon

PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Chicago Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Florida corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

Maggie Metcalf

Chicago Title
Company of Oregon
1433 SW 6th Avenue, Portland, OR 97201
(503)646-4444 FAX (503)469-4198

PRELIMINARY REPORT

TITLE OFFICER: Kevin Kimball **ORDER NO.:** 472520004169

TO: Chicago Title
Zachary Taylor
10151 SE Sunnyside Road, Suite 300
Clackamas, OR 97015

OWNER/SELLER: Timothy M. Miller

BUYER/BORROWER: TBD

PROPERTY ADDRESS: 23008 SW Murdock Road, Sherwood, OR 97140

EFFECTIVE DATE: May 22, 2020, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	AMOUNT	PREMIUM
ALTA Owner's Policy 2006 **Owner's Standard**	$ TBD	$ TBD
Government Lien Search		$ 25.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

   A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

   Timothy M. Miller

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF SHERWOOD, COUNTY OF WASHINGTON, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

   SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Order No.: 472520004169

EXHIBIT "A"

Legal Description

A portion of that certain tract of land in the Southwest quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, described in that certain contract to Brian Reed Puzziss recorded as Document No. 83019057, Washington County, Oregon, Deed Records, said portion being more particularly described as follows:

Beginning at an iron rod on the South line of said Puzziss Tract, which point bears South 65°41'52" East 409.25 feet from the Southwest corner thereof, and running thence North 05°53'10" East 360.00 feet to an iron rod; thence North 09°02'41" West 139.67 feet to an iron rod; thence North 05°53'10" East 210.00 feet to an iron rod, which bears Southerly 40.00 feet (when measured at right angles) from the North line of the Southwest quarter of said Section 33; thence South 89°29'17" West, parallel with said North line, 390.00 feet to a point on the Easterly right-of-way line of Murdock Road (County Road No. 2257); thence Northwesterly, along a 447.46 foot radius curve to the right (the long chord of which bears North 12°37'04" West 40.91 feet) 40.92 feet, to a point on the North line of said Southwest quarter; thence along the boundary of said Puzziss tract, North 89°29'17" East 697.05 feet, South 05°53'10" West 863.26 feet and North 65°41'52" West 270.00 feet to the point of beginning.

Order No.: 472520004169

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.

5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

SPECIFIC ITEMS AND EXCEPTIONS

6. City Liens, if any, in favor of the City of Sherwood. An inquiry has been directed to the City Clerk concerning the status of said liens and a report will follow if such liens are found.

7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Hazel E. Foster
Purpose:	Utilities
Recording Date:	November 13, 1986
Recording No:	86-052740
Affects:	Reference is hereby made to said document for full particulars

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Portland General Electric Company
Purpose:	Underground distribution line
Recording Date:	December 8, 1989
Recording No:	89-059742
Affects:	Reference is hereby made to said document for full particulars

9. In order to complete this report, the Company requires a Statement of Information to be completed by the following party(s),

   Party(s): Timothy M. Miller

   The Company reserves the right to add additional items or make further requirements after review of the requested Statement of Information.

   NOTE: The Statement of Information is necessary to complete the search and examination of title under this order. Any title search includes matters that are indexed by name only, and having a completed Statement of Information assists the Company in the elimination of certain matters which appear to involve the parties but in fact affect another party with the same or similar name. Be assured that the Statement of Information is essential and will be kept strictly confidential to this file.

10. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.

11. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

    To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

12. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

    To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

ADDITIONAL REQUIREMENTS/NOTES:

A. Property taxes for the fiscal year shown below are paid in full.

Fiscal Year:	2019-2020
Amount:	$9,953.61
Levy Code:	088.10
Account No.:	R1449882
Map No.:	2S133CB00200

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

B. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA policy unless removed prior to issuance.

C. Note: The name(s) of the proposed insured(s) furnished with this application for title insurance is/are:

No names were furnished with the application. Please provide the name(s) of the buyers as soon as possible.

Order No.: 472520004169

D. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

E. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

F. Washington County imposes a transfer tax of $1.00 per $1,000 (or fraction thereof) of the selling price in a real estate transfer, unless the county approves an exemption application. Exemption criteria and applications are available at the county's website, see: http://www.co.washington.or.us/AssessmentTaxation/Recording/TransferTaxExemption/index.cfm.

G. Note: No search has been made or will be made for water, sewer, or storm drainage charges unless the city/service district claims them as liens (i.e., foreclosable) and reflects them on its lien docket at the date of closing. Buyers should check with the appropriate city bureau or water/service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.

H. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

I. Recording Charge (Per Document) is the following:

County	First Page	Each Additional Page
Multnomah	$86.00	$5.00
Washington	$81.00	$5.00
Clackamas	$93.00	$5.00

Note: When possible the company will record electronically. An additional charge of $5.00 applies to each document that is recorded electronically.

Note: Please send any documents for recording to the following address:
Portland Title Group
Attn: Recorder
1433 SW 6th Ave.
Portland, OR. 97201

J. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.

K. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

Order No.: 472520004169

L. NOTE: IMPORTANT INFORMATION REGARDING PROPERTY TAX PAYMENTS

Fiscal Year:	July 1st through June 30th
Taxes become a lien on real property, but are not yet payable:	July 1st
Taxes become certified and payable (approximately on this date):	October 15th
First one third payment of taxes is due:	November 15th
Second one third payment of taxes is due:	February 15th
Final payment of taxes is due:	May 15th

Discounts: If two thirds are paid by November 15th, a 2% discount will apply. If the full amount of the taxes are paid by November 15th, a 3% discount will apply.

Interest: Interest accrues as of the 15th of each month based on any amount that is unpaid by the due date. No interest is charged if the minimum amount is paid according to the above mentioned payment schedule.

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions or location of any improvement erected on the land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed or agreed to by the Insured Claimant;
   (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions or location of any improvement erected on the land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed or agreed to by the Insured Claimant;
   (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

WIRE SAFE™ | Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
http://www.fbi.gov

Internet Crime Complaint Center:
http://www.ic3.gov

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FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE

Effective April 9, 2020

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (https://fnf.com/pages/californiaprivacy.aspx) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes; Use of Comments or Feedback

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice. We may use comments or feedback that you submit to us in any manner without notice or compensation to you.

Accessing and Correcting Information; Contact Us

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests to privacy@fnf.com, by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

Fidelity National Title
Client Services Group
900 SW 5th Ave, Mezzanine
Portland, OR 97204
O: 503-227-5478 F: 503-274-5472
csrequest@fnf.com

Thursday, October 08, 2020

The enclosed radius search was created using data purchased from GeoAdvantage and Metro. This data is derived from county tax records and is deemed reliable, but is not guaranteed. Fidelity National Title cannot be held liable for any additions, deletions, or errors in this search.

This research was completed on the date stated above.

Thank you.

Enclosures:

- Data summary of parcels to be notified
- Map of subject parcel, radius, and parcels to be notified
- County assessor maps for parcels to be notified
- Labels

Owner Name: J T Roth Construction Inc
Co-Owner:
Site Addr: 23120 SW Murdock Rd Sherwood OR 97140
Owner Addr: 12600 SW 72nd Ave 200 Tigard OR 97223
Bedroom: 4 **Bath:** 4 **Year Blt:** 1992
Legal: ACRES 9.95

Parcel ID: R1292443 **Tax ID:** 2S133CB00100
Recording Date: 04/03/2020
Use: Urban Developable Tract Improved
Assessed Total: $693,330.00 **Sale Price:**
Bldg SqFt: 5,148 SqFt **Acres:** 9.95 Acres

Owner Name: Miller, Timothy M
Co-Owner:
Site Addr: 23008 SW Murdock Rd Sherwood OR 97140
Owner Addr: PO Box 398 Sherwood OR 97140
Bedroom: 4 **Bath:** 3 **Year Blt:** 1988
Legal: ACRES 5.37

Parcel ID: R1449882 **Tax ID:** 2S133CB00200
Recording Date: 06/13/2012
Use: Urban Developable Tract Improved
Assessed Total: $525,950.00 **Sale Price:** $243,250.00
Bldg SqFt: 3,283 SqFt **Acres:** 5.37 Acres

Fidelity National Title PORTLAND

ParcelID	Site Address	Site City	Site ZIP	Acres	Bldg Area	Fin Area	Owner
R1173349	22778 SW Cochran Dr	Sherwood	97140	0.16 Acres	2,116 SqFt	2,116 SqFt	Codling, Michael D
R1173358	22790 SW Cochran Dr	Sherwood	97140	0.21 Acres	1,994 SqFt	1,994 SqFt	Ruehl, E Martin
R1173367	22798 SW Cochran Dr	Sherwood	97140	0.20 Acres	1,640 SqFt	1,640 SqFt	Sinclair, Jeffery L
R1173376	22848 SW Upper Roy St	Sherwood	97140	0.19 Acres	2,560 SqFt	2,560 SqFt	Crosby, Michael
R1173385	14675 SW May Ct	Sherwood	97140	0.17 Acres	1,032 SqFt	1,032 SqFt	Tautfest, Shelly M
R1173394	14647 SW May Ct	Sherwood	97140	0.17 Acres	1,789 SqFt	1,789 SqFt	Roach, Walter S
R1173401	14631 SW May Ct	Sherwood	97140	0.17 Acres	1,789 SqFt	1,789 SqFt	Gray, Brian James
R1173410	14619 SW May Ct	Sherwood	97140	0.22 Acres	1,728 SqFt	1,728 SqFt	Ferland, Thomas Scott Jr
R1173429	14605 SW May Ct	Sherwood	97140	0.19 Acres	1,444 SqFt	1,444 SqFt	Stieg, Terri L
R1173438	14610 SW May Ct	Sherwood	97140	0.24 Acres	1,050 SqFt	1,050 SqFt	Bettis, Joey R
R1173447	14624 SW May Ct	Sherwood	97140	0.23 Acres	1,008 SqFt	1,008 SqFt	Kelsch, Jordan T
R1173456	14638 SW May Ct	Sherwood	97140	0.18 Acres	1,040 SqFt	1,040 SqFt	White, Sierra Rene
R1173465	14652 SW May Ct	Sherwood	97140	0.22 Acres	1,040 SqFt	1,040 SqFt	Goff, Joshua R
R1173474	14668 SW May Ct	Sherwood	97140	0.22 Acres	1,368 SqFt	1,368 SqFt	Kuehn, Michael
R1173483	14682 SW May Ct	Sherwood	97140	0.21 Acres	1,032 SqFt	1,032 SqFt	Evitts, Lauren A
R1173492	14696 SW May Ct	Sherwood	97140	0.19 Acres	1,560 SqFt	1,560 SqFt	Allison, Juanita Gail
R1173508	22912 SW Upper Roy St	Sherwood	97140	0.18 Acres	1,032 SqFt	1,032 SqFt	Lebrun, Julie M
R1173517	14863 SW Division St	Sherwood	97140	0.21 Acres	1,195 SqFt	1,195 SqFt	Davis, Scott P
R1173526	23015 SW Mansfield St	Sherwood	97140	0.22 Acres	1,446 SqFt	1,446 SqFt	McCall, Andrew
R1173535	22917 SW Upper Roy St	Sherwood	97140	0.19 Acres	1,084 SqFt	1,084 SqFt	Cornelius, James E
R1173544	22905 SW Upper Roy St	Sherwood	97140	0.16 Acres	1,782 SqFt	1,782 SqFt	Pratt, Jessica S
R1173553	22807 SW Upper Roy St	Sherwood	97140	0.17 Acres	1,412 SqFt	1,412 SqFt	Bravo, Justino
R1173562	14826 SW Cochran St	Sherwood	97140	0.19 Acres	1,092 SqFt	1,092 SqFt	Landauer, Larry & Marilyn
R1173571	14838 SW Cochran St	Sherwood	97140	0.20 Acres	1,070 SqFt	1,070 SqFt	Olinger, Elvira L
R1173615	14815 SW Cochran St	Sherwood	97140	0.17 Acres	1,072 SqFt	1,072 SqFt	Ely, Joseph S
R1173633	23018 SW Mansfield St	Sherwood	97140	0.19 Acres	1,008 SqFt	1,008 SqFt	Nelson, Randal Denton Jr
R1173642	23036 SW Mansfield St	Sherwood	97140	0.17 Acres	1,008 SqFt	1,008 SqFt	Raibley, Jonathan L
R1173651	23054 SW Mansfield St	Sherwood	97140	0.16 Acres	1,032 SqFt	1,032 SqFt	Watson, Ira J
R1173660	23049 SW Mansfield St	Sherwood	97140	0.18 Acres	1,008 SqFt	1,008 SqFt	Bellinger, Toni L
R1173722	22965 SW Upper Roy St	Sherwood	97140	1.51 Acres			Sherwood, City Of
R1277353	23000 SW Murdock Rd	Sherwood	97140	4.88 Acres	2,124 SqFt	2,124 SqFt	Jt Roth Construction Inc
R2000662	23072 SW Mansfield St	Sherwood	97140	0.17 Acres	1,324 SqFt	3,136 SqFt	Brown, Christopher J
R2000663	23090 SW Mansfield St	Sherwood	97140	0.17 Acres	1,130 SqFt	1,130 SqFt	McLeod, Allen D
R2000664	23096 SW Mansfield St	Sherwood	97140	0.17 Acres	1,040 SqFt	1,040 SqFt	Serna, Adrianne
R2000665	23095 SW Mansfield St	Sherwood	97140	0.19 Acres	1,304 SqFt	1,304 SqFt	McNeil, Steven
R2000666	23083 SW Mansfield St	Sherwood	97140	0.18 Acres	1,336 SqFt	1,336 SqFt	Lukens, Debra A
R2000667	23075 SW Mansfield St	Sherwood	97140	0.18 Acres	1,040 SqFt	1,040 SqFt	Cook, Dustin C
R2007010	22520 SW Fairoaks Ct	Sherwood	97140	1.20 Acres	2,040 SqFt	2,040 SqFt	Sparks Family Living Trus
R2007011	22550 SW Fairoaks Ct	Sherwood	97140	2.49 Acres	1,994 SqFt	1,994 SqFt	Bolliger, Michael E Rev Li
R2007012	14391 SW Fairoaks Dr	Sherwood	97140	0.93 Acres	2,790 SqFt	2,630 SqFt	Folske, James R
R2007013	14345 SW Fairoaks Dr	Sherwood	97140	1.02 Acres			Dressel Family Rev Trust

R2007014	14331 SW Fairoaks Dr	Sherwood	97140	4.39 Acres	5,812 SqFt	5,812 SqFt	Corrado C W & K S L/Tr
R2007015	14325 SW Fairoaks Dr	Sherwood	97140	1.00 Acres			Corrado C W & K S L/Tr
R2007016	14300 SW Fairoaks Dr	Sherwood	97140	1.01 Acres	3,972 SqFt	3,972 SqFt	Brim, David N
R2007017	14340 SW Fairoaks Dr	Sherwood	97140	1.00 Acres	2,284 SqFt	2,604 SqFt	Vanfleet, Andrew
R2007018	14410 SW Fairoaks Dr	Sherwood	97140	0.98 Acres	3,017 SqFt	3,017 SqFt	Fletcher, Jeff B
R2007019	14490 SW Fairoaks Dr	Sherwood	97140	1.02 Acres	1,954 SqFt	1,954 SqFt	Gavin, Martin J
R2007020		Sherwood	97140	1.00 Acres			Tietje, Craig
R2007021		Sherwood	97140	0.85 Acres			United States Of America
R2008947	13900 SW McKinley Dr	Sherwood	97140	19.86 Acres			Immanuel, Mary Esther
R2017588		Sherwood	97140	3.01 Acres			Eci Group LLC
R2017589	23500 SW Murdock Rd	Sherwood	97140	3.06 Acres	5,340 SqFt	5,340 SqFt	Walker, Roger E
R2019381		Sherwood	97140	12.69 Acres			United States Of America
R2022299	22836 SW Kathy St	Sherwood	97140	0.21 Acres	1,512 SqFt	1,512 SqFt	Bencomo, John
R2022300	22822 SW Kathy St	Sherwood	97140	0.19 Acres	1,496 SqFt	1,496 SqFt	Micheo, Patti
R2022301	22810 SW Kathy St	Sherwood	97140	0.17 Acres	1,581 SqFt	1,581 SqFt	Wilson, Ronald D
R2022302	22788 SW Kathy St	Sherwood	97140	0.16 Acres	1,470 SqFt	1,470 SqFt	Sherwood, Sharon Ann
R2022303	22756 SW Kathy St	Sherwood	97140	0.15 Acres	1,604 SqFt	1,604 SqFt	Alger, Matthew S
R2022304	22734 SW Kathy St	Sherwood	97140	0.14 Acres	1,610 SqFt	1,610 SqFt	Asai, Jennifer M
R2022305	22722 SW Kathy St	Sherwood	97140	0.14 Acres	1,707 SqFt	1,707 SqFt	Ladd, Gary A
R2022306	22700 SW Kathy St	Sherwood	97140	0.14 Acres	1,624 SqFt	1,624 SqFt	Osenton 2002 Trust
R2022307	22678 SW Kathy St	Sherwood	97140	0.14 Acres	1,812 SqFt	1,812 SqFt	Francis, Chase L
R2022308	22656 SW Kathy St	Sherwood	97140	0.14 Acres	1,378 SqFt	1,378 SqFt	Bolden, Toby G
R2022309	22634 SW Kathy St	Sherwood	97140	0.14 Acres	1,532 SqFt	1,532 SqFt	Gressel, Jordan L
R2022310	14520 SW Willamette St	Sherwood	97140	0.15 Acres	1,792 SqFt	1,792 SqFt	Furrow, Cameron H
R2022313	22629 SW Kathy St	Sherwood	97140	0.12 Acres	1,488 SqFt	1,488 SqFt	Hancock Mullen Trust
R2022314	22651 SW Kathy St	Sherwood	97140	0.18 Acres	1,472 SqFt	1,472 SqFt	Middleton, Christian Doug
R2022315	22673 SW Kathy St	Sherwood	97140	0.18 Acres	1,472 SqFt	1,472 SqFt	McLain, Geoffrey
R2022316	22695 SW Kathy St	Sherwood	97140	0.18 Acres	1,485 SqFt	1,485 SqFt	Cash, Dwight C
R2022317	22717 SW Kathy St	Sherwood	97140	0.18 Acres	2,213 SqFt	2,213 SqFt	Starbuck-Boettiger, Carrie
R2022318	22739 SW Kathy St	Sherwood	97140	0.17 Acres	1,977 SqFt	1,977 SqFt	McCormick, Michele R
R2022319	22761 SW Kathy St	Sherwood	97140	0.13 Acres	1,884 SqFt	1,884 SqFt	Francis, Dina M
R2022320	22783 SW Kathy St	Sherwood	97140	0.12 Acres	1,868 SqFt	1,868 SqFt	Lim, Darrell
R2022321	22805 SW Kathy St	Sherwood	97140	0.13 Acres	1,884 SqFt	1,884 SqFt	Bonser, Michael L
R2022322	22827 SW Kathy St	Sherwood	97140	0.13 Acres	1,903 SqFt	1,903 SqFt	Ldd Holdings LLC
R2028962	22849 SW Kathy St	Sherwood	97140	0.13 Acres	1,570 SqFt	1,570 SqFt	Joerg, Brett A
R2028963	22871 SW Kathy St	Sherwood	97140	0.13 Acres	1,778 SqFt	1,778 SqFt	Copeland, Christopher
R2028964	22893 SW Kathy St	Sherwood	97140	0.12 Acres	1,269 SqFt	1,269 SqFt	Reed, Jack F Jr
R2028965	22915 SW Kathy St	Sherwood	97140	0.18 Acres	1,804 SqFt	1,804 SqFt	Lake, Robert R Rev Living
R2028966	22937 SW Kathy St	Sherwood	97140	0.24 Acres	1,799 SqFt	1,799 SqFt	Scott, Christine M
R2028967	22959 SW Kathy St	Sherwood	97140	0.20 Acres	2,013 SqFt	2,013 SqFt	Maginnis, Jeff
R2028968	22981 SW Kathy St	Sherwood	97140	0.12 Acres	1,511 SqFt	1,511 SqFt	Yukumoto, Keith I
R2028969	22926 SW Upper Roy St	Sherwood	97140	0.15 Acres	1,697 SqFt	1,697 SqFt	Sharp, Velma J
R2028970	22948 SW Upper Roy St	Sherwood	97140	0.15 Acres	2,678 SqFt	2,678 SqFt	Wheaton, Sean P
R2028971	22960 SW Upper Roy St	Sherwood	97140	0.14 Acres	2,068 SqFt	2,068 SqFt	Lindberg, Erik C
R2028972	22993 SW Kathy St	Sherwood	97140	0.16 Acres	2,232 SqFt	2,232 SqFt	Robertson, Lori A
R2028973	22996 SW Kathy St	Sherwood	97140	0.16 Acres	1,584 SqFt	1,584 SqFt	Biegel, David

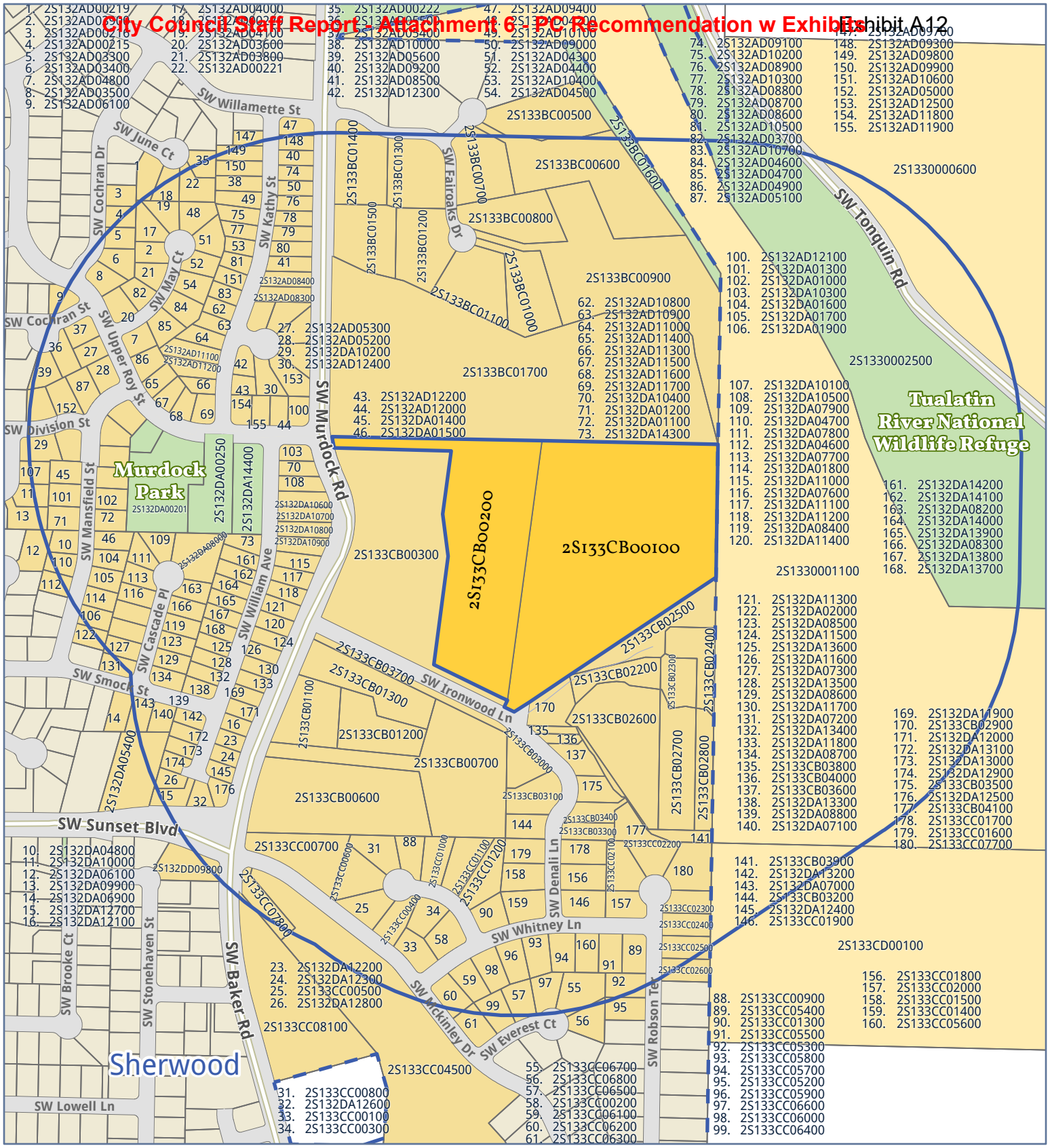
R2028974	22970 SW Upper Roy St	Sherwood	97140	0.14 Acres	1,392 SqFt	1,392 SqFt	Bosworth, Katherine
R2028975	22978 SW Upper Roy St	Sherwood	97140	0.14 Acres	1,682 SqFt	1,682 SqFt	Biggs, Sylvia A Rev Living
R2028976	22998 SW Upper Roy St	Sherwood	97140	0.16 Acres	1,100 SqFt	1,100 SqFt	Sherwood, City Of
R2028977	22984 SW Kathy St	Sherwood	97140	0.12 Acres	1,556 SqFt	1,556 SqFt	Nappi, Charlie
R2028978	22970 SW Kathy St	Sherwood	97140	0.14 Acres	1,506 SqFt	1,506 SqFt	Platt, John W
R2028979	14584 SW Kathy Ct	Sherwood	97140	0.20 Acres	1,481 SqFt	1,839 SqFt	Anderson, Teresa R
R2028980	14552 SW Kathy Ct	Sherwood	97140	0.25 Acres	1,746 SqFt	1,746 SqFt	Houston, Monty R Jr
R2028981	14520 SW Kathy Ct	Sherwood	97140	0.19 Acres	1,570 SqFt	1,570 SqFt	Birdsley, Jason L
R2028982	14525 SW Kathy Ct	Sherwood	97140	0.20 Acres	1,550 SqFt	1,550 SqFt	Evans, Casey J
R2028983	14557 SW Kathy Ct	Sherwood	97140	0.20 Acres	1,911 SqFt	1,911 SqFt	Maki Rev Living Trust
R2028984	14589 SW Kathy Ct	Sherwood	97140	0.15 Acres	1,620 SqFt	1,620 SqFt	Bensel, Chris A
R2028988	14725 SW Sunset Blvd	Sherwood	97140	0.94 Acres	2,813 SqFt	3,020 SqFt	Svela, Bruce P
R2029262	23128 SW Mansfield St	Sherwood	97140	0.18 Acres	1,842 SqFt	1,842 SqFt	Fink, Katharina M
R2029263	23150 SW Mansfield St	Sherwood	97140	0.16 Acres	1,379 SqFt	1,379 SqFt	Dunlap, Robert C
R2029264	23174 SW Mansfield St	Sherwood	97140	0.17 Acres	2,244 SqFt	2,244 SqFt	Tenly Properties Corp
R2029265	23196 SW Mansfield St	Sherwood	97140	0.16 Acres	2,578 SqFt	2,578 SqFt	Tenly Properties Corp
R2029266	23220 SW Mansfield St	Sherwood	97140	0.16 Acres	1,645 SqFt	1,645 SqFt	Nyangoro, Robbi
R2029267	23248 SW Mansfield St	Sherwood	97140	0.16 Acres	1,687 SqFt	1,687 SqFt	Creger, Donald A
R2029359	23189 SW Mansfield St	Sherwood	97140	0.16 Acres	1,575 SqFt	1,575 SqFt	Bryant, Chris
R2029360	23155 SW Mansfield St	Sherwood	97140	0.16 Acres	1,598 SqFt	1,598 SqFt	Swanson, Anthony L
R2029361	23131 SW Mansfield St	Sherwood	97140	0.16 Acres	1,572 SqFt	1,572 SqFt	Brandl, James
R2035187	23228 SW Brittany Pl	Sherwood	97140	0.28 Acres	3,546 SqFt	3,546 SqFt	Dehaze, Pierre
R2036745	14728 SW Smock St	Sherwood	97140	0.21 Acres	1,701 SqFt	1,701 SqFt	Beebe, Doran R
R2036746	14716 SW Smock St	Sherwood	97140	0.18 Acres	2,117 SqFt	2,117 SqFt	Siler, Richard Alan Jr
R2036747	14704 SW Smock St	Sherwood	97140	0.17 Acres	1,411 SqFt	1,411 SqFt	Powell, Donald Dwayne
R2036748	23295 SW Cascade Pl	Sherwood	97140	0.16 Acres	1,453 SqFt	1,453 SqFt	Lamare, Kathryn
R2036749	23277 SW Cascade Pl	Sherwood	97140	0.16 Acres	1,593 SqFt	1,593 SqFt	Chase, Jeffrey L
R2036750	23259 SW Cascade Pl	Sherwood	97140	0.16 Acres	1,730 SqFt	1,730 SqFt	Meredith, Nicholas
R2036751	23237 SW Cascade Pl	Sherwood	97140	0.16 Acres	2,042 SqFt	2,042 SqFt	Zartman, Paul O
R2036752	23219 SW Cascade Pl	Sherwood	97140	0.17 Acres	2,070 SqFt	2,070 SqFt	Hashimoto, Michael M Liv
R2036753	23173 SW Cascade Pl	Sherwood	97140	0.16 Acres	1,687 SqFt	1,687 SqFt	Cannon, Dean M
R2036754	23151 SW Cascade Pl	Sherwood	97140	0.17 Acres	1,496 SqFt	1,496 SqFt	Chan, Joseph L
R2036755	23137 SW Cascade Pl	Sherwood	97140	0.19 Acres	1,981 SqFt	1,981 SqFt	Manasco, Christian Ray
R2036756	23124 SW Cascade Pl	Sherwood	97140	0.26 Acres	1,917 SqFt	1,917 SqFt	Rettmann Family Living T
R2036757	23156 SW Cascade Pl	Sherwood	97140	0.26 Acres	2,068 SqFt	2,068 SqFt	Anderson, William
R2036758	23188 SW Cascade Pl	Sherwood	97140	0.16 Acres	1,633 SqFt	1,633 SqFt	Grosse Kevin E Trust
R2036759	23210 SW Cascade Pl	Sherwood	97140	0.17 Acres	2,002 SqFt	2,002 SqFt	Ring, Gregory P
R2036760	23232 SW Cascade Pl	Sherwood	97140	0.17 Acres	1,666 SqFt	1,666 SqFt	Ahrens, Robert W
R2036761	23254 SW Cascade Pl	Sherwood	97140	0.16 Acres	2,105 SqFt	2,105 SqFt	Magnuson, Jeffrey
R2036762	23272 SW Cascade Pl	Sherwood	97140	0.16 Acres	2,116 SqFt	2,116 SqFt	Casey, Cristin M
R2036763	23298 SW Cascade Pl	Sherwood	97140	0.16 Acres	1,680 SqFt	1,680 SqFt	Bradley, Lisa A
R2036764		Sherwood	97140	0.01 Acres			Sherwood, City Of
R2044564	23048 SW Cuthill Pl	Sherwood	97140	0.25 Acres	2,998 SqFt	2,998 SqFt	Edgell, Robert Alan
R2044565	23034 SW Cuthill Pl	Sherwood	97140	0.19 Acres	3,292 SqFt	3,292 SqFt	Cochrun, Kelly A
R2044566	23020 SW Cuthill Pl	Sherwood	97140	0.17 Acres	3,146 SqFt	3,146 SqFt	Triplett, Matthew C
R2044567	23006 SW Cuthill Pl	Sherwood	97140	0.25 Acres	3,214 SqFt	3,214 SqFt	Tillotson, Joseph L

R2044568	14875 SW Division St	Sherwood	97140	0.20 Acres	1,575 SqFt	1,575 SqFt	Lopez, Bertha M L
R2046435	23010 SW William Ave	Sherwood	97140	0.14 Acres	1,412 SqFt	1,412 SqFt	Freeman, Larea A
R2046436	23028 SW William Ave	Sherwood	97140	0.15 Acres	1,391 SqFt	1,391 SqFt	Gallagher, Tom
R2046437	23046 SW William Ave	Sherwood	97140	0.17 Acres	1,436 SqFt	1,436 SqFt	Lundy, Todd W
R2046438	23068 SW William Ave	Sherwood	97140	0.19 Acres	1,752 SqFt	1,752 SqFt	Hanson, Gregory Joseph
R2046439	23084 SW William Ave	Sherwood	97140	0.21 Acres	1,605 SqFt	1,605 SqFt	Thompson, Troy
R2046440	23102 SW William Ave	Sherwood	97140	0.21 Acres	1,552 SqFt	1,552 SqFt	Lee, Robin
R2046441	23118 SW William Ave	Sherwood	97140	0.20 Acres	1,630 SqFt	1,630 SqFt	Bergman, Sean D
R2046442	23136 SW William Ave	Sherwood	97140	0.18 Acres	1,391 SqFt	1,391 SqFt	Knapp, Jonathan F
R2046443	23154 SW William Ave	Sherwood	97140	0.16 Acres	1,624 SqFt	1,624 SqFt	Chiapella, Stephen T
R2046444	23172 SW William Ave	Sherwood	97140	0.15 Acres	1,563 SqFt	1,563 SqFt	Casey, Edward L Jr
R2046445	23190 SW William Ave	Sherwood	97140	0.16 Acres	1,502 SqFt	1,502 SqFt	Shotwell, Chadd M
R2046446	23208 SW William Ave	Sherwood	97140	0.15 Acres	1,534 SqFt	1,534 SqFt	Ruggiero, Carl J
R2046447	23226 SW William Ave	Sherwood	97140	0.13 Acres	1,624 SqFt	1,624 SqFt	Tilson, Aimee M
R2046448	23244 SW William Ave	Sherwood	97140	0.13 Acres	1,692 SqFt	1,692 SqFt	Gabler, Justin
R2046449	23260 SW William Ave	Sherwood	97140	0.12 Acres	1,536 SqFt	1,536 SqFt	Shelley, Michael W
R2046450	23278 SW William Ave	Sherwood	97140	0.12 Acres	1,521 SqFt	1,521 SqFt	Jo, Tristan J
R2046451	23296 SW William Ave	Sherwood	97140	0.12 Acres	1,384 SqFt	1,384 SqFt	Farr, James F III
R2046452	23314 SW William Ave	Sherwood	97140	0.12 Acres	1,752 SqFt	1,752 SqFt	Tran, Don
R2046453	23332 SW William Ave	Sherwood	97140	0.12 Acres	1,464 SqFt	1,464 SqFt	Leblanc, Carrie
R2046454	23350 SW William Ave	Sherwood	97140	0.12 Acres	1,528 SqFt	1,528 SqFt	Goetz, John B
R2046455	23368 SW William Ave	Sherwood	97140	0.21 Acres	1,663 SqFt	1,663 SqFt	Guthrie, Michael T
R2046456	23384 SW William Ave	Sherwood	97140	0.12 Acres	1,391 SqFt	1,391 SqFt	Antoni, Thomas R Jr
R2046457	23402 SW William Ave	Sherwood	97140	0.13 Acres	1,448 SqFt	1,448 SqFt	Dumasia, Hector D
R2046458	23418 SW William Ave	Sherwood	97140	0.13 Acres	1,679 SqFt	1,679 SqFt	Abesa, Melisa
R2046459	23427 SW William Ave	Sherwood	97140	0.19 Acres	1,342 SqFt	1,342 SqFt	Kloucek, Daniel D
R2046460	23409 SW William Ave	Sherwood	97140	0.13 Acres	1,468 SqFt	1,468 SqFt	Vanderford, Virginia
R2046461	23391 SW William Ave	Sherwood	97140	0.12 Acres	1,646 SqFt	1,646 SqFt	Myers, Lawerence C
R2046462	23375 SW William Ave	Sherwood	97140	0.12 Acres	1,808 SqFt	1,808 SqFt	Wang, David
R2046463	23359 SW William Ave	Sherwood	97140	0.12 Acres	1,793 SqFt	1,793 SqFt	Meisels, Kimberley R
R2046464	23343 SW William Ave	Sherwood	97140	0.12 Acres	1,530 SqFt	1,530 SqFt	Sigamani, Nirmal S
R2046465	23299 SW William Ave	Sherwood	97140	0.14 Acres	1,425 SqFt	1,425 SqFt	Jaeger, Bryan J
R2046466	23285 SW William Ave	Sherwood	97140	0.13 Acres	1,752 SqFt	1,752 SqFt	Martin, Kelly R
R2046467	23267 SW William Ave	Sherwood	97140	0.13 Acres	1,737 SqFt	1,737 SqFt	Bjorndal, Stephen C
R2046468	23251 SW William Ave	Sherwood	97140	0.13 Acres	1,391 SqFt	1,391 SqFt	Garcia, Jessica L
R2046469	23235 SW William Ave	Sherwood	97140	0.14 Acres	1,376 SqFt	1,376 SqFt	Porter, John
R2046470	23217 SW William Ave	Sherwood	97140	0.14 Acres	1,752 SqFt	1,752 SqFt	Parrish, Wilson B
R2046471	23201 SW William Ave	Sherwood	97140	0.14 Acres	1,938 SqFt	1,938 SqFt	Schulz, Amanda Elizabeth
R2046472	23183 SW William Ave	Sherwood	97140	0.15 Acres	1,608 SqFt	1,608 SqFt	Ballard, Lawrence J
R2046473	23165 SW William Ave	Sherwood	97140	0.15 Acres	1,630 SqFt	1,630 SqFt	Lokboj, Tanya
R2046474	23147 SW William Ave	Sherwood	97140	0.15 Acres	1,524 SqFt	1,524 SqFt	Whitmore, Gregory A
R2046475	23125 SW William Ave	Sherwood	97140	0.15 Acres	1,432 SqFt	1,432 SqFt	d'Elia, Jesse
R2046476	22965 SW Upper Roy St	Sherwood	97140	0.69 Acres			Sherwood, City Of
R2077145	14323 SW Whitney Ln	Sherwood	97140	0.26 Acres	3,513 SqFt	3,513 SqFt	Weller, Anthony R
R2077146	23581 SW McLoughlin Ct	Sherwood	97140	0.29 Acres	2,481 SqFt	2,481 SqFt	Silverforb, Robert
R2077147	23559 SW McLoughlin Ct	Sherwood	97140	0.25 Acres	2,260 SqFt	2,260 SqFt	Gulley, Richard S

R2077148	23523 SW McLoughlin Ct	Sherwood	97140	0.28 Acres	5,497 SqFt	5,497 SqFt	Bowman, Todd
R2077149	23517 SW McLoughlin Ct	Sherwood	97140	0.31 Acres	4,073 SqFt	4,073 SqFt	Root Jack B Trust
R2077150	23505 SW McLoughlin Ct	Sherwood	97140	0.44 Acres	4,804 SqFt	4,624 SqFt	Douglass, Jay Paul W
R2077151	14479 SW McKinley Dr	Sherwood	97140	0.93 Acres	4,726 SqFt	4,630 SqFt	Hodge, Trevor L
R2077152	23508 SW McLoughlin Ct	Sherwood	97140	0.33 Acres	3,912 SqFt	3,912 SqFt	Anderson, Ryan J
R2077153	23526 SW McLoughlin Ct	Sherwood	97140	0.24 Acres	3,787 SqFt	3,787 SqFt	Kirby, Brock T
R2077154	23540 SW McLoughlin Ct	Sherwood	97140	0.30 Acres	3,406 SqFt	3,406 SqFt	Logan, Brian S
R2077155	23552 SW McLoughlin Ct	Sherwood	97140	0.41 Acres	2,737 SqFt	2,737 SqFt	Carter Family Rev Trust
R2077156	23574 SW McLoughlin Ct	Sherwood	97140	0.44 Acres	3,435 SqFt	3,435 SqFt	Hawkins, Ryan W
R2077157	23598 SW McLoughlin Ct	Sherwood	97140	0.24 Acres	3,550 SqFt	3,550 SqFt	Charles, Ronald Bart
R2077158	14219 SW Whitney Ln	Sherwood	97140	0.31 Acres	3,471 SqFt	3,471 SqFt	Delacey, William H
R2077159	23557 SW Denali Ln	Sherwood	97140	0.30 Acres	3,599 SqFt	3,599 SqFt	Thrower, Kirsten Victoria
R2077160	23525 SW Denali Ln	Sherwood	97140	0.25 Acres	3,609 SqFt	3,609 SqFt	Edmunds, Robert
R2077161	23524 SW Denali Ln	Sherwood	97140	0.28 Acres	4,115 SqFt	4,115 SqFt	Houghton Living Trust
R2077162	23558 SW Denali Ln	Sherwood	97140	0.30 Acres	4,523 SqFt	4,523 SqFt	Wong, James M Trust
R2077163	23580 SW Denali Ln	Sherwood	97140	0.30 Acres	3,078 SqFt	3,078 SqFt	Reid Family Trust
R2077164	14131 SW Whitney Ln	Sherwood	97140	0.26 Acres	3,080 SqFt	3,080 SqFt	Vezinet, Cedric
R2077165	23553 SW Robson Ter	Sherwood	97140	0.38 Acres	5,221 SqFt	5,102 SqFt	Owens, Kevin
R2077166	23514 SW Robson Ter	Sherwood	97140	0.32 Acres	2,775 SqFt	2,775 SqFt	MacDonald, Charles E
R2077167	23584 SW Robson Ter	Sherwood	97140	0.25 Acres	4,405 SqFt	4,405 SqFt	Barclay Living Trust
R2077168	23606 SW Robson Ter	Sherwood	97140	0.28 Acres	3,125 SqFt	3,028 SqFt	Biggs, Bret P Rev Living T
R2077169	23624 SW Robson Ter	Sherwood	97140	0.28 Acres	5,060 SqFt	5,060 SqFt	Wray Family Trust
R2077170	23652 SW Robson Ter	Sherwood	97140	0.27 Acres	4,595 SqFt	4,595 SqFt	Muessle D A & Megan M
R2077189	14300 SW McKinley Dr	Sherwood	97140	9.95 Acres	1,716 SqFt	1,716 SqFt	Bank Of New York Tr
R2077196	23721 SW Robson Ter	Sherwood	97140	0.23 Acres	3,255 SqFt	3,255 SqFt	Dombek, Robert M
R2077197	23675 SW Robson Ter	Sherwood	97140	0.25 Acres	3,276 SqFt	3,276 SqFt	Gill, Cory R
R2077198	14122 SW Whitney Ln	Sherwood	97140	0.24 Acres	3,637 SqFt	3,637 SqFt	Freixa, Vidal Roger
R2077199	14144 SW Whitney Ln	Sherwood	97140	0.23 Acres	3,171 SqFt	3,171 SqFt	Asbh LLC
R2077200	14166 SW Whitney Ln	Sherwood	97140	0.23 Acres	2,846 SqFt	2,846 SqFt	Deboer, Clarence G
R2077201	14188 SW Whitney Ln	Sherwood	97140	0.25 Acres	2,722 SqFt	2,722 SqFt	Snelling Family Trust
R2077202	14224 SW Whitney Ln	Sherwood	97140	0.25 Acres	3,812 SqFt	3,812 SqFt	Jb Properties Sherwood L
R2077203	14252 SW Whitney Ln	Sherwood	97140	0.25 Acres	2,517 SqFt	2,517 SqFt	Longmire, Timothy A
R2077204	14280 SW Whitney Ln	Sherwood	97140	0.25 Acres	2,661 SqFt	2,661 SqFt	Hoffbuhr, John & Donna L
R2077205	14300 SW Whitney Ln	Sherwood	97140	0.24 Acres	2,359 SqFt	2,359 SqFt	Mang, Norbert V
R2077206	14324 SW Whitney Ln	Sherwood	97140	0.25 Acres	3,555 SqFt	3,555 SqFt	Ngo, My-Trang Thi
R2077207	23797 SW Everest Ct	Sherwood	97140	0.25 Acres	3,555 SqFt	3,555 SqFt	Feller, Douglas W
R2077208	23775 SW Everest Ct	Sherwood	97140	0.24 Acres	3,147 SqFt	3,147 SqFt	Krauter Trust
R2077209	23753 SW Everest Ct	Sherwood	97140	0.25 Acres	2,491 SqFt	2,491 SqFt	McKinney, John J Family
R2077210	23731 SW Everest Ct	Sherwood	97140	0.24 Acres	3,835 SqFt	3,835 SqFt	Barton, Paul B
R2077211	23705 SW Everest Ct	Sherwood	97140	0.40 Acres	3,322 SqFt	3,322 SqFt	Zheng, Wen-Wen
R2077212	23718 SW Everest Ct	Sherwood	97140	0.28 Acres	3,478 SqFt	3,478 SqFt	Edelman Family Rev Trus
R2077221		Sherwood	97140	0.49 Acres			Sherwood, City Of
R2077222		Sherwood	97140	0.34 Acres			Sherwood, City Of
R2087627	23598 SW Stonehaven Sl	Sherwood	97140	0.45 Acres	2,108 SqFt	2,214 SqFt	Tuggy, Nathanael A
R2098914	23364 SW Murdock Rd	Sherwood	97140	0.92 Acres	3,644 SqFt	3,644 SqFt	Rowlands, Mark W
R2098915	23376 SW Murdock Rd	Sherwood	97140	0.92 Acres	3,718 SqFt	3,718 SqFt	Huntington Family Trust

R2098916	23352 SW Murdock Rd	Sherwood	97140	1.16 Acres	3,997 SqFt	3,997 SqFt	Huske, Patrick D
R2152876	14092 SW Ironwood Ln	Sherwood	97140	0.51 Acres	3,844 SqFt	3,970 SqFt	Baugus, James Trust
R2152877	14074 SW Ironwood Ln	Sherwood	97140	0.43 Acres	4,673 SqFt	4,673 SqFt	Fuller Kimberly Trust
R2152878	14056 SW Ironwood Ln	Sherwood	97140	0.61 Acres	4,599 SqFt	4,424 SqFt	Brandt, Michael Steven
R2152879	14039 SW Ironwood Ln	Sherwood	97140	0.92 Acres	4,688 SqFt	4,688 SqFt	Byeman, Fred Jr
R2152880		Sherwood	97140	2.04 Acres			Ironwood Homes Inc
R2152881		Sherwood	97140	1.13 Acres			Ironwood Homes Inc
R2152882		Sherwood	97140	0.53 Acres			Ironwood Homes Inc
R2152883		Sherwood	97140	0.41 Acres			Ironwood Homes Inc
R2156287		Sherwood	97140	0.18 Acres			Sherwood, City Of
R2165518		Sherwood	97140	0.00 Acres			Sherwood, City Of
R2165520		Sherwood	97140	0.00 Acres			Sherwood, City Of
R2165524		Sherwood	97140	0.00 Acres			Sherwood, City Of
R2211172		Sherwood	97140	0.36 Acres			Jt Roth Construction Inc
R2211173		Sherwood	97140	0.45 Acres			Jt Roth Construction Inc
R2211174		Sherwood	97140	0.25 Acres			Jt Roth Construction Inc
R2211175				0.23 Acres			Wollmann Trust
R2211176		Sherwood	97140	0.25 Acres			Jt Roth Construction Inc
R2211177		Sherwood	97140	0.24 Acres			Jt Roth Construction Inc
R2211178		Sherwood	97140	0.26 Acres			Jt Roth Construction Inc
R2211179		Sherwood	97140	0.39 Acres			Denali, Hoa
R2211180		Sherwood	97140	0.09 Acres			Sherwood, City Of
R2211181		Sherwood	97140	0.26 Acres			Denali, Hoa
R2211182		Sherwood	97140	0.10 Acres			Denali, Hoa
R2211183		Sherwood	97140	0.27 Acres			Denali, Hoa

Exhibit A12



Subject property
Notification radius
Notification parcels
City limits
Parks
Incorporated area

Fidelity National Title
PORTLAND

Map prepared 10/8/2020
by Fidelity National Title
503.227.5478 ~ csrequest@fnf.com

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

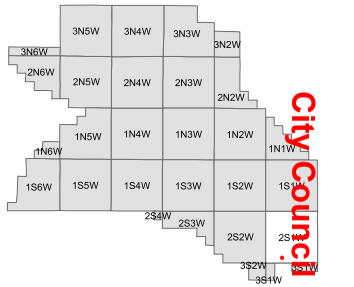
600

Data Sources: Metro RLIS, CoreLogic
Oregon Metro, Bureau of Land Management, State of Oregon GEO, State of Oregon, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, U.S. Forest Service

0 500 1,000 Feet



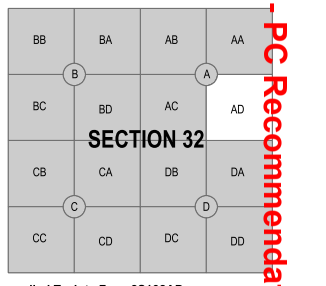
2S132AD



WASHINGTON COUNTY OREGON
SE 1/4 NE 1/4 SECTION 32 T2S R1W W.M.
SCALE 1"= 100'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 2S132AD
201,300,400,500,501,7001,303,302,6900,6300,

Feet
0 50 100 200 300

Assessment
CARTOGRAPHY
Taxation

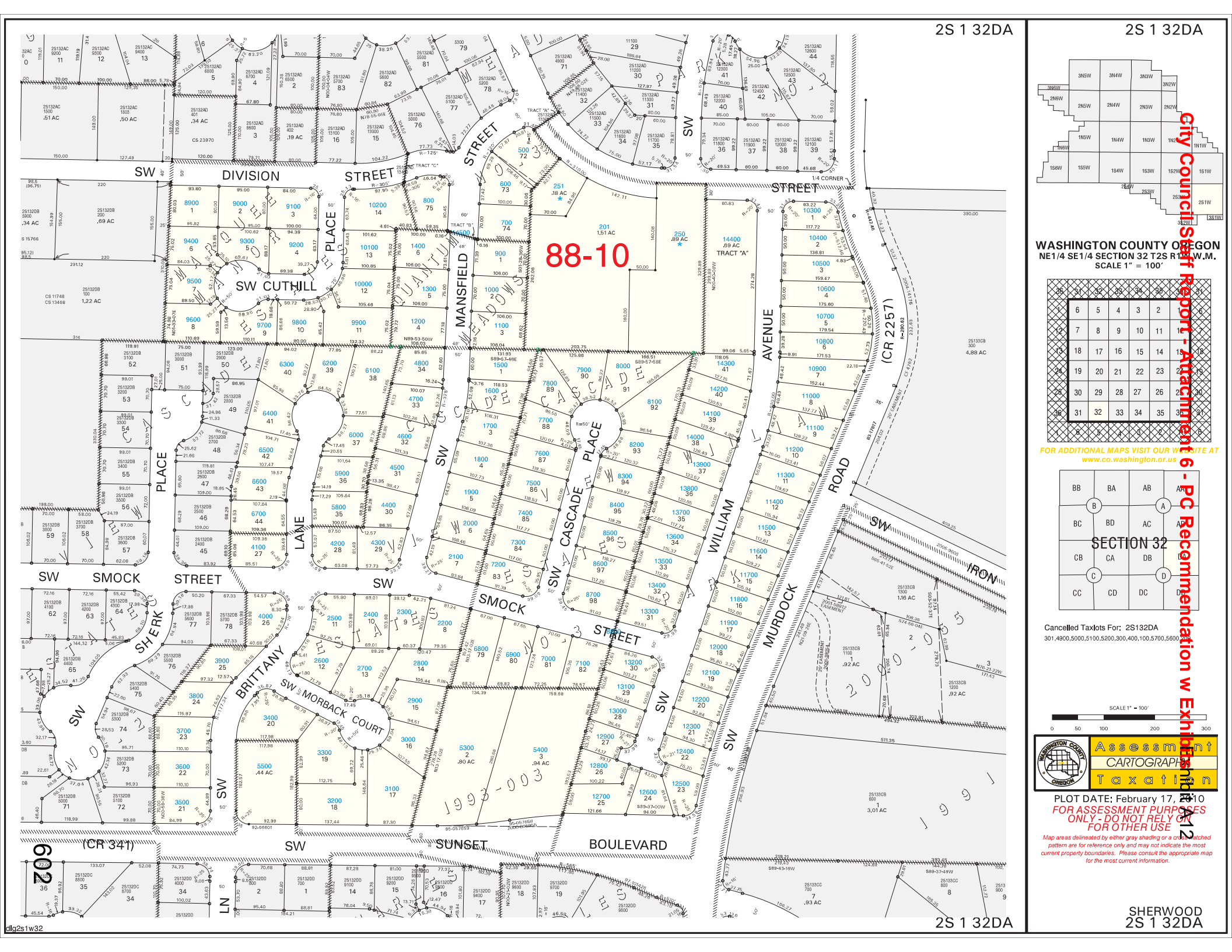
PLOT DATE: 8/8/2019
Rotation: 0
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

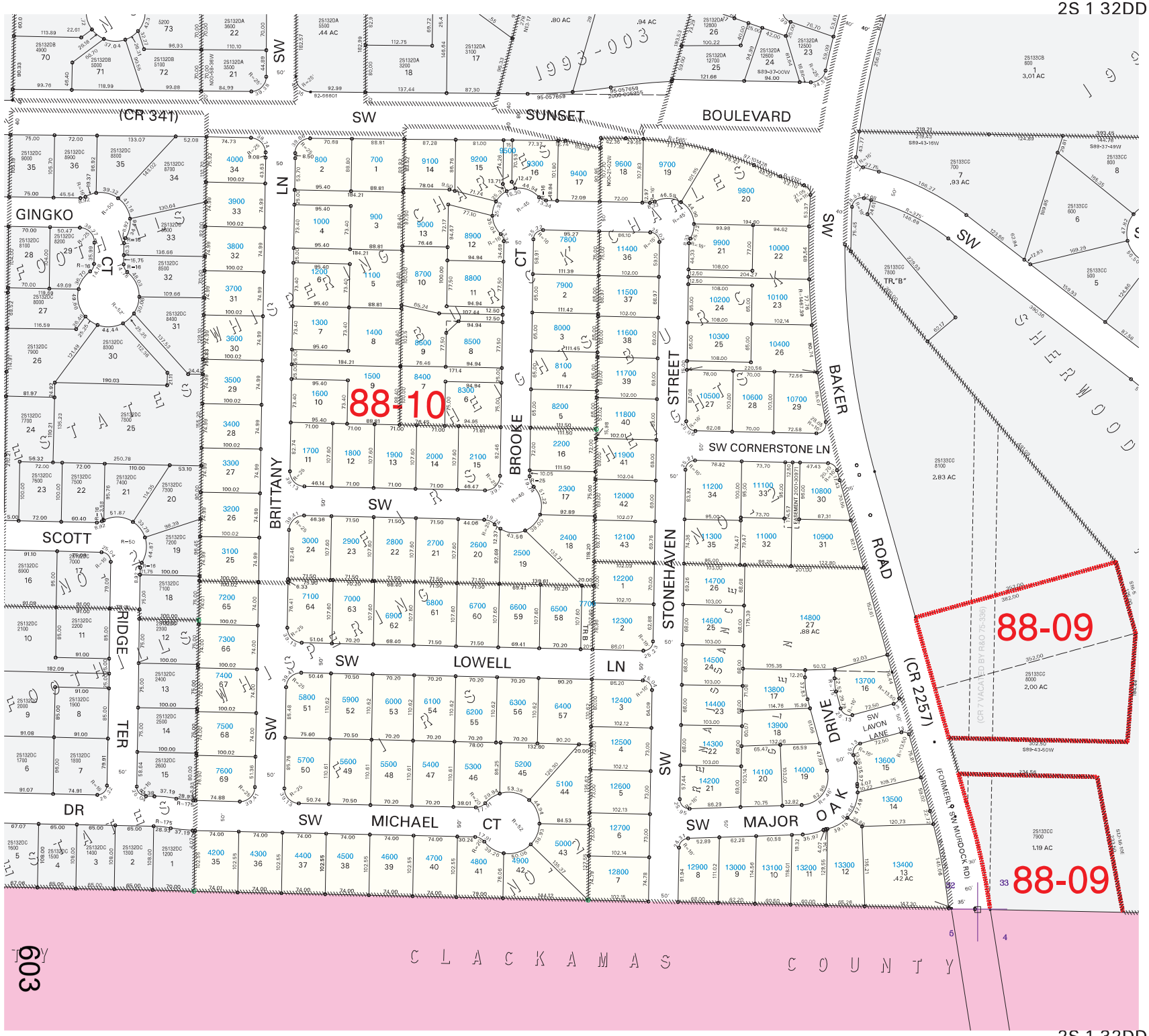
Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

SHERWOOD
2S132AD

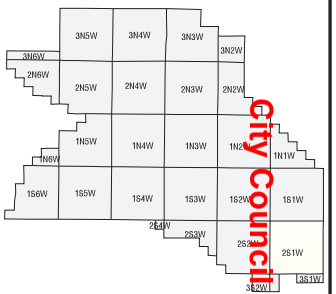
Digmap

City Council Staff Report - Attachment 6 - PC Recommendation w Exhibits
Exhibit A12


2S 1 32DA
88-10
SW DIVISION STREET
SW CUTHILL STREET
SW SMOCK STREET
SW SUNSET BOULEVARD
SW PLACE
SW LANE
SW MANSFIELD AVENUE
SW CASCADE PLACE
SW WILLIAM MURDOCK ROAD
SW IRON
SW SHERK
SW BRITTANY
SW MORBACK COURT
(CR 2257)
(CR 341)
1/4 CORNER
TRACT "A"
TRACT "B"
TRACT "C"
CS 23970
CS 11748
CS 13468
CS 15766
2S132DB 100 1,22 AC
2S132DB 200 ,69 AC
2S132DB 5900 ,34 AC
2S132AC 1500 ,51 AC
2S132AC 9500 ,50 AC
2S132AD 401 ,34 AC
2S132AD 6600 ,19 AC
2S132AD 602 ,19 AC
2S132AD 13000 ,19 AC
2S132AD 13100 ,19 AC
2S132AD 5000 ,19 AC
2S132AD 5100 ,19 AC
2S132AD 5200 ,19 AC
2S132AD 5700 ,19 AC
2S132AD 5800 ,19 AC
2S132AD 6800 ,19 AC
2S132AD 6900 ,19 AC
2S132AD 11600 ,19 AC
2S132AD 11700 ,19 AC
2S132AD 11800 ,19 AC
2S132AD 11900 ,19 AC
2S132AD 12000 ,19 AC
2S132AD 12100 ,19 AC
2S132AD 12200 ,19 AC
2S132AD 12300 ,19 AC
2S132AD 12400 ,19 AC
2S132AD 12500 ,19 AC
2S132AD



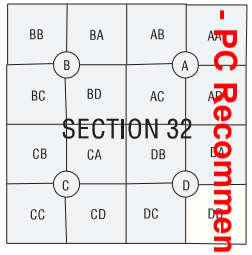
2S 1 32DD



WASHINGTON COUNTY OREGON
SE1/4 SE1/4 SECTION 32 T2S R1W W.M.
SCALE 1" = 100'

25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 2S132DD
4100,600,100,200,300,400,500,13701,

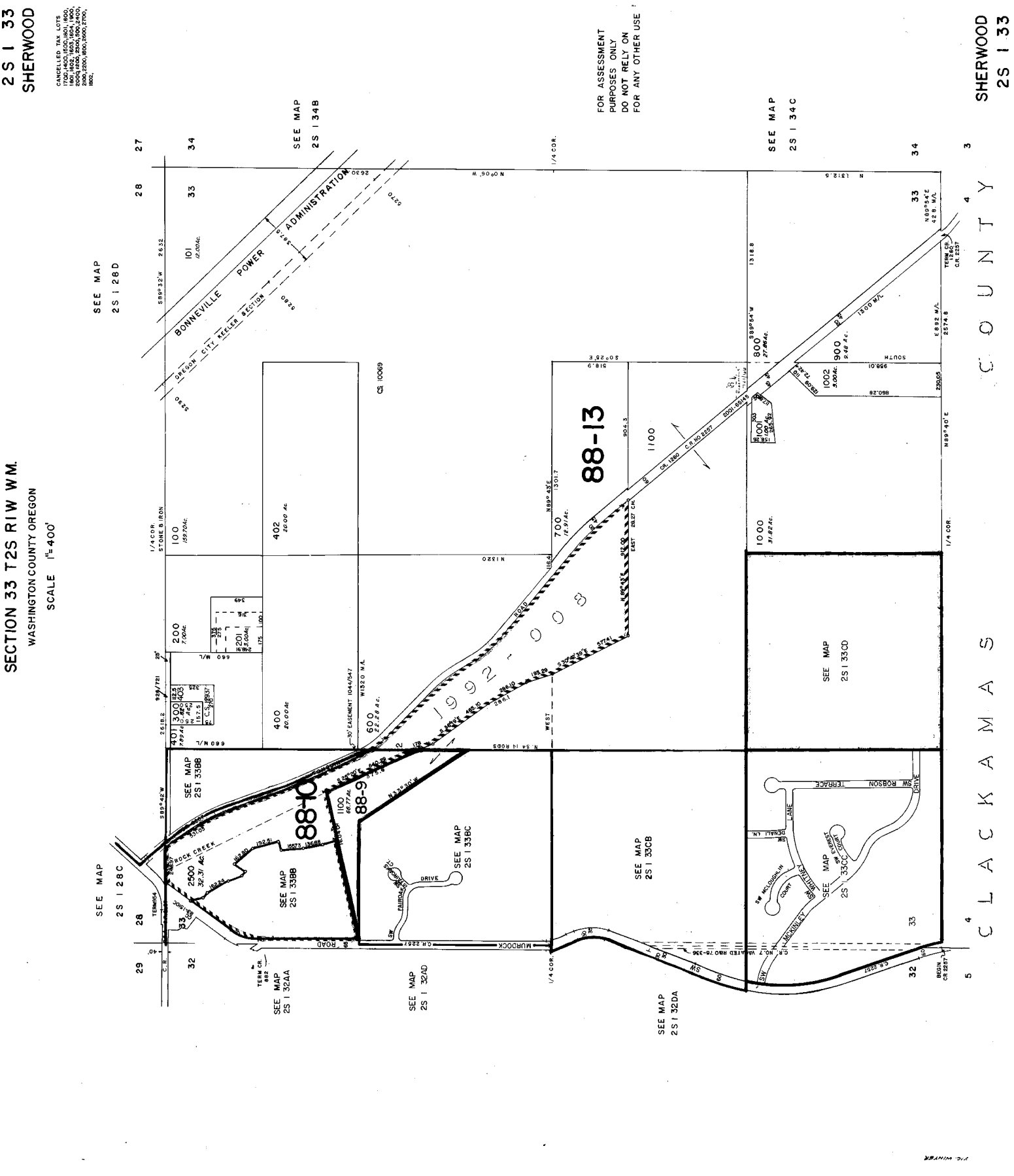
Assessment Cartography & Taxation

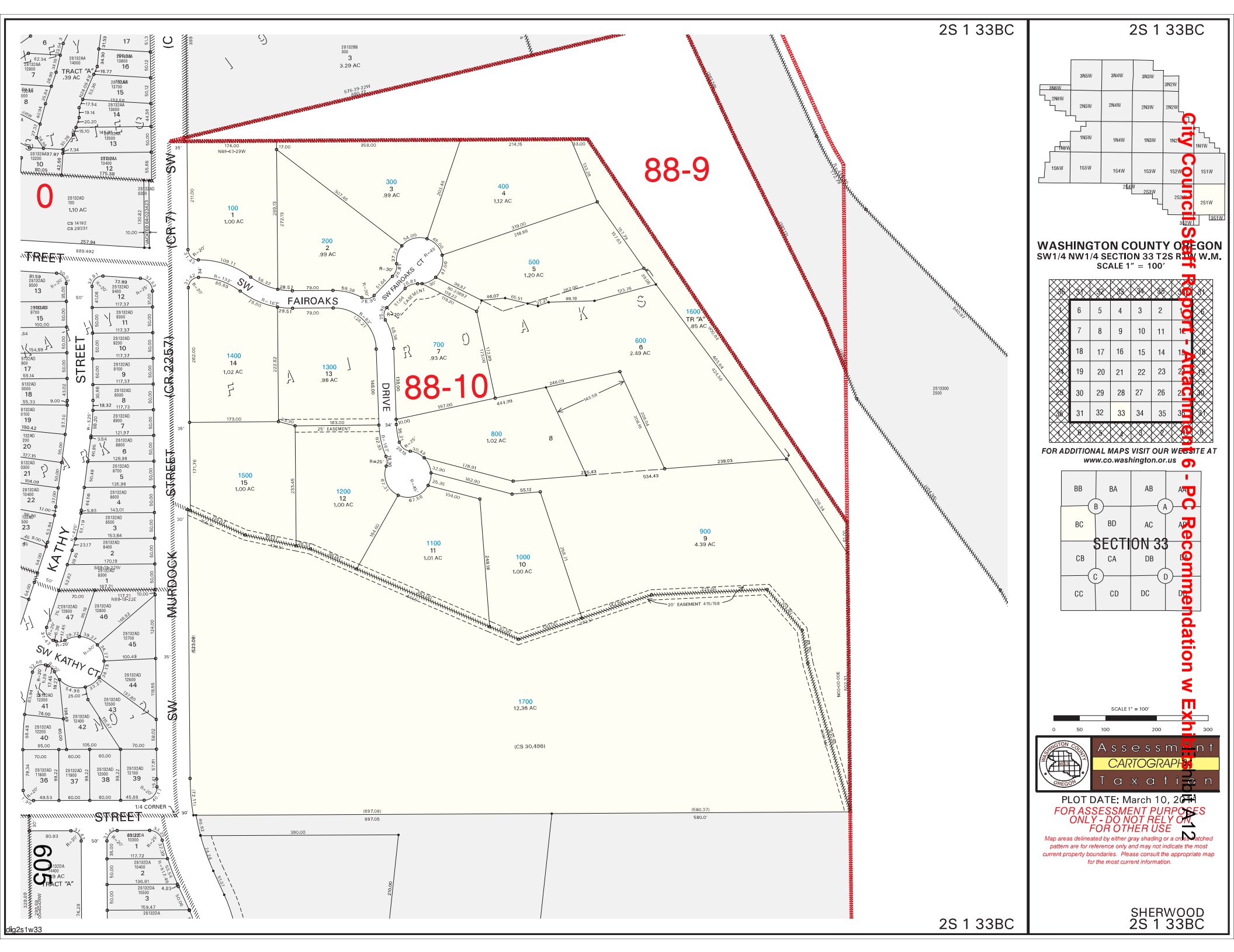
PLOT DATE: February 02, 2009
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

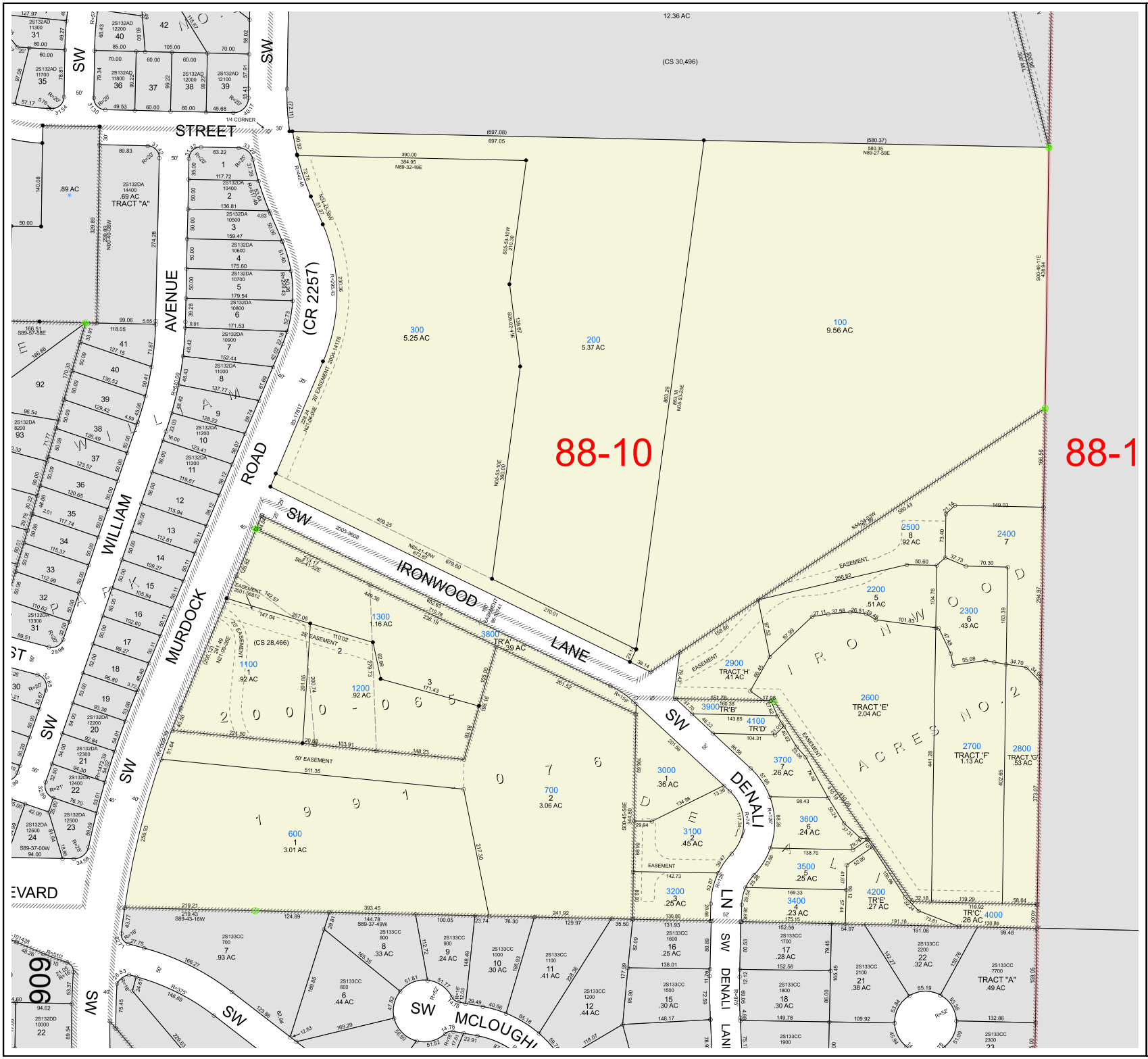
Map areas delineated by either gray shading or a cross hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

SHERWOOD
2S 1 32DD

City Council Staff Report - Attachment 6 - PC Recommendation w Exhibits A-2


2 S I 33
SHERWOOD
SECTION 33 T2S R1W W.M.
WASHINGTON COUNTY OREGON
SCALE 1"= 400'
SHERWOOD
2S I 33
C O U N T Y
C L A C K A M A S
FOR ASSESSMENT PURPOSES ONLY
DO NOT RELY ON FOR ANY OTHER USE
CANCELLED TAX LOTS
SEE MAP 2S I 34B
SEE MAP 2S I 34C
SEE MAP 2S I 28D
SEE MAP 2S I 28C
SEE MAP 2S I 33B
SEE MAP 2S I 33C
SEE MAP 2S I 33CD
SEE MAP 2S I 33CB
SEE MAP 2S I 32AA
SEE MAP 2S I 32AD
SEE MAP 2S I 32DA
BONNEVILLE POWER ADMINISTRATION
OREGON CITY FEEDER SECTION
ROCK CREEK
MURDOCK ROAD
SW ROBSON TERRACE
SW DENALI LANE
SW MCLOUGHLIN COURT
SW MCKINLEY DRIVE
SW FAIRGROUND DRIVE
88-10
88-9
88-13
1992-008
100
101
200
201
300
400
401
402
500
600
700
800
900
1000
1002
1100
2500


2S 1 33BC
88-9
88-10
SW FAIROAKS CT
SW FAIROAKS
DRIVE
SW MURDOCK STREET (CR 2257)
SW KATHY CT
KATHY STREET
TRACT "A"
.39 AC
1.10 AC
1.00 AC
.99 AC
1.12 AC
1.20 AC
.93 AC
2.49 AC
1.02 AC
.98 AC
1.00 AC
1.01 AC
4.39 AC
12.36 AC
1.02 AC
1.00 AC
1.00 AC
1.00



WASHINGTON COUNTY OREGON
NW 1/4 SW 1/4 SECTION 33 T2S R1W W.M.
SCALE 1"= 100'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

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BB	BA	AB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD

SECTION 33

Cancelled Taxlots For: 2S133CB
400,500,800,900,1400,1500,1600,1700,1800,
1900,2000,2100,1000,

Feet
0 50 100 200 300

Assessment CARTOGRAPHY Taxation

PLOT DATE: 6/25/2020
Rotation: 0

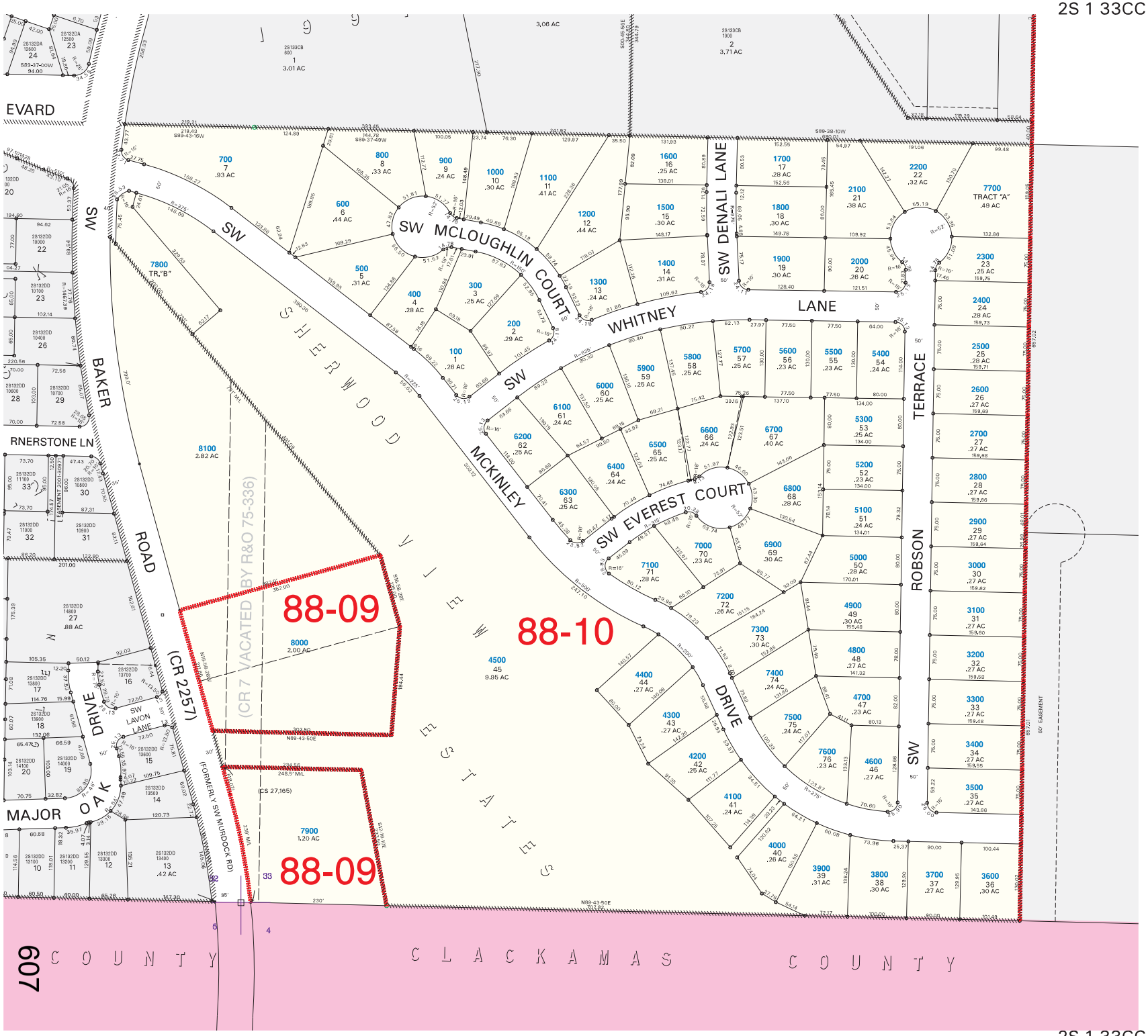
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

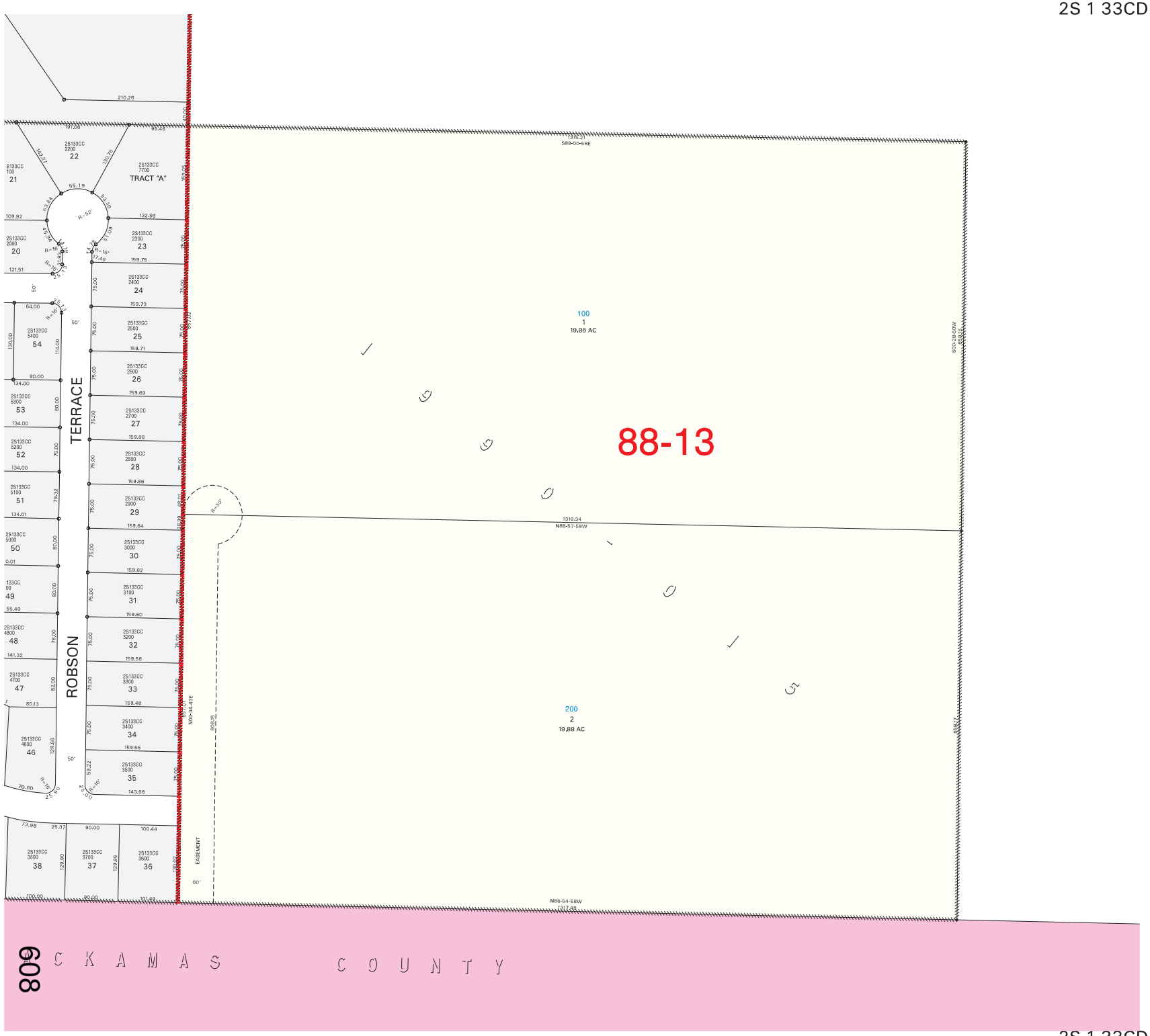
Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

SHERWOOD
2S133CB

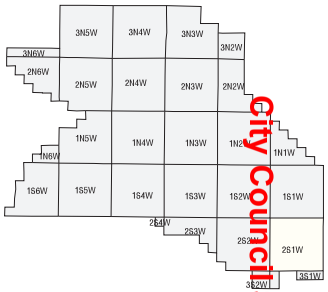
Digmap

City Council Staff Report - Attachment 6 - PC Recommendation w Exhibits - Exhibit A12

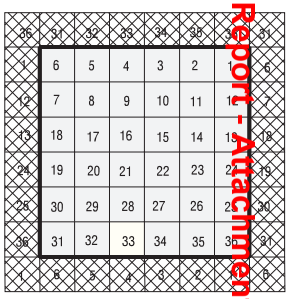

2S 1 33CC
EVARD
SW MCLOUGHLIN COURT
SW DENALI LANE
WHITNEY
LANE
SW
SW
SW



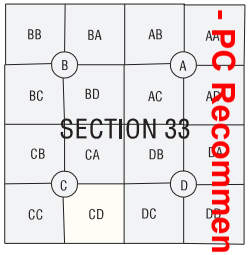
2S 1 33CD



WASHINGTON COUNTY OREGON
SE1/4 SW1/4 SECTION 33 T2S R1W W.M.
SCALE 1" = 100'



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www.co.washington.or.us



Assessment
CARTOGRAPHY
Taxation

PLOT DATE: March 05, 2013

FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

City Council Staff Report - Attachment 6 - PC Recommendation w Exhibits A-2

2S 1 33CD

EMERIO
Design

May 18, 2020

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

RE: NOTICE OF NEIGHBORHOOD MEETING

Dear Property Owner,

I, Steve Miller, with Emerio Design, LLC, am representing the developer of the property shown on the attached map, located at 23008 SW Murdock Rd, just north of SW Ironwood Lane, Sherwood. This property can be legally identified as 2S133CB00200 and is zoned Very Low Density Residential (VLDR).

We are considering a proposed Planned Unit Development (PUD) for a 17 – Lot Subdivision. Before applying to the City of Sherwood Planning Department, I would like to take the opportunity to discuss the proposal with you.

The virtual Zoom Neighborhood meeting is scheduled for:

Tuesday, June 2nd, 2020
Join Zoom Meeting URL:
https://us02web.zoom.us/j/88379051038
Meeting begins promptly at 6:00 PM

The purpose of this meeting is to provide a forum for surrounding property owners to review the proposal before the formal application is submitted. This meeting gives you the opportunity to share with me any special information you know about the property involved. I will try to answer questions related to how the project meets relevant development standards consistent with Sherwood's land use regulations. Please note that his will be an informational meeting only on the preliminary development plans.

I look forward to discussing this proposal with you. Please feel free to contact me at (541) 318-7487 or stevem@emeriodesign.com if you have questions prior to the meeting. If you would like to submit written comments and/or questions, please send them to my email address or to the mailing address below in my signature block. Also, if you would like me to forward you a meeting invite to the Zoom meeting, please email me and I will send you the Zoom meeting invitation.

Respectfully,

Steve Miller – Emerio Design, LLC
6445 SW Fallbrook Place, Suite 100
Beaverton, OR 97008

Summary of June 2, 2020 Neighborhood Meeting for Miller Subdivision/Planned Unit Development

Steve Miller introduced himself as the planner from Emerio Design and noted neither he nor his company are the property owner, developer, contractor or builder. Rather, his firm has been hired by the developer to accomplish the land use planning, surveying and engineering necessary for the development. Mr. Miller provided a brief explanation of the project as follows:

- Seventeen (17) lot subdivision/planned unit development
- Single-family residential detached dwellings on each lot
- All houses will meet setback requirements of 15 feet front, 20 feet rear, 5 feet side, 20 feet garage
- All houses will meet maximum height requirements of 30 feet or two stories
- SW Ironwood Ln. will be improved adjacent to the site's frontage.
- A new public street will be extended through the project site and it will ultimately be extended to the north with the future redevelop of the adjacent property.
- All required street improvements will be built to city standards
- The development will be developed to city standards.
- The property is zoned VLDR and is part of the SE Sherwood Master Plan.
- The minimum lot size in a VLDR PUD is 10,000 square feet and all of the lots meet this lot size.
- A pre-application conference with the City of Sherwood was held for the project.
- A public hearing will be required and the same people that were notified for the neighborhood meeting will be notified for the public hearing.
- The required amount of open spaced will be provided.

There was a small audience of three (3) people who attended the neighborhood meeting and they had only a few questions.

1. Concerns about vehicular traffic on SW Murdock Rd. Mr. Miller noted that improvements to SW Murdock Rd. have already been made or will be made soon with the development of the Denali Meadows PUD.
2. Will SW Upper Roy St. be extended to the east across SW Murdock Rd. as part of the PUD? No, not at this time as the developer doesn't own the land to the north, which is necessary to make the street extension.
3. What is the maximum height? The maximum height of the houses is 30 feet or 2 stories.
4. Is there a public hearing for the PUD? Yes.
5. Is design review required? No, other than what is required as part of the PUD process.
6. What will the price of the houses be? Mr. Miller was unsure of the exact price point since floor plans and elevations have yet to be determined and it's based upon current market conditions as well. The houses will likely be higher-priced, upper-end houses though, to the best of his knowledge.
7. Will a traffic analysis be performed? No, the city is not requiring a traffic analysis for a 17-lot subdivision.
8. What is the status of the DEQ cleanup of the chromium? It is in process and will be completed prior to site development.
9. What is the size of the houses? Mr. Miller was not sure but guessed at two-story 3,000 to 4,000 square foot houses. Again, this is a guess as exact floor plans have yet to be chosen.
10. Is there a public park planned? No. The required open space is 15% and the development will meet the open space requirements as per the Code.

EMERIO
Design

January 24, 2020

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

RE: NOTICE OF NEIGHBORHOOD MEETING

Dear Property Owner,

I, Steve Miller, with Emerio Design, LLC, am representing the developer of the property shown on the attached map, located at 23120 SW Murdock Rd, just north of SW Ironwood Lane, Sherwood. This property can be legally identified as 2S133CB00100 and is zoned Very Low Density Residential (VLDR).

We are considering a proposed Planned Unit Development (PUD) for a 23 – Lot Subdivision. Before applying to the City of Sherwood Planning Department, I would like to take the opportunity to discuss the proposal with you.

The meeting is scheduled for:

Tuesday, February 11, 2020
Tualatin Valley Fire and Rescue
Station #33 Community Room
15440 SW Oregon St.
Sherwood, OR 97140
Meeting begins promptly at 6:30 PM

The purpose of this meeting is to provide a forum for surrounding property owners to review the proposal before the formal application is submitted. This meeting gives you the opportunity to share with me any special information you know about the property involved. I will try to answer questions related to how the project meets relevant development standards consistent with Sherwood's land use regulations. Please note that his will be an informational meeting only on the preliminary development plans.

I look forward to discussing this proposal with you. Please feel free to contact me at (541) 318-7487 or stevem@emeriodesign.com if you have questions prior to the meeting.

Respectfully,

Steve Miller – Emerio Design, LLC

Summary of Neighborhood Meeting for Yuzon Subdivision/Planned Unit Development

Steve Miller introduced himself as the planner from Emerio Design and noted neither he nor his company are the property owner, developer, contractor or builder. Rather, his firm has been hired by the developer to accomplish the land use planning, surveying and engineering necessary for the development. Mr. Miller provided a brief explanation of the project as follows:

- Twenty-three lot subdivision/planned unit development
- Single-family residential detached dwellings on each lot
- All houses will meet setback requirements of 15 feet front, 20 feet rear (except 2 lots), 5 feet side, 20 feet garage
- All houses will meet maximum height requirements of 30 feet or two stories
- SW Ironwood Ln. will be improved adjacent to the site's frontage.
- A new public street will be extended through the project site and it will ultimately be extended to the north with the future redevelop of the adjacent property.
- All required street improvements will be built to city standards
- The development will be developed to city standards.
- The property is zoned VLDR and is part of the SE Sherwood Master Plan.
- The minimum lot size in a VLDR PUD is 10,000 square feet and all of the lots meet this lot size.
- A pre-application conference with the City of Sherwood was held for the project.
- A public hearing will be required and the same people that were notified for the neighborhood meeting will be notified for the public hearing.
- The required amount of open spaced will be provided.

There was a small audience of six (6) people who attended the neighborhood meeting and they had only a few questions.

1. Concerns about vehicular traffic on SW Murdock Rd. Mr. Miller noted that improvements to SW Murdock Rd. have already or will be made with the development of the Denali Meadows PUD.
2. Will SW Upper Roy St. be extended to the east across SW Murdock Rd. as part of the PUD? No, not at this time as the developer doesn't own the land necessary to make the street extension. This question was aske prior to Brad Miller's property becoming part of the project.
3. What is the maximum height? The maximum height of the houses is 30 feet or 2 stories.
4. Is there a public hearing for the PUD? Yes.
5. Is design review required? No, other than what is required as part of the PUD process.
6. What will the price of the houses be? Mr. Miller was unsure of the exact price point since floor plans and elevations have yet to be determined and it's based upon current market conditions as well. The houses will likely be higher-priced, upper-end houses though, to the best of his knowledge.
7. Will a traffic analysis be performed? No, the city is not requiring a traffic analysis for a 23-lot subdivision.
8. What is the status of the DEQ cleanup of the chromium? It is in process and will be completed prior to site development.
9. What is the size of the houses? Mr. Miller was not sure but guessed at two-story 3,000 to 4,000 square foot houses. Again, this is a guess as exact floor plans have yet to be chosen.
10. Is there a public park planned? No. The required open space is 15% and the development will meet the open space requirements as per the Code.

Engineering Land Use Application Comments

To:	Eric Rutledge, Associate Planner
From:	Craig Christensen, P.E., Civil Engineer
Project:	(LU 2020-013) Denali Summit Subdivision
Date:	October 13, 2020

Engineering staff has reviewed the information provided for the above cited project. Final construction plans will need to meet the standards established by the City of Sherwood and Clean Water Services (CWS), in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

Background Data

Currently the proposed subdivision consists of the development of 3 parcels of property located east of the Denali Meadow subdivision (east side of SW Murdock Road and currently under construction) and on the north side of SW Ironwood Lane. One of the parcels is a tract of land that will be created with the recording of the plat for Denali Meadows. This Denali Meadows plat will need to be recorded prior to plat recording for the Denali Summit project.

CONDITION: Prior to Subdivision Plat Approval, either the subdivision plat for the Denali Meadows development shall be recorded with Washington County Surveyor's Office or the portion of property currently belonging to the development to the west that is included with this subject development shall be partitioned off from the property to the west (Denali Meadows) or a property line adjustment be performed between the properties conveying that portion of the western property to one of the eastern properties.

Sanitary Sewer

Currently an 8-inch diameter public sanitary sewer main exists along the south side of SW Ironwood Lane along the subject property frontage. There will also be a new 8-inch diameter public sanitary sewer within the new public street to be constructed with the Denali Meadows subdivision. Sanitary sewer for the subject development will come from both locations. Since all surrounding properties are either on public sanitary sewer or have access to a public sanitary sewer, no extension of the public sanitary sewer system is required for this development except as necessary to provide service to all proposed lots and as required to be extended through new public streets. Due to the

slope of the terrain heading north, the proposed sanitary sewer within the new public streets will not need to be extended to the north property line as it will be too high in elevation to serve the undeveloped property to the north.

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

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

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

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

CONDITION: Prior to Acceptance of the Public Improvements, the public sanitary sewer within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of the Public Improvements, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.

CONDITION: Prior to Acceptance of the Public Improvements, any existing unused sanitary lateral that is no longer being used by the site shall be abandoned at the main meeting the approval of the Sherwood Engineering Department.

Water

Currently an 8-inch diameter public water main exists along the south side of SW Ironwood Lane along the subject property frontage. There will also be a new 8-inch diameter public water main within the new public street to be constructed with the Denali Meadows subdivision. Public water access for the subject development will come from both locations. The subdivision will need to construct an 8-inch diameter public water interconnect between the 2 streets to establish a looped water system. The subject development will need to extend the water line to the north end of the streets (new Denali Meadows street and new street to be constructed with this development) to allow access to the public water system for the property to the north. The subject development shall provide water service to all proposed lots within the subject development.

There appears to be at least one well located within the subject property. Wells to remain within private property shall meet all required setbacks. Any property to have both public water and well water shall have a reduced pressure backflow assembly on the public water service. Any well located within public right-of-way shall be abandoned.

Water meters shall not be located in hardscape.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide water service to all proposed lots and as required through new public streets/public easements meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design for an 8-inch diameter public water interconnect between the 2 streets (new Denali Meadows street and new street to be constructed with the subject development) through Tracts E and F of the subject development to establish a looped public water system meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to extend public water lines to the end of the streets (new Denali Meadows street and new street to be constructed with the subject development) meeting the approval of the Sherwood Engineering Department.

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

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

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

CONDITION: Prior to Final Plat, the developer shall submit certification that any existing well remaining meets all setback requirements or design for the abandonment of the existing well(s) on the engineering plans. Well abandonment shall be in accordance with all applicable regulations.

CONDITION: Prior to Acceptance of the Public Improvements, any well located within city right-of-way shall be abandoned in compliance with all applicable regulations.

CONDITION: Prior to Acceptance of the Public Improvements, any lot having both public water and well water shall have a reduced pressure backflow preventer on the public water service meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of the Public Improvements, any existing unused water service that is no longer being used by the site shall be abandoned at the main meeting the approval of the Sherwood Engineering Department.

Storm Sewer

Currently a 12-inch diameter public storm sewer main exists within SW Ironwood Lane along the subject property frontage. There will also be a new 12-inch diameter public storm sewer within the new public street to be constructed with the Denali Meadows subdivision. Storm sewer for the subject development will come from both locations. Since all surrounding properties are either on public storm sewer or have access to a public storm sewer, no extension of the public storm sewer system is required for this development except as necessary to provide service to all proposed lots and as required to be extended through new public streets. Due to the slope of the terrain heading north, the proposed storm sewer within the new public street will not need to be extended to the north property line as it will be too high in elevation to serve the undeveloped property to the north.

The subject development is required to provide storm water quality treatment and hydro-modification unless otherwise approved by the City of Sherwood and Clean Water Services.

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

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

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

CONDITION: Prior to Sherwood Engineering Department final acceptance of the constructed public improvements, any public storm sewer located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting Sherwood Engineering standards.

CONDITION: Prior to Acceptance of the Public Improvements, the public storm sewer within the Denali Meadows subdivision that is currently under construction will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.

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

CONDITION: Prior to Acceptance of the Public Improvements, the tract of land containing the public water quality facilities shall be dedicated to the City of Sherwood unless otherwise approved by the city.

Transportation

The subject property has street frontage along SW Ironwood Lane (standard residential street) and will need to widen out any remaining street frontage improvements that are not up to the standard residential street standards and dedicate any right-of-way necessary to meet the standard residential standard. The subject property also has street frontage along a future street to be constructed within the Denali Meadows subdivision. The subject property will need to construct any remaining street frontage improvements that are not up to the standard residential street standards and dedicate any right-of-way necessary to meet the standard residential standard along this future street.

The subject property also has approximately 40 feet of frontage along SW Murdock Road at the intersection of SW Upper Roy Street. This frontage is due to a flag portion of the subject property. Since no access is being directly obtained from SW Murdock Road from this flag for the proposed subdivision and since the subject property only contains a portion of the property necessary to construct the street (remaining right of way located on the property to the north), a payment-in-lieu of constructing street improvements for the extension of SW Upper Roy Street to a standard residential section will be required of the developer. Right-of-way dedication within the subject property for the future SW Upper Roy Street will be required. Also it is anticipated that due to the grades in this area that a future wall will be required for the construction of the future street improvements. A wall easement within the subject property will be required to be dedicated along the street frontage of the extension of SW Upper Roy Street.

Since the subject property only has 40 feet of frontage along SW Murdock Road, undergrounding of overhead utilities would not be practical. Therefore a payment in lieu of undergrounding these utilities will be required.

The cost of the payment-in-lieu for the future SW Upper Roy Street extension street improvements shall consist of a payment to the city in the amount of 125% for future street improvements within the subject property for the following items:

1. Excavation.

2. Geotextile fabric.
3. Base rock.
4. Curb and gutter.
5. Sidewalk.
6. Street trees.
7. Retaining wall.
8. Undergrounding overhead utilities (40').
9. Street light (1/2 of 1 street light).

The new street to be constructed within the eastern portion of the subject property will stub to the property to the north for future extension of the street. This street will end in a fill of approximately 15 feet in height resulting in a wall at the end of the street. It may be necessary to stop this street short of the north property line to minimize future fill impacts within the property to the north while still being able to provide storm sewer service for the public street. A payment-in-lieu shall be made to the city in the amount of 125% for future street improvements to extend the street to the northern property line for the following items:

1. Fill.
2. Geotextile fabric.
3. Base rock.
4. Curb and gutter.
5. Sidewalk.
6. Street trees.

The above payment-in-lieu funds will be set aside in a dedicated account for the future development of the property to the north.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for street widening improvements along the subject property frontage of SW Ironwood Lane to meet a standard residential street section meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for right-of-way dedication required to encompass the street widening improvements along the subject property frontage of SW Ironwood Lane meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall design public streets interior to the development including street lighting to meet a city standard residential street section meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, due to the high wall at the end of the new street, the developer shall design for barrier protections

between the wall and the end of the new street meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for right-of-way dedication required to encompass the public interior street improvements meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of Public Improvements, the developer shall dedicate required street right-of-way and public easements via a recorded subdivision plat and shall have all platted monuments installed. This includes right-of-way, PUE and public wall easement for the future extension of SW Upper Roy Street.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall make a payment-in-lieu for the future extension of SW Upper Roy Street in the amount of 125% an engineer's estimate meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall make a payment-in-lieu for the future extension of the new interior street for the proposed subdivision for the amount of street left short of the northern property line in the amount of 125% an engineer's estimate meeting the approval of the Sherwood Engineering Department.

CONDITION: Payment-in-lieu funds for future street improvements shall be set aside in a dedicated city account to be paid toward the future development of the property to the north.

Grading and Erosion Control:

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

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

The proposed development will disturb over 5 acres, therefore a DEQ NPDES 1200-C is required.

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

Other Engineering Issues:

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

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

CONDITION: Prior to Issuance of Any Home Building Permits, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.

CONDITION: Prior to Issuance of an Engineering Compliance Agreement, final engineering plan approval by the Sherwood Engineering Department is required.

CONDITION: Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements and water quality/hydro-modification facilities meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of Public Improvements, the developer shall dedicate a minimum 8-foot wide PUE along all street frontages and tracks of land for private street/driveway usage unless otherwise approved by the City Engineer.

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

CONDITION: Prior to Acceptance of Public Improvements, applicant perform clean up of contamination in accordance with DEQ standards and shall submit a copy of the DEQ “No Further Action” confirmation letter to the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property street frontage and private track frontage for tracts of land containing private street/driveway per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074. A payment in lieu shall be made in place of installing Sherwood Broadband utilities along the street frontage of the extension of SW Upper Roy Street.

End of Engineering Land Use Review Comments.

City of Sherwood Public Works Comments

Submitted by Rich Sattler, Utility Manager

Hand written notes on 9-18-20

1. Due to size and location, water model to be ran to determine sizing-looping. See fee schedule.

2. Pressure will be higher than 80 PSI. Provide private PRV's

3. Include Sherwood Broadband Utility in plans

4. Wall height end of public street requires additional safety measures

Tualatin Valley Fire & Rescue

www.tvfr.com

July 28, 2020

Eric Rutledge
Associate Planner
City of Sherwood
22560 SW Pine Street
Sherwood, Oregon 97140

Re: Denali Summit
Tax Lot I.D: 2S133CB00100

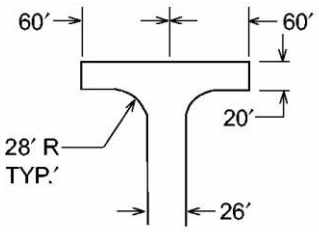
Dear Eric,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. These notes are provided in regards to the plans received July 24, 2020. There may be more or less requirements needed based upon the final project design, however, Tualatin Valley Fire & Rescue will endorse this proposal predicated on the following criteria and conditions of approval.

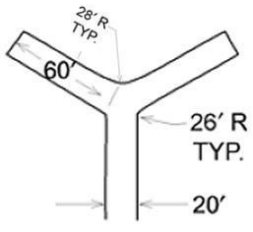
FIRE APPARATUS ACCESS:

1. **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)

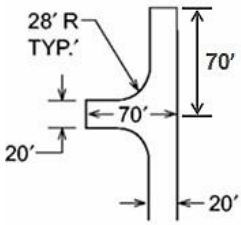
2. **DEAD END ROADS AND TURNAROUNDS**: Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. Diagrams of approved turnarounds are shown below: (OFC 503.2.5 & D103.1)



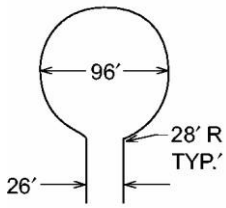
120′ HAMMERHEAD



60-FOOT "Y"



ACCEPTABLE ALTERNATIVE TO 120′ HAMMERHEAD



96′ DIAMETER CUL-DE-SAC

3. **ADDITIONAL ACCESS ROADS – ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS:** Developments of one- or two-family dwellings, where the number of dwelling units exceeds 30, shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3. Exception: Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout

with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the International Fire Code, access from two directions shall not be required. (OFC D107)

4. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1)

5. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

   Plans indicate No Parking Signs to be installed along Tracts D&E as noted on Sheet 10 of 16. Plans do not show No Parking Signs along Tract F on Sheet 11 of 16. Please indicate locations on plans.

6. **NO PARKING:** Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
   1. 20-26 feet road width – no parking on either side of roadway
   2. 26-32 feet road width – parking is allowed on one side
   3. Greater than 32 feet road width – parking is not restricted

7. **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1)

8. **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced as to provide all-weather driving capabilities. (OFC 503.2.3)

9. **TURNING RADIUS:** The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)

10. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 15%.

11. **ANGLE OF APPROACH/GRADE FOR TURNAROUNDS:** Turnarounds shall be as flat as possible and have a maximum of 5% grade with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)

12. **ANGLE OF APPROACH/GRADE FOR INTERSECTIONS:** Intersections shall be level (maximum 5%) with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)

13. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)

14. **TRAFFIC CALMING DEVICES:** Shall be prohibited on fire access routes unless approved by the Fire Marshal. (OFC 503.4.1). Traffic calming measures linked here: http://www.tvfr.com/DocumentCenter/View/1578

FIREFIGHTING WATER SUPPLIES:

15. **FIREFIGHTING WATER SUPPLY FOR INDIVIDUAL ONE- AND TWO-FAMILY DWELLINGS:** The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2)

16. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)

    Provide documentation of fire flow test.

17. **WATER SUPPLY DURING CONSTRUCTION IN MUNICIPAL AREAS:** In areas with fixed and reliable water supply, approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)

FIRE HYDRANTS:

18. **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where the most remote portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1)

19. **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Table C 105.1. (OFC Appendix C)

20. **FIRE HYDRANT(S) PLACEMENT:** (OFC C104)
    - Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
    - Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the Fire Marshal.
    - Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets may be considered when approved by the Fire Marshal.
    - Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the Fire Marshal.

21. **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the Fire Marshal. (OFC C102.1)

22. **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of blue reflective markers. They shall be located adjacent and to the side of the center line of the access roadway that the fire hydrant is located on. In the case that there is no center line, then assume a center line and place the reflectors accordingly. (OFC 507)

23. **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6 & OFC 312)

24. **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3 foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

BUILDING ACCESS AND FIRE SERVICE FEATURES

25. **PREMISES IDENTIFICATION:** New and existing buildings shall have approved address numbers; building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1)

If you have questions or need further clarification or would like to discuss any alternate methods and/or materials, please feel free to contact me at **503-259-1419.**

Sincerely,

Tom Mooney

Tom Mooney
Deputy Fire Marshal II

Thomas.mooney@tvfr.com

Cc: File
City of Sherwood

A full copy of the New Construction Fire Code Applications Guide for Residential Development is available at https://www.tvfr.com/DocumentCenter/View/1438/NC-Fire-Code-Application-Guide-for-Residential-Development-?bidId=

M E M O R A N D U M

Date: October 21, 2020

To: Eric Rutledge, Associate Planner, City of Sherwood

From: Jackie Sue Humphreys, Clean Water Services (CWS)

Subject: Denali Summit 41-Lot PUD, LU 2020-013-PUD, 2S133CB00100, 00200

Please include the following comments when writing your conditions of approval:

PRIOR TO ANY WORK ON THE SITE AND PLAT RECORDING

A Clean Water Services (CWS) Storm Water Connection Permit Authorization must be obtained prior to plat approval and recordation. Application for CWS Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 19-5 as amended by R&O 19-22, or prior standards as meeting the implementation policy of R&O 18-28, and is to include:

a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.

b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit. If site area and any offsite improvements required for this development exceed five-acres of disturbance, project will require a 1200-C Erosion Control Permit.

c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.

d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 19-5, Section 4.04. Access shall be provided for maintenance of facility per R&O 19-5, Section 4.07.6.

e. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.

f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.

g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.

h. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

CONCLUSION

This Land Use Review does not constitute CWS approval of storm or sanitary sewer compliance to the NPDES permit held by CWS. CWS, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.

P·R·I·D·E
DISPOSAL COMPANY
P.O. Box 820 Sherwood, OR 97140
Phone: (503) 625-6177 Fax: (503) 625-6179

October 20, 2020

Eric Rutledge
Associate Planner
City of Sherwood
22560 SW Pine St
Sherwood, OR 97140

Re: 23008 & 23120 SW Murdock Rd, Sherwood OR 97140

We have reviewed the site plan for the above-mentioned development. We will be able to service the lots as they've been laid out. Each resident will be responsible for placing their totes curbside on the nearest public road on collection day. Tracts 'D', 'E', and 'F' must be marked for no parking on one side of the street. If one side of the street is not marked for no parking, each resident will be responsible for placing their totes on the nearest public road.

If you have any additional questions, feel free to contact me.

Sincerely,

Kristen Tabscott
Pride Disposal Company
ktabscott@pridedisposal.com
(503) 625-6177

TRACT 'C'
TRACT 'B'
TRACT 'D'
TRACT 'E'
TRACT 'F'
TRACT 'A'
TRACT 'G'
PUBLIC STREET
FUTURE STREET (DEDICATION)
SW IRONWOOD LANE
PROPOSED SETBACKS
FRONT: 15 FT.
GARAGE: 20 FT.
REAR: 20 FT. (EXCEPT LOTS 11 & 12 15 FT.)
SIDE: 5 FT.
STREET SIDE: 15 FT. (LOTS 3, 19, 20, 29, 30, 36 & 37)
LEGEND
BOUNDARY LINE
EASEMENT
SCALE: 1" = 50'
N 89°27'59" E 580.35'
N 89°27'59" E 692.07'
N 05°53'10" E 360.00'
N 05°53'10" E 210.30'
S 00°48'11" E 436.94'
TAX MAP T2S R1W 33CB
TAX LOTS 00100 & 00200
YUZON PUD
PRELIMINARY PLAT
REVISIONS
1ST SUBMITTAL
HOMERO Design
SHEET 04

Figure 15 - Alternative B/C Plan View

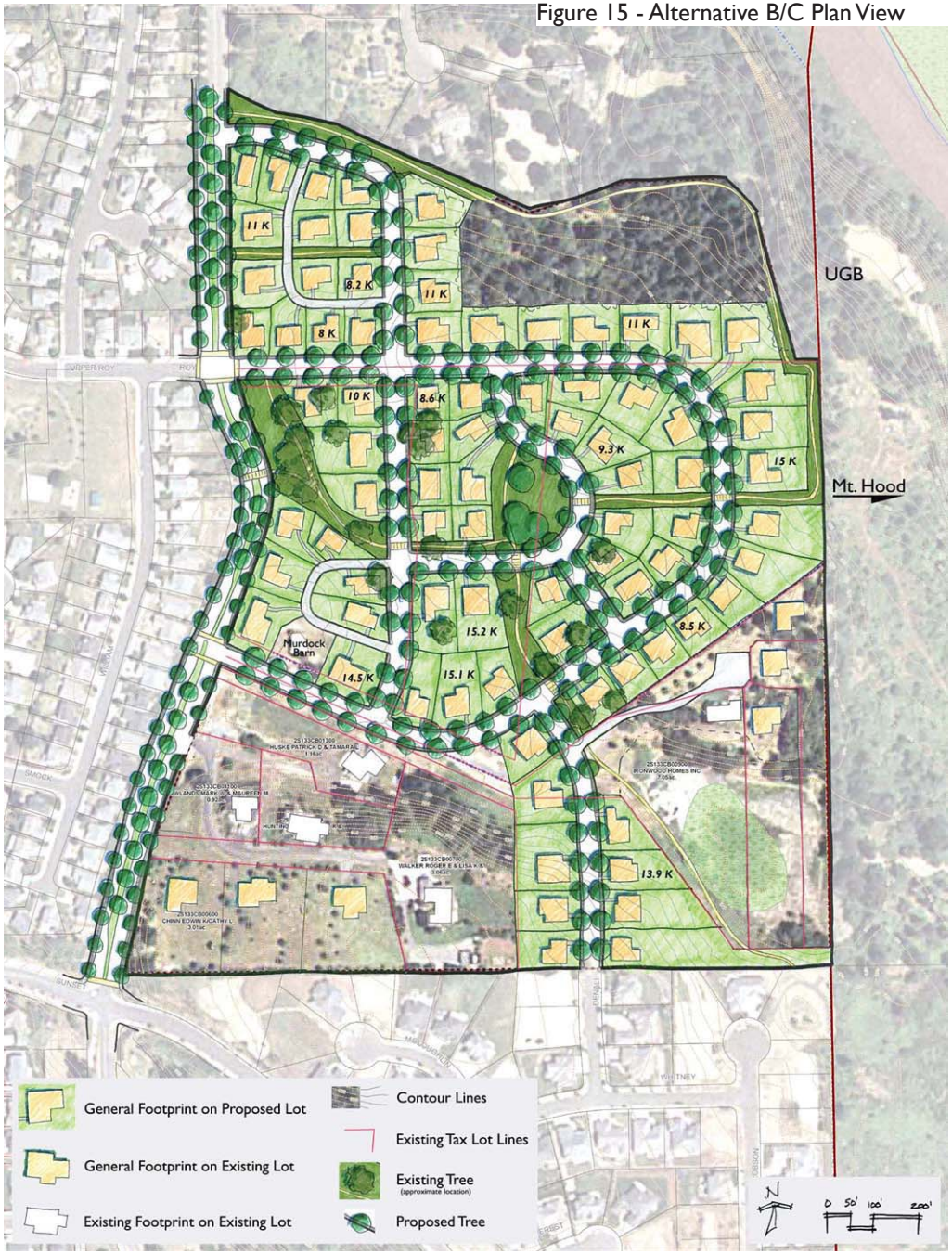
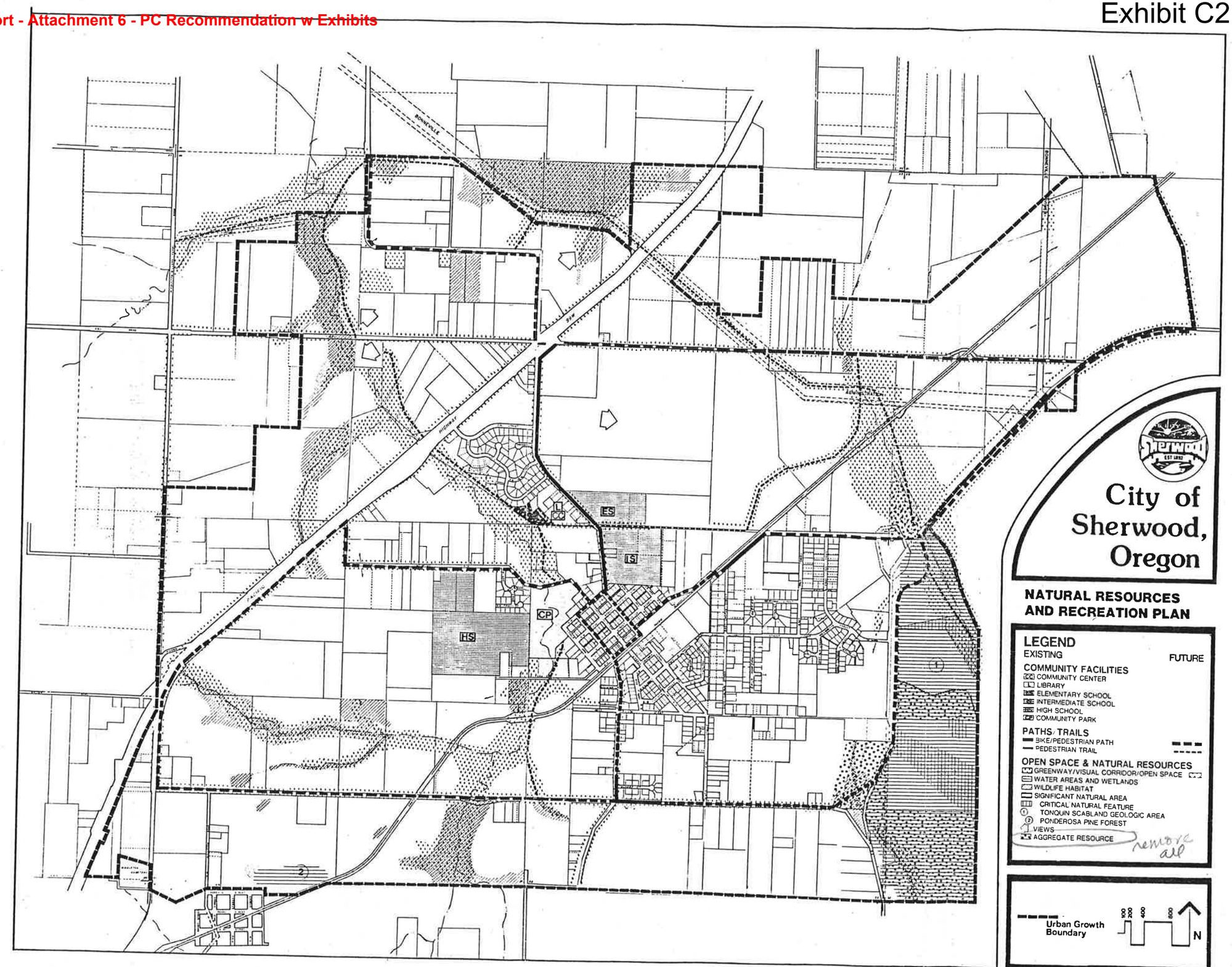


Exhibit C2



City of Sherwood, Oregon

NATURAL RESOURCES AND RECREATION PLAN

LEGEND

EXISTING / FUTURE

COMMUNITY FACILITIES
- CC COMMUNITY CENTER
- L LIBRARY
- ES ELEMENTARY SCHOOL
- IS INTERMEDIATE SCHOOL
- HS HIGH SCHOOL
- CP COMMUNITY PARK

PATHS/TRAILS
- BIKE/PEDESTRIAN PATH
- PEDESTRIAN TRAIL

OPEN SPACE & NATURAL RESOURCES
- GREENWAY/VISUAL CORRIDOR/OPEN SPACE
- WATER AREAS AND WETLANDS
- WILDLIFE HABITAT
- SIGNIFICANT NATURAL AREA
- CRITICAL NATURAL FEATURE
- (1) TONQUIN SCABLAND GEOLOGIC AREA
- (2) PONDEROSA PINE FOREST
- VIEWS
- AGGREGATE RESOURCE

remove all

Urban Growth Boundary

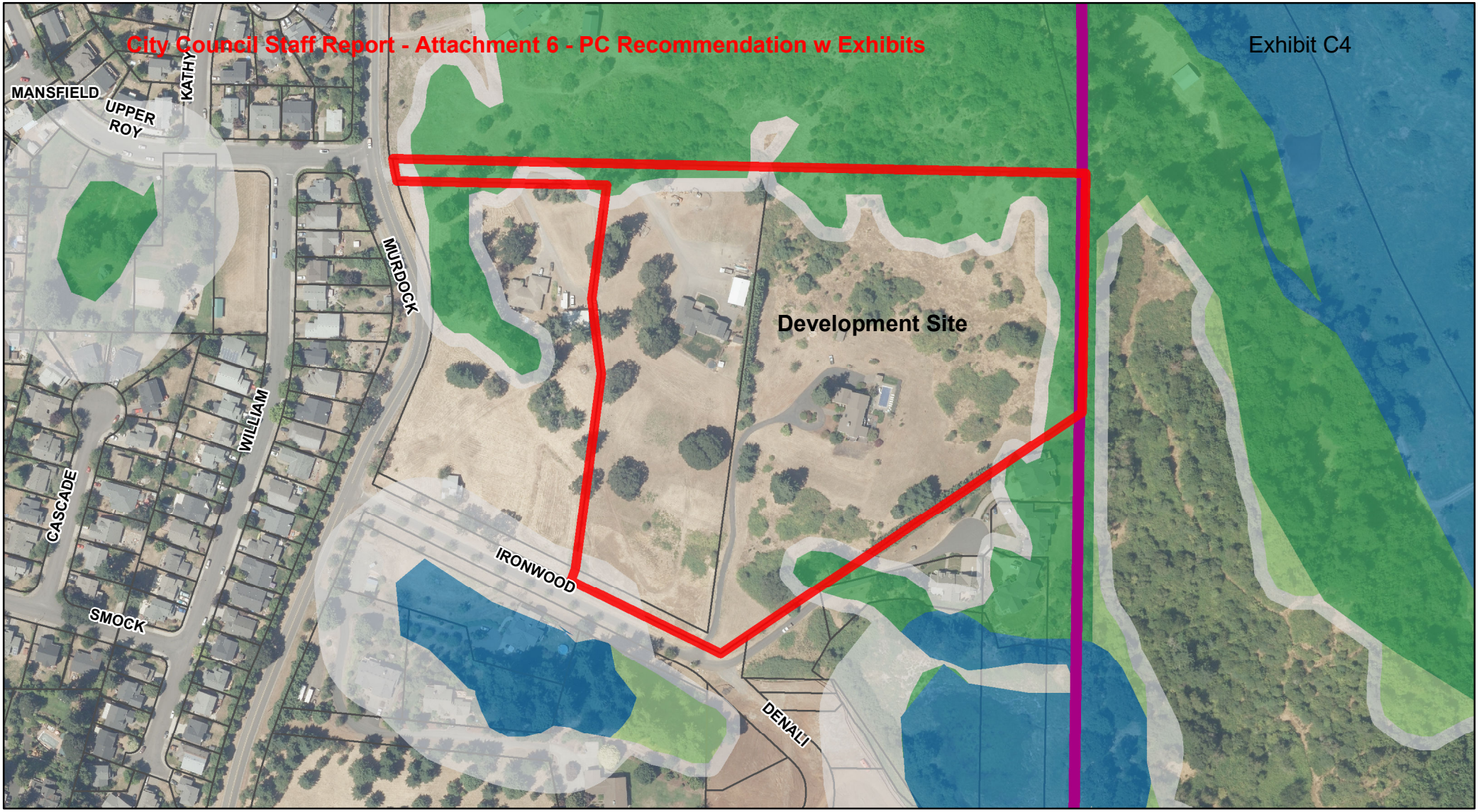
100 200 400 800 N

DRAFT: 19 APRIL 1990

Exhibit C3


2S133BC00900
2S133BC01700
2S133CB00200
2S133CB00300
2S133CB00100
Trees located on or near east property line of Tax Lot 100
Image Source: ConnectExplorer 10-18-2018
2S133CB02500
2S133CB02400
2S133CB02200
2S133CB02300
2S133CB03700
2S133CB02900
2S133CB02600
2S133CB01200
2S133CB00700
2S133CB02700

Exhibit C4



Title 13 - Inventory

Upland Wildlife Habitat Quality

- Class A
- Class B

Riparian Wildlife Habitat Quality

- Class I

Other

- Areas Where nearby Activies have an impact on Resources
- Development Site
- Taxlots
- City Boundary

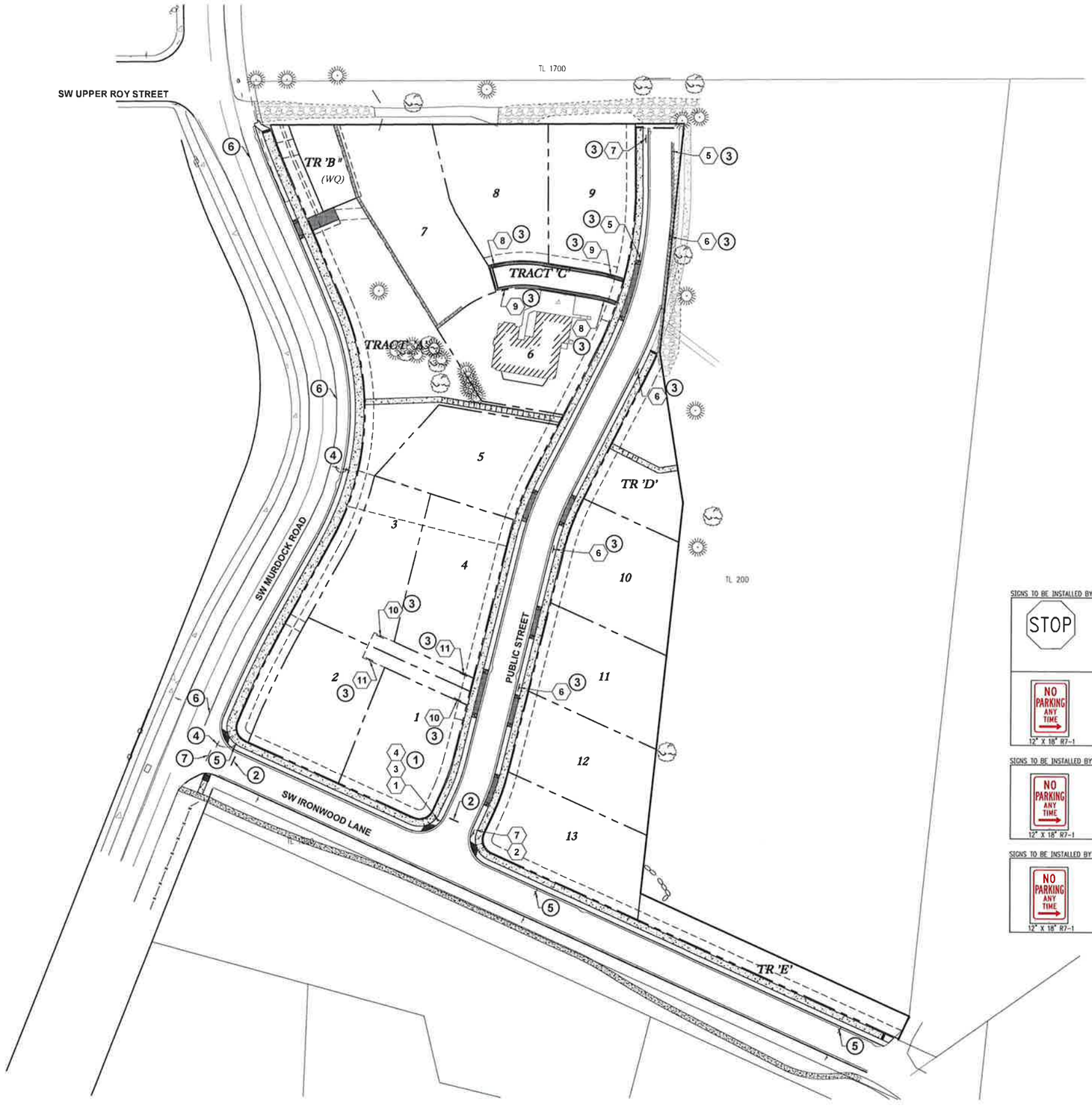
0 200 400
Feet

N

City of Sherwood Oregon

Map data provided by METRO and the City of Sherwood. The City of Sherwood's infrastructure records,drawings, and other documents have been gathered over many years, using many different formats and standards. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect; thus its accuracy is not guaranteed.

DocuSign Envelope ID: A3629A95-FDCA-4D45-AAED-6D8D9D7A59EC



GENERAL NOTES:

A. SEE SHEET 23 FOR SIGNAGE DETAILS

CONSTRUCTION NOTES:

1. STOP SIGN AND STREET NAME SIGNS TO BE INSTALLED BYE C.O.S
2. INSTALL 12" WIDE THERMOPLASTIC STOP BAR
3. INSTALL NO PARKING SIGN
4. EXISTING SIGN TO BE RELOCATED BY CONTRACTOR
5. "NO PARKING" SIGN TO BE REMOVED – COORDINATE WITH C.O.S
6. REPLACE EXISTING FOG LINE
7. REMOVE EXISTING STOP BAR

SIGNS TO BE INSTALLED BY C.O.S

STOP 1	NO OUTLET W14-2 2	SW IRONWOOD LN 6" 2 SIDED I – PROPOSED 3	SW PUBLIC ST 6" 2 SIDED I – PROPOSED 4
NO PARKING ANY TIME 12" X 18" R7-1 5	NO PARKING ANY TIME 12" X 18" R7-1 6	NO PARKING ANY TIME 12" X 18" R7-1 7	

SIGNS TO BE INSTALLED BY CONTRACTOR

NO PARKING ANY TIME 12" X 18" R7-1 8	NO PARKING ANY TIME 12" X 18" R7-1 9

SIGNS TO BE INSTALLED BY HOME BUILDER

NO PARKING ANY TIME 12" X 18" R7-1 10	NO PARKING ANY TIME 12" X 18" R7-1 11

N

50' 0 25' 50' 100'

SCALE: 1" = 50'

APPROVED
CONSTRUCTION PLANS
(See cover sheet approval for any conditions)
City of Sherwood
Engineering Division
Date 7/6/20

DENALI MEADOWS PUD
TAX MAP T2S R1W 33CB
TAX LOT 00300
SHERWOOD, OREGON

SIGNAGE & STRIPING PLAN

REVISIONS

NO.	DATE	DESCRIPTION
1	11/14/19	1ST SUBMITTAL
2	12/18/19	2ND SUBMITTAL
3	01/24/20	3RD SUBMITTAL
4	01/31/20	4TH SUBMITTAL
5	02/03/20	5TH SUBMITTAL
6	04/14/20	6TH SUBMITTAL/SANITARY LINE REVISION

EMERIO Design
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 946-9442
FAX: (503) 850-8692
www.emeriodesign.com

REGISTERED PROFESSIONAL ENGINEER
54665
Date Signed by Eric D. Evans
OREGON JULY 11, 2006
ERIC DANIEL EVANS
EXPIRES: 12/31/2021

SHEET 22 OF 31

FILE P:\2020-008 Murdock Subdivision\dwg\civil\2020-008_22sgn1, Layout: 22 SIGNAGE & STRIPING PLAN, Plot Date: 4/24/2020 11:59 AM, by: Kyung Han

From: Marcus Lopez
To: Eric Rutledge
Subject: Re: Test
Date: Tuesday, November 10, 2020 6:24:53 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Today, November 10th, 2020 I spoke to Eric regarding my concern that this new development will obstruct our current panoramic view from our property at 14875 SW Division Street, Sherwood OR. We are unable to picture the outcome of proposed new construction.

Marcus Lopez

14875 SW Division St

Sherwood, OR 97140

On Tue, Nov 10, 2020 at 6:19 PM Eric Rutledge <RutledgeE@sherwoodoregon.gov> wrote:

> https://www.sherwoodoregon.gov/planning/project/denali-summit-pud
>
> Eric Rutledge
>
> City of Sherwood
>
> Associate Planner
>
> rutledgee@sherwoodoregon.gov
>
> Desk 503.625.4242
>
> Cell 971.979.2315
>
> Covid-19 Update: The City's Planning Department is fully operational, however, with limited face to face contact. We are processing permits via email/phone where possible and by appointment when "in person" interaction is required. Please stay safe and healthy.
>
> ---
>
> **From:** Eric Rutledge
> **Sent:** Tuesday, November 10, 2020 6:17 PM
> **To:** reviveyourweb@gmail.com

DocuSign Envelope ID: 34E536CC-4A3F-4861-BF21-595447A526A2

Dennis and Paula Yuzon
23120 SW Murdock Rd.
Sherwood, OR. 97140

December 31, 2020

Mayor Keith Mays and City Council Members
City Hall
22560 SW Pine St.
Sherwood, OR. 97140

By Email: c/o Erika Palmer palmere@sherwoodoregon.gov

RE: LU 202-013 Denali Summit.

Dear Mayor Mays and Council Members,

Paula and I own approximately 10 acres associated with the above referenced Land Use Application in front of you for a decision. We purchased the property in 1985 and built our home and have occupied it since 1991. When we purchased the property, we were not made aware of the implications at the time that it was part of the 40-acre Ken Foster Farms waste site. We are retired and looking to sell the property for redevelopment and use the proceeds for our retirement.

In approximately 2006 the EPA determined the 40-acre Ken Foster Farms property of environmental concern related to wastes associate with Ken Foster Farms activities and began working with Oregon's DEQ to assess the site and determine process for remediation. Without recourse we were forced to spend approximately $50,000 in environmental testing and legal fees due to changes in environmental laws. Subsequent to investigations, in approximately 2016 EPA and the Oregon DEQ reached a settlement agreement with Ken Foster Farms to set up a fund toward assisting in the cleanup of the 40-acre site. The fund is controlled by DEQ and is intended to award the involved property owners a per acre contribution for the cleanup provided DEQ approves the cleanup plan and the owner has executed that plan which is tied to the development of those properties. This fund expires in 2026 and gives the right for DEQ to use those funds in their discretion for any other purposes after that time. The allocation potentially awarded to each of the property owner's is likely not sufficient to cover the entire cost of cleanup, but without those funds the development of our property will not be economically feasible.

We engaged Don Drake of Melvin Mark Brokerage Company to market the property for us in 2018. Don reached out to 15+ developers to determine their potential interest in the property only to find little interest in dealing with a contaminated property. The exception being Mr. Roth who at the time had received approvals for development of Denali Lane which also is part of the 40-acre Ken Foster Farms site. Mr. Roth developed and executed an acceptable mitigation plan for the contamination on that site. Mr. Roth is also developing the acreage abutting Murdock Rd. for which he has received approval for, is now under development and in process of completing environmental mitigations for that site. He is under contract to purchase our property upon obtaining requisite development and cleanup approvals which is in front of you now.

As part of our agreement with Mr. Roth we agreed in advance of his closing on our property, in turn for his completing the road improvements to city standards, to deed him the flagpole portion of our property north of Ironwood Ln. We did this so he could make it part of his Murdock Rd. subdivision. This has caused me to pay off a line of credit encumbering our property before his sale closes. The benefit in doing this helped solve access issues and enabled him to revise his plan for the Murdock Rd. subdivision so that access was not directly on to Murdock, which he was otherwise allowed to do until adjacent properties were sold and developed. We believe, we and Mr. Roth have been instrumental at our joint personal cost in addressing this benefit to the City earlier than it might otherwise have happened.

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Our property has many development constraints in addition to the environmental concerns. They include sloping topography, an irregular triangular shape, and shallow subsurface rock which make its development difficult.

We believe Mr. Roth has developed a workable plan for development of our and the Miller Property given these constraints that address, as best as he possibly can, the city's development requirements. Given these constraints there are extremely limited options to how this property can be developed and make economic sense.

We believe the city is fortunate to have one capable and qualified developer with a strong track record to take on the majority of development in this immediate area given these development constraints. We believe it will result in a more attractive and cohesive neighborhood than if it were developed by multiple parties.

Mr. Roth's commitment to this area has already been demonstrated in the 2 prior approved projects where the public benefits are consistent with the ones he is proposing for development of our and the Miller Property. His design has created a public trail system allowing the citizens of Sherwood to independently walk through "landscaped open space" at their leisure w/o the large gathering and congestion of public parks which we feel would be inappropriate for this less dense area of Sherwood.

Portions of these improvements are already installed in Ironwood and Denali Lane and will interconnect through the adjacent developments and take the user off the public sidewalks to large open space(s) that provide view corridors to the east and north. All managed and paid for outside the city public park system with the burden placed on the subdivision's HOA, at no cost to the city, but available for use by the public.

We are familiar with the city's attempt to create a SE Master Plan in 2006 for the 50 approximate acres involving the Ken Foster Farms contaminated properties of which we and the abutting property owners are a part, including the Martin property to the north of us. That plan had several development options none of which were adopted by the City at that time. In retrospect, without someone controlling all of the acreage under one ownership, at one time, it would have been, if not "is" now difficult to execute any of those options without negatively impacting one property owner over the other. Further the property owners, including ourselves, were not in favor of any of those options without being compensated for loss of otherwise developable property.

We believe, we and Mr. Roth have spent considerable time and cost working in good faith with the city's planning department to address development requirements and concerns. He has to the best of his and his consultants' ability come up with a cohesive and sensitive development plan for this area of Sherwood that works. In our opinion given the development constraints he is your best bet in seeing that this property is developed in a community sensitive manner, if it is to be developed at all.

If the city requires changes to this plan addressing other open space options or some other definition of park that makes our project unfeasible, we are open to the city paying us for the land we lose for development purposes beyond that which has been presented to you. We just need to be made whole for a plan that was approved by your planning commission that has been given significant thought to, given the constraints.

If the city does not approve or allow this project to proceed it will die and so will our sale and most likely be left as a contaminated DEQ clean up site for another 10 to 20 years, offering zero public benefit and the potential loss of allocated funds to clean it up. We truly, would be disappointed if this were to be the case.

We encourage you to approve the project to enable it to come to reality. Thank you for your consideration

Sincerely,

DocuSigned by:
Dennis Yuzon
Dennis Yuzon
[illegible]

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

ORDINANCE 2020-012

APPROVING A 41-LOT PLANNED UNIT DEVELOPMENT (PUD) TO BE KNOWN AS THE DENALI SUMMIT PLANNED UNIT DEVELOPMENT

WHEREAS, the applicant, Emerio Design LLC, requested a planned unit development on 15.07 acres zoned Very Low Density Residential in the Southeast Sherwood Master Plan area, located north of SW Ironwood Lane; and

WHEREAS, the request is to create a forty-one (41) lot subdivision for single family homes on lots ranging from 10,004 square feet to 20,886 square feet with the creation of a north/south public street connecting to SW Ironwood Lane to the south; and

WHEREAS, the project would provide for thirty-nine (39) new single-family detached homes and retain two (2) existing single family homes; and

WHEREAS, the Planned Unit Development (PUD) approval would allow the applicant some flexibility in standards, particularly reduced building setbacks and the use of private streets to serve more than two single-family lots; and

WHEREAS, the proposed project was subject to full and proper notice and review by the Planning Commission including a public hearing on November 10, 2020 to take testimony and consider the proposed project; and

WHEREAS, the Planning Commission recommended approval of the application with conditions, and added Condition of Approval B17; and

WHEREAS, the City Council held two public hearings on December 15, 2020 and January 19, 2021 to take public testimony and deliberate; and

WHEREAS, the analysis and findings to support the Planning Commission recommendation are identified in Attachments 6 to the City Council Staff Report; and

WHEREAS, the Sherwood City Council has received the application materials, the Planning Commission recommendation including all exhibits entered into the record (LU 2020-013), and supplemental information provided by staff and the applicant (Attachments 1 – 5 to the City Council Staff Report) and, after considering the applicable criteria, the Planning Commission recommendation, applicant testimony, public testimony, and all documents in the land use record, the City Council determined that the PUD as conditioned meets the applicable criteria.

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

Section 1. Review and Public Hearings. The application was subject to full and proper review required by SZCDC § 16.72 and public hearings were held before the Planning Commission on November 10, 2020 and the City Council on December 15, 2020 and January 19, 2021.

Section 2. Findings. After full and due consideration of the project, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearings, the City Council finds that the proposed PUD, as conditioned, meets the applicable criteria in the Sherwood Zoning and Community Development Code. The findings of fact relied upon by the City are attached to the City Council Staff Report as Attachment 6, as modified by the City Council during the January 19, 2021 hearing.

Section 3. Approval.

A. The above-described PUD is **APPROVED** as conditioned in the Planning Commission recommendation, attached to the City Council staff report as Attachment 6 and as modified by the City Council during the January 19, 2021 hearing.

B. The Plan and Zone Map shall be updated to reflect the approved PUD overlay applied to the parcels identified as Tax Map 2S133CB, Tax Lots 200 and 300 in addition to a portion of Tax Lot 100.

Section 4. Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 19th of January 2021.

_____ _____
Keith Mays, Mayor Date

Attest:

_____
Sylvia Murphy, MMC, City Recorder

	AYE	NAY
Scott	____	____
Griffin	____	____
Brouse	____	____
Young	____	____
Garland	____	____
Rosener	____	____
Mays	____	____