City of Sherwood Oregon

*Home of the Tualatin River National Wildlife Refuge*

# CITY COUNCIL MEETING PACKET

## FOR

## Tuesday, February 21, 2023

## Sherwood City Hall
## 22560 SW Pine Street
## Sherwood, Oregon

### 5:30 pm City Council Work Session

### 7:00 pm City Council Regular Meeting

### URA Board of Directors Meeting
**(Following the 7pm regular City Council Meeting)**

### City Council Executive Session
**(ORS 192.660, (2)(e), Real Property Transactions)**
**(Following the URA Board of Directors Meeting)**

**This meeting will be live streamed at**
https://www.youtube.com/user/CityofSherwood

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**AGENDA**

**SHERWOOD CITY COUNCIL**
**February 21, 2023**

**5:30 pm City Council Work Session**

**7:00 pm City Council Regular Session**

**URA Board of Directors Meeting**
**(Following the 7pm Council Meeting)**

**City Council Executive Session**
**ORS 192.660(2)(e), Real Property Transactions**
**(Following the URA Board Meeting)**

**Sherwood City Hall**
**22560 SW Pine Street**
**Sherwood, OR 97140**

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## 5:30 PM WORK SESSION

1. **Cedar Creek Trail Highway Undercrossing & Floodplain Study** (Craig Sheldon, Public Works Director)
2. **Sherwood Communication Priorities** (Brad Crawford, IT Director)
3. **Five Year Forecast Discussion** (David Bodway, Finance Director)

## 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 February 7, 2023 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
   B. **Resolution 2023-013 Authorizing an Increase in the Municipal Judge's Compensation** (Lydia McEvoy, HR Manager)
   C. **Resolution 2023-014 Authorizing the City Manager to amend the current Intergovernmental Agreement with Metro for the Solid Waste Community Enhancement Program** (David Bodway, Finance Director)
   D. **Resolution 2023-015 Appointing Amanda Bryan to the Sherwood Library Advisory Board** (Adrienne Doman Calkins, Library Manager)
   E. **Resolution 2023-016 Declaring the Need to Acquire Real Property Interests to Construct and Thereafter Operate & Maintain SW Ice Age Drive through the Tonquin Employment Area** (Jason Waters, City Engineer)

6. **CITIZEN COMMENTS**
7. **PRESENTATIONS**

   A. **Pedestrian Bridge Presentation** (Craig Sheldon, Public Works Director)

8. **PUBLIC HEARINGS**

   A. **Ordinance 2023-001, Approving a 31-Lot Planned Unit Development (PUD) and Subdivision to be known as the Moser Pass PUD** (Eric Rutledge, Community Dev. Director) *(Second Hearing)*

B. **Ordinance 2023-002**, **Amending Divisions I, II, III, IV, VII, and VIII of the Sherwood Zoning and Community Development Code and repealing Ordinance 2022-006 establishing time, place, and manner restrictions on psilocybin service centers and the manufacturing of psilocybin products** (Erika Palmer, Planning Manager) *(First Hearing)*

## 9. CITY MANAGER REPORT

## 10. COUNCIL ANNOUNCEMENTS

## 11. ADJOURN TO URA BOARD MEETING

## 12. COUNCIL EXECUTIVE SESSION (Following the URA Board Meeting)

1. **ORS 192.660(2)(e), Real Property Transactions** (Keith D. Campbell, City Manager)

## 13. ADJOURN

**How to Provide Citizen Comments and Public Hearing Testimony:** Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by e-mail to Cityrecorder@Sherwoodoregon.gov and must clearly state either (1) that it is intended as a general 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. To provide comment by phone during the live meeting, please e-mail or call the City Recorder at Cityrecorder@Sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive the phone dial-in instructions. 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.

**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 Cityrecorder@Sherwoodoregon.gov

**ADA Accommodations:** If you require an ADA accommodation for this public meeting, please contact the City Recorder’s Office at (503) 625-4246 or Cityrecorder@Sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time.

**SHERWOOD CITY COUNCIL MEETING MINUTES**
**22560 SW Pine St., Sherwood, Or**
**February 7, 2023**

## WORK SESSION

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 6:00 pm.

2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Keith Mays, Councilors Kim Young, Taylor Giles, Renee Brouse, and Dan Standke. Councilor Doug Scott was absent.

3. **STAFF PRESENT:** City Manager Keith D. Campbell, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, Economic Development Manager Bruce Coleman, HR Manager Lydia McEvoy, Police Chief Ty Hanlon, Finance Director David Bodway, City Attorney Ryan Adams Community Development Director Eric Rutledge, IT Systems Analyst Mark Swanson, Records Technician Katie Corgan, and City Recorder Sylvia Murphy.

4. **TOPICS:**

### A. ARPA Funds Discussion

Finance Director David Bodway presented the "American Rescue Plan Act (ARPA)" PowerPoint presentation (see record, Exhibit A) and reported that it was signed into law by President Biden on March 11, 2021 and explained that it allocated $1.9 trillion to COVID-19 relief and economy recovery. He reported that Sherwood had received $4,415,423 in ARPA funds and commented that the figure had grown slightly since the funds earned interest. He outlined that ARPA funds were required to be obligated by December 31, 2024 and cities had until December 31, 2026 to complete projects or spend the funds. He stated that April 30, 2023 was the next federal reporting deadline the city had to comply with. Mr. Bodway recommended that the city transfer the ARPA funds from the Grant Fund to the General Fund and explained that by doing so, the funds would be recorded into the Police Department budget as payroll was an eligible use of ARPA funds. He explained that by doing this, it made it easier to comply with federal compliance requirements and commented that external city auditors had approved of this practice, as other cities in Oregon had also spent ARPA funds this way. He provided an overview of the benefits of his recommendation and stated that the Police Department was funded entirely by the General Fund, and by using the ARPA funds to pay for payroll, it made over $4.4 million in unrestricted funds available that would normally have been used to fund the Police Department. He explained that his recommendation satisfied federal reporting requirements, significantly reduced risk to the city, eliminated spending deadlines, and offered more flexibility in how additional unrestricted funds could be spent. Mr. Bodway recapped next steps and explained that he would prepare a supplemental budget before April 30, 2023, which would be presented to Council for approval. He continued that at a resolution committing the newly freed up funds would be presented at that same meeting. He explained

that he recommended that Council commit the funds because committed funds were not included in the five-year forecast and were not considered to be available funds when discussing the General Fund. Councilor Young commented that once the ARPA funds were transferred to the General Fund, they should be referred to as something other than "ARPA" dollars and asked once the ARPA money was transferred to the General Fund, would it be easy to tell that those funds were already committed? Finance Director Bodway replied that once transferred, the funds could be added to the Reserved for Future Years. Council President Mays commented that the city was obligated to make a one-time payment to organized groups and asked Finance Director Bodway what that total was? Finance Director Bodway replied that it was roughly $250,000. He recapped the remaining reasons why he recommended committing the funds as: Council had the authority to commit funds, committing funds placed specific constraints on how resources could be used, and Council could modify or rescind commitment at any time via a resolution. Council President Mays stated that he was supportive of the concept and commented that he wanted to create a label for the fund after the obligated $250,000 was paid. He suggested "City Investment Fund" and explained that the fund was for the future investment in things like real property acquisition for capital improvements. He commented that future conversations would be needed regarding how to invest that money and explained that the funds would have limitations on what they could be spent on. Finance Director Bodway replied that he would look into different fund structures outside the General Fund and explained that he would need to bring a supplemental budget resolution to Council to create a new fund. He stated that it would need to be a part of the budgeting process and could be completed in June. Council President Mays replied that transferring the money to the General Fund was the priority, then at a future date, legislation could be passed to create the fund and Council could then transfer the funds out of the General Fund into the newly created fund. Councilor Giles commented he could not come up with a reason not to follow Finance Director Bodway's recommendation of transferring the ARPA funds into the General Fund and discussion regarding educating the public on what the new fund was going to be used for occurred. Mayor Rosener commented that transferring the ARPA funds to the General Fund would provide Council with more resources on how to best evaluate and fund future projects and stated he was in favor of following Finance Director Bodway's recommendation. Councilor Standke asked what the federal government's original intent was for ARPA funds? Mr. Bodway explained that it was originally intended to provide relief for cities to replace lost revenue due to the pandemic and discussion regarding the impacts of the pandemic and ARPA funds on neighboring cities occurred. Councilor Brouse stated that she was in favor of following the recommendation and said that she wanted to have more conversations about what to spend the money on, specifically she wanted to make sure that the funds were not limited to use for projects or infrastructure. Mayor Rosener commented that he also wanted to have additional conversations about what the funds could be used for and voiced that Council had to be careful with how the money was spent because this was "one-time money."

**B. Transient Lodging Tax**

Councilor Brouse recused herself from the discussion citing a conflict of interest. Finance Director David Bodway presented the "Transient Lodging Tax (TLT)" PowerPoint presentation (see record, Exhibit B) and cautioned that discussion of the usage of the funds should focus on the budget for future years. He reported that by June 30, 2023, there would be a conservative estimated fund balance of $350,000 and the city anticipated $150,000 in collections for FY 23-24. Mr. Bodway explained that per ORS 320.350, 70% of the net revenue had to be used to fund tourism promotion or tourism-related facilities, or the financing or refinancing of the debt of tourism-related facilities. He continued that the remaining 30% of the net revenue was unrestricted and could be used to fund city services. He provided an overview of the

possible uses of the TLT revenue for the city-supported special events, tourism-related facilities, parks maintenance, and capital projects related to tourism on page 4 of the presentation. He outlined that TLT funds could be used on the Robin Hood Festival, Cruisin' Sherwood, Music on the Green, Movies in the Park, the Sherwood Center for the Arts operations, public art, parks maintenance, park amenities that benefitted tourists visiting Sherwood, and trail projects. He explained that the remaining 30% of the net revenue could be put towards General Fund Operations. Mr. Bodway advised that ensuring that third parties complied with state statutes that restricted the use of TLT revenue was the risk of passing on revenue to third parties. Discussion regarding what constituted tourism and if public art promoted tourism occurred and Councilor Young commented that people visited cities to view their public art and referred to the murals in North Plains. Council President Mays explained that the City of Pendleton used their unrestricted 30% to fund their public art program. Mayor Rosener commented that Council could put the money into a "Economic Development/Tourism" fund, which would then make the funds unrestricted, allowing the city to give funding to a community organization if they chose to. Council President Mays stated that the unrestricted 30% could go to the General Fund. Of the 70%, 33% could go into a Public Art Fund and 66% could go to the Arts Center operations and create a community development/community tourism fund. He continued that that fund could then be a sponsor of some city events/festivals. He asked that Economic Development Manager Bruce Coleman to produce a report with examples of what other communities did to support tourism and economic development. Councilor Giles commented that the city could use the funds to help local businesses improve their visibility/advertise their businesses. Council President Mays commented that Council could change their mind at any time about what to spend the funds on as Council had the authority to change the distribution of the funds. Mayor Rosener commented that he wanted to see what other neighboring communities were doing. He commented that unless the city owned the property, the city would have little say over what businesses moved into the city, but the city could create SDC grant offsets with some restrictions attached to help attract the type of businesses they wanted. Councilor Young recapped that the unrestricted 30% would go to the General Fund, of the 70%, 33% would go to public art and 66% would go towards the Arts Center, with the newly available funds from the Arts Center operations being transferred to a newly created "economic development/tourism" fund in the General Fund. Council President Mays replied that was correct and added that in the first year, some funds should be earmarked for the sponsorship of the city's two leading tourism events. Finance Director Bodway recapped that he would need to draft a resolution authorizing the city to add additional funds, with the funds being budgeted for during the budgeting process. Mayor Rosener commented that some coastal cities were pushing for legislation that would expand what TLT funds could be used for, including transportation projects, and discussion occurred. Mr. Bodway commented that he had heard about the potential option to raise the local TLT tax to help pay for the debt issuance of tourism-related construction, and once the bond was paid off, being able to lower the TLT down to the original level.

**C. Outdoor Seating Permit**

Community Development Director Eric Rutledge presented the "Outdoor Seating Permit Program" PowerPoint presentation (see record, Exhibit C) and explained that staff wanted Council feedback on if the Outdoor Seating Permit Program should be made permanent. He outlined that questions for Council to consider included: if the program should be made seasonal or year-round, if the eligible area should be expanded or reduced, and should the on-street seating option be removed? Mr. Rutledge recapped that the pilot Outdoor Seating Permit program ran from spring 2022 through fall 2022. He stated that there were strict requirements for the location and design of seating; applicants were required to have general liability, personal injury, and fire insurance; and proof of TVF&R, OLCC, and any other pertinent

permits were required. He reported that the pilot program issued four permits, all of which were located on Railroad Street and were for sidewalk-use only. He stated that no complaints had been received from the public, but some businesses had expressed concern over the high insurance requirements, and enforcement was needed for one business to obtain the appropriate permit. Mr. Rutledge commented that staff had reviewed the insurance requirements and recommended keeping the requirements as is. Mayor Rosener asked how much a permit cost? Mr. Rutledge replied that a permit cost $150. Mayor Rosener asked if anyone outside of the Old Town area had asked for a permit? Community Development Director Rutledge replied that to his knowledge, no one outside of Old Town had applied for the pilot program. He commented that there was a similar permit available for commercial shopping centers. Councilor Giles referred to the insurance costs and asked if businesses had felt like the program was beneficial to them? Mr. Rutledge replied that he had not received feedback from businesses regarding if they felt that the program had been beneficial to them. Councilor Young commented that she felt that the insurance requirements were a little high. Councilor Giles asked why staff recommended keeping the insurance requirements as they were? Mr. Rutledge replied that the insurance requirements ensured that the city's liability was covered. Community Services Director Kristen Switzer explained that the $2 million liability insurance requirement was consistent with what was required from instructors that held classes at the Center for the Arts, and was the figure recommended by the city's insurance provider. Councilor Young commented that the insurance requirements should remain consistent. Councilor Giles asked how much the insurance requirements cost a person or business? Mayor Rosener commented that the insurance for the Pirates of Pinehurst event was $300 for the $2 million in liability insurance. Councilor Young asked if the city had asked for feedback from the participating businesses if they felt that the program was worthwhile? Council President Mays commented that if the city continued the program and those same businesses signed up again, the city would know that the program was worthwhile. Councilor Young commented that she felt that the program was worth continuing. Mayor Rosener commented that the program should be open to any business in the city, not just those within Old Town. Councilor Brouse commented that she agreed. Councilor Young commented that she would be okay removing the use of the parking spot from the program as it seemed that no one had utilized that option. Council President Mays stated that he would keep the program but make it seasonal and commented that he did not like the idea of a permanent structure being located in a parking space along a road. Councilor Young commented that making the program year-round would allow for businesses to take advantage of good weather during the winter months. Councilor Giles commented that the program should be a year-round program because it was likely that those businesses did not have room to store their outdoor tables and chairs in the off-season. Councilor Brouse commented that the ability to utilize parking spaces could be made seasonal, but the program could be made year-round. Mayor Rosener commented that doing so would lower the risk of permanent structures being located in street parking. Community Development Director Rutledge explained that he suspected that the reason no one had utilized the parking stall option was because of the design requirements, which made that option more expensive as it involved building a platform to be level with the curb and sharing engineering plans with the city if they planned to install railings. Mr. Rutledge clarified that Council wished to offer the on-street option seasonally and the sidewalk option was to be offered year-round? Council replied that was correct. Council President Mays stated that after a business had applied and been approved, businesses should be required to reaffirm that they would continue with the program annually. He clarified that businesses should only be required to apply and pay the permitting fee once, but businesses needed to provide updated insurance information to the city annually. City Attorney Ryan Adams commented regarding resolutions versus ordinances and asked if Council was making this a permanent program or if they were trying the program out for another year? He explained that if the program was made

permanent, he recommended passing an ordinance codifying the program. Council stated that the program should be made permanent.

*Record note: prior to the meeting, Community Development Director Eric Rutledge emailed Council additional information on the Outdoor Seating Permit Program (see record, Exhibit D).*

**D. Review Municipal Judge Salary**

Mayor Rosener explained that a resolution authorizing an increase in the Municipal Judge's compensation was pulled from the February 7th Consent Agenda in order to allow Council to discuss the topic. He explained that the Municipal Judge position reported to Council, and Judge Morris had not received a pay increase since 2011. Finance Director Bodway explained that if Council had added yearly COLA increases to the current $100 an hour rate, the hourly rate would be $130 instead. He explained that he had put an hourly rate of $135 in the resolution based on his research on what local jurisdictions were offering. He outlined that some jurisdictions offered between $88-$100 an hour and reported that Judge Morris worked an average of 6-8 hours a week. Council expressed their satisfaction with Judge Morris's performance. Councilor Young asked if the Municipal Judge alternates were paid the same hourly rate as Judge Morris? Council President Mays commented he believed they were and asked that staff check other local jurisdictions to see if they paid the same rate to their Municipal Judge alternates. He recommended that the pay increase be retroactive. Mayor Rosener stated he agreed. Councilor Young asked what date the pay increase would be retroactive to? Mayor Rosener replied that it would be retroactive to the beginning of the calendar year. He explained that when the 2011 contract was signed, it was signed by the City Manager, not the mayor on behalf of Council, and stated that that needed to be changed in the new contract. Councilor Brouse asked what other jurisdictions did in regard to the Municipal Judge position reporting to Council or the City Manager? City Attorney Adams replied that in most jurisdictions, Council supervised the Municipal Judge position. Councilor Young asked if it was possible to have all the necessary information sent to Council in order for the resolution to be on the February 21st City Council meeting agenda? She asked how Council could ensure that an annual review of the Municipal Judge was completed? Finance Director Bodway replied that in the pulled resolution, he had suggested that during the regular budget season, the Finance Director would alert Council or bring forward recommendations if they deemed it necessary. Councilor Giles suggested putting the annual review of the Municipal Judge position on the same schedule as the review of the City Manager and City Attorney positions. Mayor Rosener stated that he agreed that the reviews should be lined up. Finance Director Bodway referred to the suggested retroactive date for the pay increase and asked for clarification. Councilors Brouse and Giles stated that they were in favor of making the retroactive date effective July 1st and discussion occurred. Mayor Rosener asked that Finance Director Bodway research the financial impacts of both retroactive date options and report back to Council.

*Record note: prior to the meeting, Finance Director David Bodway emailed Council additional information regarding compensation for the Municipal Judge position (see record, Exhibit E).*

**5. ADJOURN:**

Mayor Rosener adjourned the work session at 6:58 pm and convened a regular session.

**REGULAR SESSION**

1. **CALL TO ORDER:** Mayor Rosener called the meeting to order at 7:04 pm.

2. **COUNCIL PRESENT:** Mayor Tim Rosener, Council President Keith Mays, Councilors Kim Young, Taylor Giles, Renee Brouse, and Dan Standke. Councilor Doug Scott was absent.

3. **STAFF PRESENT:** City Manager Keith D. Campbell, City Attorney Ryan Adams, Public Works Director Craig Sheldon, Community Services Director Kristen Switzer, IT Systems Analyst Mark Swanson, Community Development Director Eric Rutledge, Police Chief Ty Hanlon, City Engineer Jason Waters, and City Recorder Sylvia Murphy.

4. **APPROVAL OF AGENDA:**

   **MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).**

5. **CONSENT AGENDA:**

   A. **Approval of January 17, 2023 City Council Meeting Minutes**
   B. **Resolution 2023-012, Authorizing the City Manager to enter into a contract with Otak and Harper Houf Peterson Righellis, INC (HHPR) for Planning Services**

   **MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCIL PRESIDENT MAYS. MOTION PASSED 6:0; ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).**

6. **CITIZEN COMMENTS:**

   Sherwood resident Steve Holthouse came forward to address Council and stated he was concerned about a pathway in Stella Olsen Park and provided a picture of the pathway to Council. He explained that when it rained heavily, it flooded the pathway, forcing people to cut across the grass and noted that the picture he showed Council was from March 2017. He stated that he and his wife had both fallen on that pathway due to the slipperiness of the path. He cautioned that the city was opening themselves up to a liability lawsuit or insurance claim if they did not address the issue. He reported that he had provided similar information to the Parks and Recreation Advisory Board at their February 6th meeting and was told that the board was unable to address the issue and that it was up to Council to budget money to move the pathway. He asked that Council address the problem to avoid future issues. Councilor Young commented that staff would continue to look into potential options to address the issue. Councilor Giles explained that the staff at the Parks and Recreation Advisory Board had explained that there were limitations on what the city could do to address the issue because there were clean water corridor restrictions in addition to beavers building dams nearby. He explained that a canal was created in order to help the area drain more quickly and commented that there were ADA concerns regarding moving the pathway further up the hill. He continued that flooding in that area was still a concern and should be addressed.

Sherwood resident Jim Claus came forward to address Council regarding future litigation. He explained that he had spent over $100,000 to learn that his property was undevelopable and stated that there were a number of false accusations made and commented regarding Cedar Brook Way. He stated that his attorney would be in contact with City Attorney Adams and city staff and said that there would be future litigation against the city.

Mayor Rosener addressed the next agenda item.

## 7. PRESENTATIONS:

### A. Recognition of Eagle Scout Award Recipient

Mayor Rosener recognized James Davis for his achievement of attaining the rank of Eagle Scout and invited him to attend a future Council meeting.

Mayor Rosener addressed the next agenda item.

### B. Recognition of 2023 Oregon Kid Governor Appointee

Mayor Rosener explained that Sherwood resident Lea Andrus had been elected as the 2023 Oregon Kid Governor. Ms. Andrus explained that she campaigned on an anti-bullying platform and explained that she planned to foster connections between classmates through “Tootles,” a weekly note program, as well as having schools appoint “kindness helpers” and promoting daily acts of kindness. She explained that she hoped to decrease bullying in schools and in the community. Council President Mays asked who got to vote in the Kid Governor election? Ms. Andrus explained that candidates must first make and submit a video to their schools, then the fifth-grade students voted for their top candidate, sending their pick to the state. After that, the state picked the top seven candidates which were then voted on by all participating 2023 Oregon Kid Governor fifth graders. Councilor Brouse asked if Ms. Andrus would be willing to speak at a future Rotary Club meeting? Ms. Andrus replied she would. Councilor Giles asked if Ms. Andrus was interested in going into politics in the future because of her experience in the 2023 Oregon Kid Governor process? Ms. Andrus replied that maybe she would participate in politics in the future. Mayor Rosener presented Ms. Andrus with a certificate.

Mayor Rosener addressed the next agenda item.

### C. Washington County Sheriff’s Office Annual Update

Washington County Sheriff Pat Garrett and Undersheriff John Koch came forward and presented the “Washington County Sheriff’s Office Updates” PowerPoint presentation (see record, Exhibit F). He stated that the Washington County Sheriff’s Office would focus on county-wide services and working with their partners, which included the City of Sherwood and the City of Sherwood Police Department. He reported that according to data provided by the FBI’s National Incident Based Report System (NIBRS), Washington County had the lowest combined crime rate of the five most populated counties in Oregon. He provided an overview of the Washington County Sheriff’s Office mission, values, and statutory duties on pages 3-5 of the presentation. He stated that the Washington County jail was the second smallest jail per 1,000 residents for any county in Oregon and reported that in 2022, there were 180 bookings for Sherwood. He outlined that they were currently experiencing a staffing crisis at the jail and stated they

were working to address the issue. He provided an overview of the impacts COVID-19 had on Washington County jail management as well as navigating the long-term impacts of the pandemic. He provided the examples of providing services to help reduce recidivism and support the transition back to the community as well as providing mental health services. Undersheriff Koch explained that by partnering with local cities, the Washington County Sheriff's Office was able to pool resources for large-scale incidents in order to provide a better service to all of the communities they served. He provided an overview of the Washington County multi-agency teams on pages 10-12 of the presentation. Mayor Rosener said he appreciated the partnership that the Sherwood Police Department had with the Washington County Sheriff's Department and commented that the relationship was valued and strong. Councilor Giles commented that he appreciated the Mental Health Response Team (MHRT) and spoke on his experience of witnessing the MHRT in action during a ride-along. He asked if the staffing issue at the jail was due to a lack of candidates or a lack of funding? Sheriff Garrett replied that it was an acquisition issue in that there was a decrease in the number of people applying for those jobs. Council President Mays thanked the Washington County Sheriff's Department for their service.

Mayor Rosener addressed the next agenda item and the City Recorder read aloud the public hearing statement.

## 8. PUBLIC HEARINGS:

### A. Ordinance 2023-001, Approving a 31-Lot Planned Unit Development (PUD) and Subdivision to be known as the Moser Pass PUD (*First Reading)*

The City Recorder read the public hearing statement and asked that Council disclose and explain the nature of any ex parte contact, bias, or conflict of interest and indicate if they intended to participate or abstain from the hearing. Councilor Giles stated he did not have a conflict of interest and planned on participating in the hearing. Councilor Young stated she did not have a conflict of interest and planned on participating in the hearing. Council President Mays stated he did not have a conflict of interest and planned on participating in the hearing. Councilor Brouse stated she did not have a conflict of interest and planned on participating in the hearing. Councilor Standke stated he did not have a conflict of interest and planned on participating in the hearing. Mayor Rosener stated he did not have a conflict of interest and planned on participating in the hearing. Community Development Director Eric Rutledge presented the "LU 2022-020 SUB/PUD Moser Pass 32-Lot Subdivision/PUD" PowerPoint presentation (see record, Exhibit G) and outlined that the application was for a 32-lot subdivision and PUD for single-family residential homes with Very Low-Density Residential zoning and was a Type V land use action. He recapped that the City Council was the decision maker on the application and stated that the Planning Commission had issued a recommendation to Council after their hearing on the application in January. He explained that after Council had made their decision, the Final Development Plan would go back to the Planning Commission to review and ensure that the conditions of approval were met, after which the Applicant could then go to the county to record the plat. He recapped that the application had been provided to affected agencies on December 12, 2022 and staff had provided public notice in accordance with the city's code. He said that staff had received one piece of verbal testimony regarding the application, but no written comments. He provided an overview of the applicable Sherwood Zoning and Community Development Code (SZCDC) on page 5 of the presentation. Mr. Rutledge stated that the property was located on the east side of Murdock Road and north of the Upper Roy intersection and was 13 acres in size. He outlined the existing conditions of the site and explained that the site contained a single-family home with several outbuildings and a driveway off of Murdock Road. He stated that the

application sought to remove all existing structures and redevelop the entire site. He reported that the site had limited vegetation and did not contain any mature or native trees. He provided an overview of the surrounding land uses on page 8 of the presentation and outlined that single-family residential was to the west of Murdock Road, single-family lots were to the north, and to the south were the previously approved PUDs of Denali Meadows, Denali Summit, Denali Lane, Chinn Partition, and Ironwood Acres. He noted that the grey outline of the area on the map on page 8 showed the extent of the Southeast Sherwood Master Plan area. He addressed the zoning and explained that the site would be Very Low Density Residential and stated that the SZCDC allowed for a PUD of the Very Low-Density Residential zone if requested. He stated that the Applicant was asking for a zoning designation of Very Low Density Residential – PUD that also conformed to the Southeast Sherwood Master Plan which would allow for .07-4.0 units per acre. He stated that the Applicant proposed single-family dwellings at a density of 3.06 units per acre with a 10,000 square foot lot size and noted that the Applicant was proposing to comply with the base zone development code standards. He noted that the SZCDC code had recently been updated to remove the opportunity to grant exceptions to setbacks and to lot sizes within PUDs and explained that all of the proposed lots would comply with the underlying zone, with the exception of the lot size. Community Development Director Rutledge provided an overview of the SZCDC PUD minimum criteria and SZCDC residential land use districts criteria on pages 11-12 of the presentation. He noted that there were approval criteria that was specific to the Southeast Sherwood Master Plan. He explained that the area outlined in red on page 13 of the presentation showed the site within the Southeast Sherwood Master Plan. He outlined that a road would be constructed at the Upper Roy intersection that would connect to Murdock Road as well as a pedestrian connection between Murdock Road along the frontage of the site. He noted that another local street connection to Murdock Road was technically required, but City code preferred less intersections with arterial roads, so the proposed road was turned into a cul-de-sac. He stated that there were plans for trails throughout the opens space within the subdivision. He provided an overview of the preliminary plat layout and recapped that it was a 32-lot proposal with open space and that all arterial roads required visual corridors as well as a pedestrian connection from the open space to Murdock Road via the public street. Mr. Rutledge explained that the Planning Commission had recommended that Lot 21 be converted into open space and showed that the new development would connect to adjacent PUD developments to the south. He addressed the verbal testimony that was received and explained that the comments came from a property owner to the north of the proposed development and related to the buffering between the proposed open space tract and the residents to the north of the development. He reported that the Planning Commission did not recommend additional conditions related to those concerns as the SZCDC did not require specific buffering or fencing between residential uses, but they asked that the Applicant and the property owner come to a voluntary agreement about the buffering. He provided an overview of the open spaces plan on page 15 of the presentation and stated that all walkways were designed to have a 15-foot-wide corridor, with five feet of pavement and five feet of landscaping on each side. He reported that the area shaded in light green on the map on page 15 of the presentation was proposed to be reforested. He addressed open space amenities and outlined that the plan included a woodchip trail, a gazebo, benches, interpretive signage that was consistent with the interpretive signage in the Denali PUD to the south, and forest restoration. He provided an overview of the parks, trees, and open spaces map for the area that included the previously approved PUDs. He explained that there would be a consistent trail and open space system along the back of the entire area of the developments with some pedestrian connectivity through the open spaces and private street tracts. He provided an overview of the architectural pattern book provided by the Applicant on page 17 of the presentation. Community Development Director Rutledge addressed parking requirements and explained that the zoning required one parking stall per single-family detached home and noted that the homes were likely to be constructed with two or three

car garages. He addressed transportation improvements and explained that the developer was required to provide full frontage improvements along Murdock Road which included a visual corridor, sidewalk improvements, and a flashing pedestrian beacon at the intersection of Murdock and Upper Roy. He stated that the additional condition of approval had been added of, "The PUD ordinance shall become effective upon approval of the Final Development Plan pursuant to SZCDC 16.40.30." He explained that this recommendation came from city staff in order to clarify that the PUD ordinance becomes effective at the time of the Final Development Plan as opposed to City Council approval. He explained that the PUDs were an overlay zone which required staff to amend the zoning map, and staff did not want to complete those changes too early should the conditions change or if the Applicant chose not to move forward. He continued that once the Final Development Plan was approved by the Planning Commission, city staff would then update the zoning map. He addressed the Planning Commission recommendations and explained that the Planning Commission had found that the amount of open space provided, and the location and design of the open space did not meet the approval criteria. He explained that the Planning Commission acknowledged the difficulties of developing the site based on the topography and bedrock conditions, but they had cited that there was approximately 4.5-acres of forested open space identified on the subject property in the Southeast Sherwood Master Plan while only 2.06-acres of open space were proposed by the Applicant. He explained that the Planning Commission was also concerned that the open space would not be ADA accessible based on the proposed trail surface and grade in Tract C. Mr. Rutledge explained that the Planning Commission recommended approval of the application with the additional condition of, "Prior to Final Development Plan approval, the applicant shall provide a revised plat and open space plan converting Lot 21 to usable open space. Usable open space means grass, walkways, or other improvements accessible to the public." He explained that converting Lot 21 into additional open space would provide a more flat, usable, and accessible area. He outlined the City Council alternatives as: approve the application based on the findings and conditions in the Planning Commission recommendation, approve the application with modified findings and conditions, or deny the application with modified findings and stated that the second hearing on the proposed ordinance would be held at the February 21st City Council meeting.

Jennifer Arnold with Emerio Design and applicant Kenzie Roth with JT Roth Construction came forward. Ms. Arnold stated that they had participated in the Planning Commission process and agreed with the staff findings and recommendations. She stated that the Applicant was now proposing a new option to address some of the Planning Commission's concerns regarding the open spaces. She explained that the Southeast Sherwood Master Plan had a significant amount of tree canopy and open space preserved, but those trees were removed by the previous owner, and the developers had worked the site to the best of their ability to comply with the needs of the code, stakeholders, and property owner. She continued that a little over two acres of open space had been preserved and they were proposing to plant 325 trees to fix the tree removal. She referred to an updated plan sheet that had been emailed to Council prior to the meeting (see record, Exhibit H). She referred to the Planning Commission's recommendation of converting Lot 21 into additional open space and stated that the Applicant proposed to retain Lot 21 in order to make the subdivision work. She stated that they needed all of the lots to be plotted and explained that they had adjusted the lots along that row to expand the open space wedge between Lot 20 and Lot 21. They had also widened the opening at the right-of-way to 30-feet, there would be an ADA accessible trail that led to the gazebo, and the trail was adjusted to follow the natural topography of the site. She continued that the buffer area between the lots and the trail within the site was made bigger to provide better separation. Ms. Arnold stated that they were proposing to extend the existing street system that was a part of the previous approvals, so some transportation standard modification requests were included in the application. Mr. Roth stated that this was the fourth proposal

they were bringing and commented he felt that they were proposing a “pretty clean project” and stated they were not asking for any changes above and beyond the open space requirement. He referred to their plans to reforest the area and stated that they had contracted with a company to replant some of the saplings that were already at the site. He referred to the woodchip trail and explained that woodchips were chosen because as the trees matured, they would drop needles making it difficult to maintain an asphalt path. Mr. Roth stated that he had been working closely with the neighbor to the north to come to a mutual agreement regarding the buffering between the sites. He stated that the gazebo was moved closer to the street which made it ADA accessible and helped alleviate concerns about people congregating near a neighboring property.

David Scheirman, 22151 SW Hall St, Sherwood, Oregon 97140, came forward and stated that he was concerned about this development because the Parks and Recreation Advisory Board was not asked to provide comment on the proposal, only the Planning Commission. He noted that he served on the Parks and Recreation Advisory Board, but he was not representing them at this meeting. He commented that he would appreciate if the Parks and Recreation Advisory Board were provided the opportunity to weigh in on future developments. He stated that Sherwood had three types of parks: two regional parks that were roughly 22 acres each, neighborhood parks that were between 3-6.2 acres each, and some pocket parks. He explained that the Parks and Recreation Advisory Board typically discouraged pocket parks because they were very small and were limited in who they could serve and stated that pocket parks alienated teenagers because of their size. He stated that the proposed park in the development would be a part of an HOA, and historically, the city inherited those parks once the HOAs changed over. He commented that had the Parks and Recreation Advisory Board been consulted, they would have reviewed the proposed surfaces and steepness of the site. He commented that he supported the findings of the Planning Commission, but the Parks and Recreation Advisory Board would be happy to review future developments and provide their recommendations to Council in addition to the Planning Commission. He referred to Murdock Park and commented that vehicles often went upwards of 40 mph on Murdock Road and providing pedestrian access to that park presented safety concerns. He commented that he was concerned about the grade of the open space trail and stated that the Parks and Recreation Advisory Board wanted parks to be accessible for all residents.

Chris Corrado, 14331 SW Fairoaks Drive, Sherwood, Oregon 97140 came forward and stated that he was the property owner to the north of the site. He explained that as he has learned more about the development, his original concerns about the buffering between the two properties were not as big of a concern and commented that he and the developers had come to a mutual agreement regarding buffering. He stated that he was against the idea of the developer having to “give up” a lot in general, but specifically for trying to create more public space. He stated he supported the developer’s suggestion of consolidating the lots to create more public space. He commented that he did not believe that converting Lot 21 into public space would “draw people from all over Sherwood” to the park when there were larger parks nearby and the small park would serve the local neighborhood and neighbors well. He commented that he did not “need the general public…coming in” because of the close proximity to his property that would be otherwise unprotected from the walking path and the gazebo. He stated that for those reasons and the fact that the neighbors would be paying the HOA fees, that the small park be built for local use only.

Jennifer Arnold with Emerio Design and applicant Kenzie Roth with JT Roth Construction came forward. Ms. Arnold stated that they understood the desire for the Parks and Recreation Advisory Board to have input on public open space and explained that because the park would be maintained by the HOA, it was

not brought up early on in the discussion process as a requirement. She referred to the requested buffering and screening between the property and the neighboring north property and stated that that issue was being addressed. She reported that the combined square footage of the open space and the gazebo space was 25,000 square feet. She stated that Tract C was connected to the southern parcels, so it was a continuous open space. Councilor Giles asked who would be responsible for the park maintenance, the city, or the HOA? Ms. Arnold replied that the HOA would be responsible. Mr. Roth added that the opens space would be deeded to the HOA. Councilor Giles clarified that the open space and trails would be open to non-HOA members. Mr. Roth replied yes. Councilor Giles asked if the trail design matched the trail design in the neighboring PUDs? Mr. Roth replied that those trails were asphalt pavement trails. Ms. Arnold added that the Moser Pass trail would connect to the neighboring PUD trail. Mr. Roth explained the visuals of what the transition between the trails would look like. Councilor Brouse asked if the Planning Commission had had a chance to review the updated plan sheet (Exhibit H)? Ms. Arnold replied that the Planning Commission had not reviewed the updated plan sheet.

Mayor Rosener closed the public hearing and asked for questions or discussion from Council.

Council President Mays asked staff to prepare other scenarios. He explained that he wanted scenarios for the application not meeting standards with findings for denial. He explained that they were asking for a number of units that were needed to meet the Southeast Sherwood Master Plan and the application did not do that. He clarified that the Southeast Sherwood Master Plan identified over four and a half acres and the application had a little over two acres. He commented that he would rather have a project than no project but wanted other options for how to “get to a yes.” He asked that the new options be creative in order to minimize the risk of losing lots. He stated that he felt that the paths should be ADA compliant and commented that the city had asphalt parks in treed areas throughout the city. He stated that the midpoint connection from the road to the trail was important and commented that as long as it was ADA compliant, he supported it. He stated that given the large discrepancy in open space, park amenities, community amenities, and trying to “meet in the middle,” he suggested two acres of open space and one acre of park space. He added that he was not particular about where the park was located, and he was open to creative solutions to minimize the risk of losing lots. He commented that there should be room for a play structure and possibly a sports court and added that the Parks and Recreation Advisory Board should provide input on the matter. Council President Mays expressed that if the developer wanted to get the number of units they were requesting, they needed to “follow the spirit” of the Southeast Sherwood Master Plan or go to fewer units and larger lots. He remarked that trails could be easements at the backs of lots so the number of lots could still be preserved. He asked if the road frontage could be an easement in the lot size? He commented that if there was a play structure and sports court, a bathroom was likely necessary and said that if Council were open to it, he would support the city reimbursing the developer for the construction of the restroom. Council President Mays commented that he would support a smaller park if it were ADA accessible from the street and it provided perpendicular parking spaces. He added that those parking spaces could count towards the square footage of the park. He summarized that those ideas would help result in a much better product and would help minimize the loss of lots. Councilor Giles commented that he wished that there were more flexibility in the city’s definition of parks to allow for differences between parks and discussion occurred. Councilor Young commented that she had concerns regarding the woodchip path and its ADA compliance because she knew that residents desired more ADA accessible parks. She asked what the public benefit of this PUD was? Community Development Director Rutledge replied that the main public benefit was the ability for the public to have access to the open spaces and that the open spaces would be owned and maintained by the HOA. Councilor Standke commented that he also had concerns about

the mismatch between the woodchip trail and the asphalt pavement trail as well as the open space acreage being half of what was required in the Southeast Sherwood Master Plan. Mayor Rosener commented he was concerned about having amenities on the other side of the road when it came to children's safety. He asked how tall the retaining walls were in relation to the trail for the properties at the northeast corner? Community Development Director Rutledge replied that the developers would have to fill in a lot of the northeast corner for utilities and to create buildable lots. He explained that the trail would be in a sloped area which would angle up and run parallel to the retaining wall until the trail reached the building pads. Mayor Rosener clarified that there was a similar spot in town where a trail amenity was put below a 15-foot retaining wall next to a green space and the area had become a collection point for garbage because it was out of sight. He referred to the path at the top of Lot 22 and explained that the path was at the top of a 10-foot retaining wall and commented he wanted to make sure a railing was installed there. Councilor Giles commented that because of the topography of the site, he felt that the proposed park had to be different than other city parks and discussion occurred. Mayor Rosener referred to the public benefit that this PUD would provide and commented that it seemed that the benefit was providing residential housing, but this was not the type of housing that Sherwood needed in terms of the housing shortage. He commented that if the application followed the original zoning in the Southeast Sherwood Master Plan, there would be more open space and green area. Councilor Giles commented that the neighboring PUDs had similar lot sizes to the proposed PUD. Mayor Rosener replied that the lot sizes were consistent, but he had a hard time seeing the public benefit because the Southeast Sherwood Master Plan contained a large park or open space in the area. Community Development Director Rutledge summarized that there were two areas of concern for Council. The first was under the general PUD criteria and the application was deficient in providing a unique design and amenity improvements. The second area was regarding the amount of open space provided specific to the Southeast Sherwood Master Plan. He explained that staff would bring findings back to Council that addressed those specific criteria. He summarized Councils requests to make the trail behind the homes ADA accessible and explained that making the trail ADA accessible would require a lot of engineering work. Councilor Giles asked if the trail could be paved but not necessarily ADA accessible? Community Development Director Rutledge replied that that would be much easier. Council President Mays asked Mr. Rutledge to review the option of creating an ADA accessible path that wound around the neighborhood and connected to the asphalt path in the neighboring PUD. Mr. Rutledge replied that he would look into that option and commented that it was unlikely that the entire length of that proposed path would be ADA accessible. He recommended that providing a larger park space that was accessible to everyone would help to offset the accessibility issues created by the path. Council President Mays referred to the 120-day window and commented that he was open to working with the Applicant to extend the timeframe in order to properly address Council's concerns. Community Development Director Rutledge added that if the Applicant did not agree to an extension, the city could not force them. Mr. Rutledge referred to the request that the Parks and Recreation Advisory Board provide input on future developments and explained that when they received a pre-application, staff would route the pre-application to the Parks and Recreation Advisory Board for them to provide their comments.

Mayor Rosener addressed the next agenda item.

**9. CITY MANAGER REPORT:**

Police Chief Hanlon reported that Sergeant Randy Johnson would retire after 22 years on February 9th. City Manager Campbell reported that the Sherwood Police Department would conduct a training on

February 8th and February 22nd at the high school. He welcomed City Attorney Ryan Adams to the city. He reported that HR Manager Lydia McEvoy became a US citizen on February 7th.

Mayor Rosener addressed the next agenda item.

**10. COUNCIL ANNOUNCEMENTS:**

Councilor Standke reported that he attended the Planning Commission meeting where they discussed Development Code updates as a part of their code cleanup work. He reported that they reviewed the psilocybin code language. He reported that AARP had partnered with CASH Oregon to offer free tax filing services to individuals or households who made less than $60,000 a year. He stated that appointments could be made at the Senior Center or at several other Portland-Metro locations.

Councilor Brouse reported that she attended the Regional Water Consortium meeting on February 1st where they approved their budget and work plan, discussed the SWOT analysis, and discussed engagement for the Strategic Plan. She reported that the Senior Advisory Board would meet on February 8th.

Councilor Young stated that she was the Council liaison to the Sherwood School District and reported she would attend their meeting on February 8th where they would discuss and vote on the proposal for a five-year levy of $1.50 per $1,000 of assessed value. She reported that the Sherwood School District Board would also hear an update on the YSAT (Youth Substance Abuse Team). She reported that the Police Advisory Board would meet on February 16th and Councilor Giles would attend the meeting in her place.

Councilor Giles reported that he attended a LOC visit to Salem to meet with state representatives and to advocate for additional funding for Sherwood projects. He reported he attended a meeting with the Sherwood School District and the city where Economic Development Manager Bruce Coleman explained the need for local businesses to partner with the school district to create more on-target training programs and the need to foster relationships with local schools and businesses. He reported he attended the Library Advisory Board meeting where they continued their work on creating short and long-range plans. He reported that tax forms were available for free at the library. He reported that he attended the Parks and Recreation Advisory Board on Councilor Scott's behalf and the board discussed tree removals, heard testimony on the flooding in Stella Olsen Park, and continued their work on ranking their priorities.

Council President Mays reported that Councilor Young attended the Cultural Arts Commission meeting in his place so he could attend the WIF meeting. He reported the WIF meeting continued reviewing their work plan. He reported that he attended the quarterly LOC board meeting.

Mayor Rosener reported that he attended a LOC visit to Salem to meet with state representatives and to advocate for additional funding for Sherwood projects such as funding for the tannery site cleanup and additional funding for Highway 99W pedestrian crossings. He reported he met with US Representative Andrea Salinas where they discussed Sherwood's needs. He reported he and City Manager Campbell would be in Washington D.C. along with Sherwood's lobbying team to advocate for Sherwood projects. He reported he attended the Oregon Mayors Association meeting. He reported he would attend the Washington County Mayors meeting on February 10th.

**11. ADJOURN:**

Mayor Rosener adjourned the regular session at 9:06 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Tim Rosener, Mayor

**City Council Meeting Date:** February 21, 2023

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Lydia McEvoy, Human Resources Manager
Through: Keith D. Campbell, City Manager and Ryan Adams, City Attorney

**SUBJECT:** **Resolution 2023-013, Authorizing an increase in the Municipal Judge's Compensation**

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**Issue:**
Shall the City Council approve amending the compensation received by the City's Municipal Court Judge?

**Background:**
The last time the compensation for the City's Municipal Judge was reviewed and increased was June 27, 2011. At that time, the hourly rate was increased from $75 per hour to $100 per hour. The purpose of this resolution is to amend the Municipal Judge's hourly rate from $100 per hour to $135 per hour.

Moving forward, the Finance Director will review the hourly rate received by the City's Municipal Judge on a yearly basis as a part of the regular budgeting process and bring forth any recommendations to City Council.

**Financial Impacts:**
The increase in hourly rate for the remainder of the fiscal year is approximately $4,600. This is an immaterial amount to the overall Administration department and will not likely require a supplemental budget at this time.

**Recommendation:**
Staff respectfully recommends City Council approval of Resolution 2023-013, Authorizing an increase in the Municipal Judge's Compensation.

**RESOLUTION 2023-013**

**AUTHORIZING AN INCREASE IN THE MUNICIPAL JUDGE'S COMPENSATION**

**WHEREAS**, Section 36 of the Sherwood City Charter authorizes the City Council to employ a Municipal Court Judge; and

**WHEREAS,** it appears to Council that it is necessary and appropriate to amend the Municipal Judge's Compensation.

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

**Section 1**. The compensation for the Municipal Judge position shall be set at $135 per hour as of July 1, 2022.

**Section 2.** The Mayor is hereby authorized to modify and execute an employment contract with Judge Morris that is substantially similar to Exhibit 1, attached hereto.

**Section 3**. This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 21st day of February, 2023.**

_____
Tim Rosener, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

# CITY OF SHERWOOD
# MUNICIPAL COURT JUDGE EMPLOYMENT AGREEMENT
# 2023-2026

This Employment Agreement ("Agreement") is made and entered into effective the ____ day of February 2023 ("Effective Date"), by and between the **City of Sherwood**, a municipal corporation of the State of Oregon (the "City"), and **Jack Morris** ("Employee"), both of whom understand and agree as follows:

**WITNESSETH:**

WHEREAS, Chapter VIII, §36 of the Sherwood City Charter authorizes the Sherwood City Council to appoint a municipal court judge for the City; and

WHEREAS, Employee has honorably and faithfully served as the municipal court judge for the City for more than two decades; and

WHEREAS, the City desires to continue to employ the services of Employee as the Presiding Municipal Court Judge ("Judge") for the City of Sherwood, effective as of the Effective Date; and

WHEREAS, it is the desire of the City to establish certain conditions of employment, establish certain benefits, and set working conditions for Employee; and

WHEREAS, Employee desires to continue employment as Judge of the City of Sherwood;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

**Section 1. Term**

The term of this Agreement shall be for a period of three (3) years from the Effective Date. Prior to any renewal of this agreement, Employee's compensation shall be reviewed by council.

**Section 2. Work Hours**

The City hereby employs Employee as Judge for the City of Sherwood. Employment is part-time and is compensated on an hourly basis as set forth in "**Schedule A**" attached hereto. Employee's normal work hours will be to preside over Municipal Court, currently held every Friday. Employee shall submit a timesheet for actual hours worked. Employee will also be paid for all hours spent reviewing and researching case files and for all time spent writing opinions, rulings, and correspondence related to Municipal Court and the like.

**Section 3. Employment Date and Status**

Employment is at all times AT WILL, meaning Employee can resign and the City can terminate Employee's employment at any time, with or without cause and with or without notice, by a majority vote of City Council.

**Section 4. Compensation**

Employee shall be paid on an hourly basis for all hours worked, as outlined in the attached Schedule A. City recognizes that Employee has neither had, nor requested a pay raise since 2011. Therefore, as a gesture of good will, Employee shall be entitled to retroactive pay at the rate described in this section, effective July 1, 2022. Such retroactive pay shall be the difference between the rate described in Schedule A and the previous rate of One Hundred Dollars ($100) per hour.

**Section 5. Assigned Duties**

Employee will hear Municipal Court cases and render decisions. Employee will also respond, as required, to Municipal Court cases that may be appealed to a higher court. Employee will exercise supervision and control over court personnel when performing their in-court and Municipal Court responsibilities, including other judges and counter personnel, when Municipal Court is in session. In the event Employee is not available for a Court date, employee shall have authority to appoint a Judge Pro Tem, to be compensated as specifically set forth in Schedule A. A City Finance Department Manager will supervise the City's Municipal Court program and is responsible for daily supervision and performance of City employees assigned to perform Municipal Court duties. In the event Employee has any cause for concern with any employee or other judge, Employee shall inform the Finance Department Manager of the concern and recommended action and the Finance Department Manager will then address the issue(s) raised. Employee agrees to perform these and other legally permissible and proper judicial duties and functions as the Sherwood City Council ("Council") assigns to Employee. Employee reports directly to the Sherwood City Council.

**Section 6. Professional Development**

The City will reimburse Employee up to Five Hundred Fifty Dollars ($550) per year for mileage, seminar tuition, bar dues, and travel accommodations to attend the Oregon Municipal Judge's Association annual meeting, or similar training, if Employee elects to go, at Employee's sole discretion. Employee is not paid for time spent at elective training. The City will also reimburse Employee up to Six Hundred Dollars ($600) per year for membership in the Oregon State Bar, with proof of payment to the Oregon State Bar.

**Section 7. Indemnification**

The City shall defend, save harmless, and indemnify Employee against any tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as Municipal Court Judge. The City may compromise and settle any such claim or suit and shall pay the amount of any settlement or judgment rendered thereon. No indemnification shall apply to acts done outside the course and scope of employment.

**Section 8. Other Terms and Conditions of Employment**

City Council, in consultation with Employee, shall fix any such other terms and conditions of employment as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter, or any other law.

**Section 9. General Provisions**

9.1. This Agreement shall constitute the entire agreement between the parties.

9.2. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

9.3. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

9.4. This Agreement may only be amended in writing, signed by both the City and Employee.

9.5. Waiver of any provision of this Agreement, either by the City or Employee, shall not constitute a future waiver of that or any other provision of this Agreement.

9.6. This Agreement shall be construed and interpreted in accordance with the laws of the State of Oregon, and venue for any dispute shall be in Washington County.

9.7. This Agreement, along with the City's employment policies (as they may be amended and expanded from time to time), which have been or will be provided to and signed by Employee, sets forth the entire Agreement between the parties with respect to the subject matter contained herein and supersedes all prior agreements, negotiations, promises, or communications that are not contained herein.

IN WITNESS WHEREOF, the City of Sherwood has caused this Agreement to be signed and executed in its behalf by its Mayor. Employee has signed and executed this Agreement. This Agreement may be signed in counterpart and with duplicate originals so that the City and Employee will both have an original copy of this Agreement. This agreement is dated as of the Effective Date.

CITY OF SHERWOOD

By:_____
Tim Rosenor, Mayor

EMPLOYEE

_____
Jack Morris

APPROVED AS TO FORM:

_____
Ryan Adams, City Attorney

# SCHEDULE A

## CITY OF SHERWOOD
## MUNICIPAL COURT JUDGE EMPLOYMENT AGREEMENT
## 2023-2026

| **Employee** | **Hourly Rate** |
|---|---|
| Judge Jack Morris | $135 |
| Pro Tem Judges | $125 |

**City Council Meeting Date:** February 21, 2023

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** David Bodway, Finance Director
Through: Keith D. Campbell, City Manager

**SUBJECT:** **Resolution 2023-014, Authorizing the City Manager to sign an amendment to the current Intergovernmental Agreement with Metro for the Solid Waste Community Enhancement Program**

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**Issue:**
Shall the City Council authorize the City Manager to amend the current intergovernmental agreement (IGA) with Metro for the Solid Waste Community Enhancement Program (CEP)?

**Background:**
Resolution 2021-035 approved the signing of the IGA with Metro for the CEP.

As part of Metro's tonnage allocation program, Pride Disposal may choose to collect an additional Solid Waste Community Investment Fee (CIF) on waste not otherwise subject to Solid Waste Community Enhancement Fees.

Metro is proposing an amendment to the current IGA allowing the City to receive any CIF funds collected by Pride Disposal and to provide direction on how the City must manage and distribute (CIF) funds awarded by the CEP committee.

**Financial Impacts:**
Metro estimates that the CIF funds would generate an additional $45,000 a year for the City's CEP.

**Recommendation:**
Staff respectfully recommends approval of Resolution 2023-014, Authorizing the City Manager to sign an amendment to the current Intergovernmental Agreement with Metro for the Solid Waste Community Enhancement Program.

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

**RESOLUTION 2023-014**

**AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDMENT TO THE CURRENT INTERGOVERNMENTAL AGREEMENT WITH METRO FOR THE SOLID WASTE COMMUNITY ENHANCEMENT PROGRAM**

**WHEREAS,** the Metro Solid Waste Code is set forth in Title V of the Metro Code; and

**WHEREAS,** Metro Solid Waste Code Chapter 5.06 contains the requirements for the Community Enhancement Program; and

**WHEREAS,** the City of Sherwood has a facility that participates in the Metro Community Enhancement Program; and

**WHEREAS,** through Resolution 2021-035 the City of Sherwood has a current IGA with Metro, and

**WHEREAS,** Metro has proposed an amendment to the current IGA to provide direction to the City on how Community Investment Fees (CIF) are managed and distributed.

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

**Section 1.** The City Manager is hereby authorized to sign the amendment to the current Intergovernmental Agreement (IGA), attached as Exhibit A, with Metro for the Solid Waste Community Enhancement Program.

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

**Duly passed by the City Council this 21st day of February, 2023.**

_____
Tim Rosener, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

# Amendment to Community Enhancement Grant Program Agreement

Metro
600 NE Grand Ave.
Portland, OR 97232-2736

**AMENDMENT NO. 01**
**CONTRACT NO. 937321**

This Amendment hereby amends the above titled agreement between Metro, a metropolitan service district organized under the law of the State of Oregon and the Metro Charter, and City of Sherwood, hereinafter referred to as "City."

## Recitals

The parties executed an intergovernmental agreement for the purpose of establishing a Solid Waste Community Enhancement Program for Pride Disposal (the "Facility").

As part of Metro's tonnage allocation program, the Facility may choose to collect an additional Solid Waste Community Investment Fee ("CIF") on waste not otherwise subject to Solid Waste Community Enhancement Fees.

The parties now wish to provide direction on how Sherwood must manage CIFs and distribute the funding through existing Community Enhancement Grant mechanisms.

## Amendment Terms

This amendment is a change to the original Agreement as follows:

The following section is hereby ADDED to the Agreement:

"Section 13: Collection and Distribution of Community Investment Fee ("CIF") Funds

A. As part of Metro's goals-based tonnage allocation criteria, the Facility can voluntarily choose to collect and remit to Metro: (1) a CIF of $0.50 per ton on all putrescible solid waste, including yard debris mixed with food waste received by the Facility; or (2) a CIF of $1.00 per ton on all types of waste received that are not subject to any Solid Waste Community Enhancement Fees.

B. Metro will send to Sherwood any CIF funds ("CIF Funds") collected in subsection A above on the first business day in February, May, August, and November of each year this Agreement is in effect.

C. At the request of Sherwood, Metro will provide quarterly reports of activity at the Facility, including data on (1) the gross weight of solid waste received in vehicles that are weighed as they enter the Facility; (2) the number of other vehicles assessed fees on an estimated volume basis; and (3) the tonnage of solid waste transferred from the Facility.

**Amendment to**
# Community Enhancement Grant Program Agreement

Metro
600 NE Grand Ave.
Portland, OR 97232-2736

**AMENDMENT NO. 01**
**CONTRACT NO. 937321**

E. Sherwood must not commingle Community Engagement Fee funds and CIF Funds in its budget.

F. Sherwood must ensure that only projects chosen by the host grant advisory committee receive CIF Funds. Sherwood must carry forward any CIF Funds not expended during a budget year to the following year. Sherwood must not use CIF Funds for general government purposes."

Except for the above, all other conditions and covenants remain in full force and effect.

IN WITNESS TO THE ABOVE, the following duly authorized representatives of the parties referenced have executed this Amendment.

| CITY OF SHERWOOD | METRO |
|---|---|
| By_____ | By_____ |
| Print Name_____ | Print Name_____ |
| Date_____ | Date_____ |

**City Council Meeting Date:** February 21, 2023

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Adrienne Doman Calkins, Library Manager
Through: Kristen Switzer, Community Services Director and Keith D. Campbell, City Manager

**SUBJECT:** **Resolution 2023-015, Appointing Amanda Bryan to the Sherwood Library Advisory Board**

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**Issue:**
Should the City Council appoint Amanda Bryan to the Sherwood Library Advisory Board?

**Background:**
Position 5 on the Library Advisory Board was vacated mid-term by Jane Vankuren. The City and Library have advertised and received one application. The Council Liaison to the board, Taylor Giles; Library Manager, Adrienne Doman Calkins; and Chair Melanie Dobson interviewed the candidate and unanimously recommended appointment of Amanda Bryan to fill the vacancy. The Mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

**Financial Impacts:**
There are no financial impacts from this proposed action.

**Recommendation:**
Staff respectfully recommends City Council's adoption of Resolution 2023-015 appointing Amanda Bryan to the Sherwood Library Advisory Board.

**RESOLUTION 2023-015**

**APPOINTING AMANDA BRYAN TO THE SHERWOOD LIBRARY ADVISORY BOARD**

**WHEREAS**, a vacancy exists on the Library Advisory Board due to a member resigning mid-term; and

**WHEREAS,** the term of office for this vacancy expires in June 2024; and

**WHEREAS,** the City advertised the vacancy on the City website, Sherwood Public Library website, social media, print publications, and onsite at the Library; and

**WHEREAS**, Amanda Bryan applied to be appointed and was interviewed by the interview panel; and

**WHEREAS**, the interview panel considered all of the applicants and recommended to the Mayor that Amanda Bryan be appointed to fill the vacancy; and

**WHEREAS,** the Mayor has recommended to City Council that Amanda Bryan be appointed; and

**WHEREAS**, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

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

**Section 1.** The Sherwood City Council hereby appoints Amanda Bryan to position 5 of the Sherwood Library Advisory Board for a term expiring at the end of June 2024.

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

**Duly passed by the City Council this 21st day of February 2023.**

_____
Tim Rosener, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

**City Council Meeting Date:** February 21, 2023

**Agenda Item:** Consent Agenda

**TO:** Sherwood City Council

**FROM:** Jason Waters P.E., City Engineer
Through: Craig Sheldon, Public Works Director, Keith D. Campbell, City Manager, and Ryan Adams, City Attorney

**SUBJECT:** **Resolution 2023-016, Declaring the Need to Acquire Real Property Interests to Construct and Thereafter Operate & Maintain SW Ice Age Drive through the Tonquin Employment Area**

---

**Issue:**
Should the City Council declare the need to acquire certain interests in the properties along the corridor to construct, operate, and maintain SW Ice Age Drive between SW Oregon Street and SW 124th Avenue?

**Background:**
General Information on Eminent Domain Proceedings
In order for cities to initiate eminent domain proceedings for public uses and projects, the City Council must first formally declare there to be a need for the acquisitions and describe the purpose for which they are required. The Resolution must also identify each of the properties where acquisitions are needed.

State law requires that this authorization take place prior to entering negotiations to acquire the needed property interests. As noted in the Resolution, staff will pursue condemnation only if those negotiations fail or the City has not otherwise secured interests in specific properties listed in this resolution.

Project Background and Status
Overall, the design team anticipates the SW Ice Age Drive Improvements Project could impact up to 7 different properties, not including power & gas line easements in the area, and the interests to be acquired from these 7 properties include temporary construction easements (TCEs), public utility easements (PUEs), stormwater easements, and right-of-way (ROW).

Now that the road alignment has been set and the design contract is expected to be awarded, the next steps is to declare publicly the need to acquire the public right-of-way and easement for the roadway. Overall, the ROW acquisition phase is anticipated to take 6-8 months from the adoption of this resolution.

**Financial Impacts:**
There are no direct financial impacts resulting from the adoption this resolution. This resolution allows ROW agents to begin the process to negotiate settlements based on fair market value as determined by certified appraisal or determinations of just compensation (i.e. Administrative Valuations) and lays the groundwork for eminent domain proceedings in the event those become necessary. Funds to settle all ROW acquisitions have been accounted for in the design project budget and these assumptions are re-evaluated each year based on market trends and the most current design plans, and updated in the adopted City Budget.

**Recommendation:**

City staff respectfully recommends City Council adopt Resolution 2023-016 Declaring the Need to Acquire Real Property Interests to Construct and Thereafter Operate & Maintain SW Ice Age Drive Through the Tonquin Employment Area.

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

# RESOLUTION 2023-016

## DECLARING THE NEED TO ACQUIRE REAL PROPERTY INTERESTS TO CONSTRUCT AND THEREAFTER OPERATE & MAINTAIN SW ICE AGE DRIVE THROUGH THE TONQUIN EMPLOYMENT AREA

**WHEREAS,** the Sherwood City Charter confers upon the City, a local municipal corporation, the authority to acquire real property, and interests therein, for all public purposes, including the establishment of public rights-of-way and easements for roadways and utilities; and

**WHEREAS,** the City is additionally authorized by ORS 223.005 & 223.105 to acquire, by condemnation if necessary, real property interests within or without its corporate limits for the construction, operation and maintenance of public or municipal uses, including transportation facilities and utility infrastructure as well as other similar or complementary public uses, for the benefit and use of the people of the City; and

**WHEREAS**, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act") outlines the requirements for property acquisition on federally funded projects, including a requirement for local municipalities to declare publicly, by resolution, the need to acquire interests in specific real properties in order to institute eminent domain proceedings and file for condemnation if settlement cannot be reached with a property owner; and

**WHEREAS**, the SW Ice Age Drive Improvements will establish a new collector street running east-west through the industrial lands in the Tonquin Employment Area (TEA) per the City's Transportation System Plan (TSP Project D20), including the utility infrastructure within the public right-of-way, and multi-modal transportation facilities through the corridor in compliance with the Americans with Disabilities Act of 1990; and

**WHEREAS**, this resolution declares the need to acquire property interests across the entire SW Ice Age Drive corridor between SW Oregon Street and SW 124th Avenue and includes a list of properties, by Taxlot ID, impacted by the proposed alignment; and

**WHEREAS**, the Sherwood City Council deems it necessary and in the public interest to acquire real property interests, specifically right-of-way, public utility easements, stormwater easements, and temporary construction easements, in the properties along the road corridor as identified in Exhibits A, B, and C, attached hereto and incorporated herein by reference, for the purpose of constructing, owning, operating, and maintaining the infrastructure installed by the SW Ice Age Drive Improvements Project between SW Oregon Street and SW 124th Avenue; and

**WHEREAS,** it appears that the proposed use, improvement, or project as described above is planned or located in a manner which will be most compatible with the greatest public good and the least private injury; and

**WHEREAS,** the City anticipates commencing use of the above-described property within ten years of the date of adoption of this Resolution.

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

**Section 1.** The Sherwood City Council hereby finds and declares that it is necessary and in the public interest that the City acquire right-of-way, public utility easements, stormwater easements, and temporary construction easements in the properties described in Exhibits A, B, and C, attached hereto and incorporated herein by reference, for the purpose of installing, operating, and maintaining transportation and utility infrastructure within the SW Ice Age Drive, which is a public or municipal use for the general benefit and use of the people of the City, as authorized by the City Charter and ORS 223.005-105.

**Section 2.** The Sherwood City Council further finds and declares that the proposed use described above is necessary and that the proposed use, improvement, or project described herein is planned, designed, and located, and will be constructed, in a manner that will be most compatible with the greatest public benefit and the least private injury or damage.

**Section 3.** The Sherwood City Council further finds and declares that the City anticipates commencing use of the above-described property within ten years of the date of adoption of this Resolution.

**Section 4.** The Sherwood City Council hereby authorizes the Sherwood City Manager, his designees, and the City Attorney, and his designees, to attempt to reach agreement with the owners and other persons with interest in the real property interests described herein as to the compensation to be paid for the acquisition of the property interests. In the event that no satisfactory agreement or settlement can be reached with such owners and interest holders, the City Attorney, or designee, is hereby directed and authorized to commence with condemnation and prosecute to final determination such proceedings as may be necessary to acquire the real property and interests therein. Upon the filing of such proceeding, including the advance deposit of the amount estimated to be the just compensation with the clerk of the circuit court, possession of the real property and interests therein may be taken immediately to the extent provided by law.

**Section 5.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 21st day of February 2023.**

_____
Tim Rosener, Mayor

Attest:

_____
Sylvia Murphy, MMC, City Recorder

**Exhibit A**

Exhibit A (**List of Properties Anticipated be Impacted by the SW Ice Age Drive Improvements Project**)

Exhibit to the ROW resolution to be adopted by City Council on February 21st, 2023

See Exhibit B and Exhibit C for Taxlot Maps

List of Impacted Properties by Taxlot ID

1. 2s128C700
2. 2s128C600
3. 2s128D602
4. 2s128D600
5. 2s128D800
6. 2s128D700
7. 2s128D1200
8. 2s128D1300 (Bonneville Power Administration)
9. Kinder-Morgan (gas line easement deed holder on aforementioned properties)

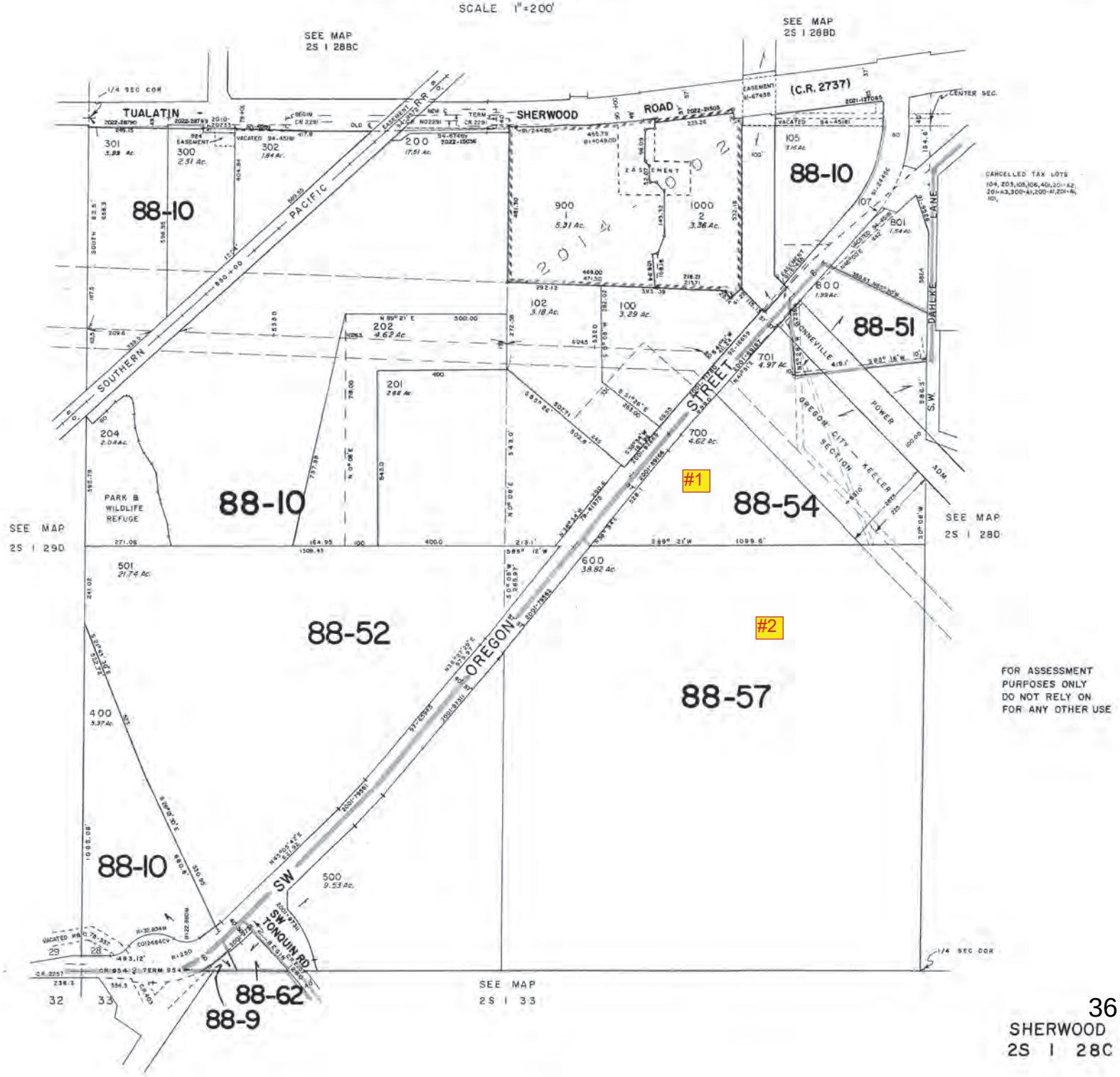
**End of List of Impacted Properties**

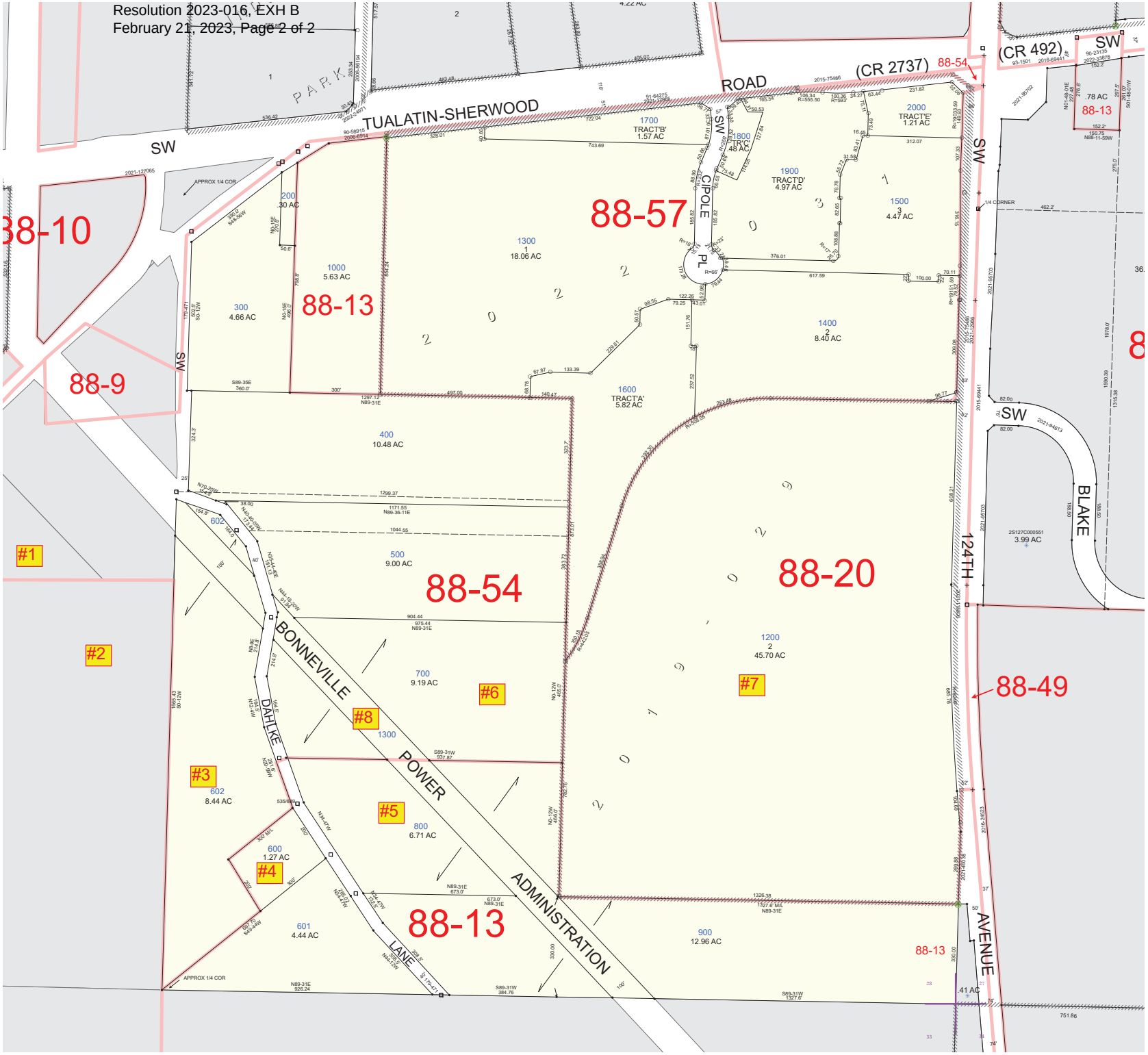
# SW1/4 SECTION 28 T2S R1W W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=200'

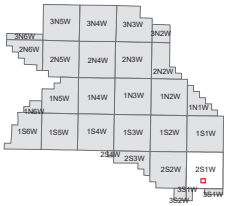
2S 1 28C

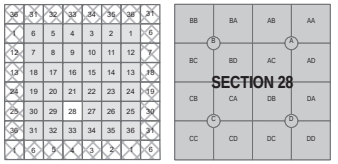





2S128D

**WASHINGTON COUNTY OREGON**
**SE 1/4 SECTION 28 T2S R1W**
**SCALE 1"= 200'**






FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
*www.co.washington.or.us*

**Cancelled Taxlots For: 2S128D**
101, 100, 1100

Feet
0 100 200 400 600

Assessment CARTOGRAPHY Taxation

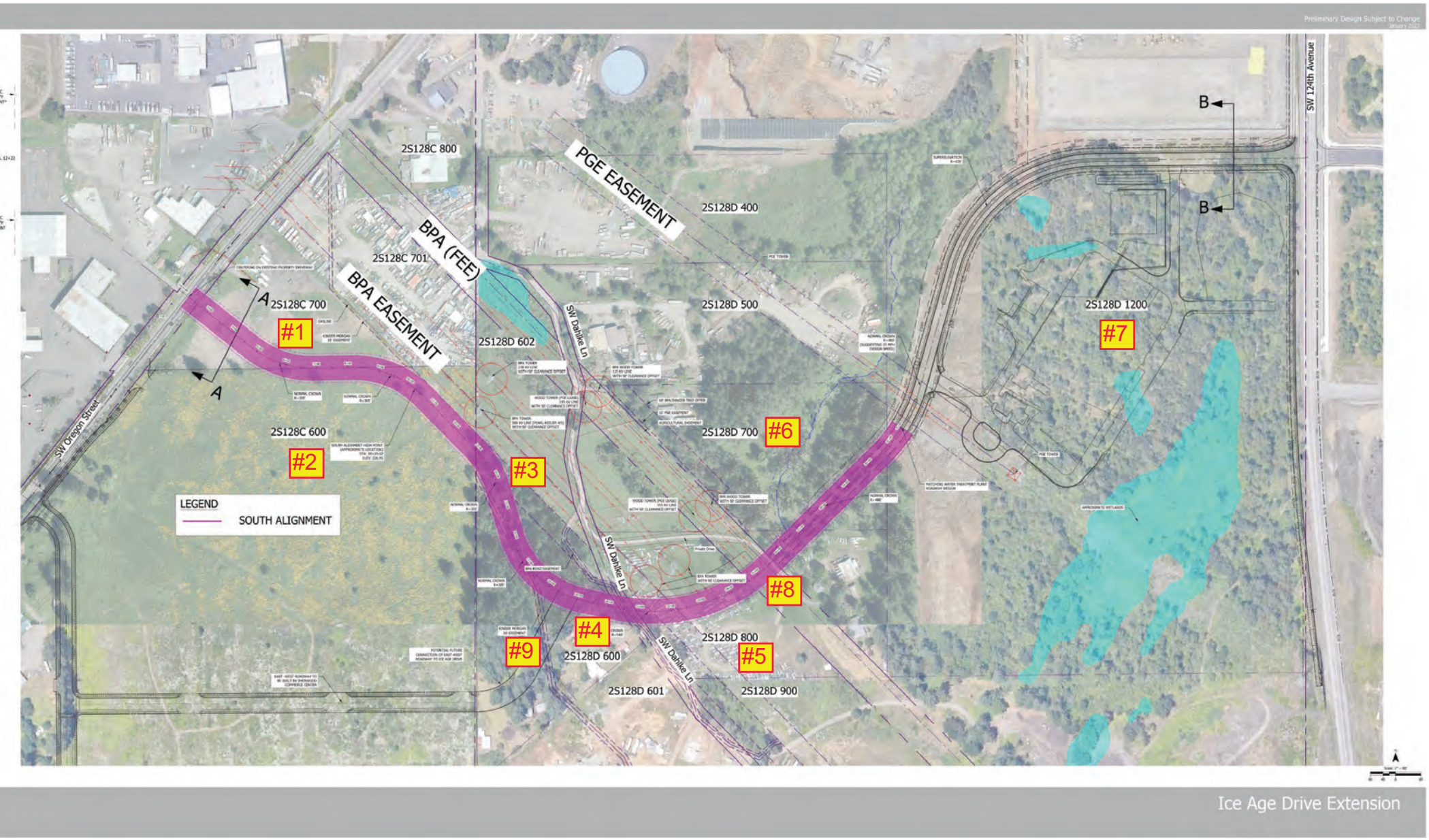
**PLOT DATE: 12/28/2022**
Rotation: 0°

*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.*

37 SHERWOOD
2S128D

Digmap


Preliminary Design Subject to Change
2S128C 800
PGE EASEMENT
2S128D 400
BPA (FEE)
2S128C 701
BPA EASEMENT
2S128C 700
2S128D 500
2S128D 1200
#1
#7
2S128D 602
SW Dahlke Ln
SW 124th Avenue
B
B
A
A
SW Oregon Street
2S128C 600
#2
#3
2S128D 700
#6
LEGEND
SOUTH ALIGNMENT
#8
#4
2S128D 800
#9
2S128D 600
#5
SW Dahlke Ln
2S128D 601
2S128D 900
Ice Age Drive Extension

Home of the Tualatin River National Wildlife Refuge

# MEMORANDUM

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

**To:** Mayor Rosener and Sherwood City Council

**From:** Eric Rutledge, Community Development Director

**Through:** Ryan Adams, City Attorney

**RE:** Revisions to LU 2022-020 SUB / PUD Moser Pass

**Date:** February 14, 2023

---

**Background:**
During the February 7, 2023 hearing on the subject application, City Council directed staff to draft two alternative sets of findings for consideration at the second hearing:

1. Findings of denial based on inadequate open space and amenities provided within

2. Findings of compliance (approval) with changes to the open space plan including a new park space and public amenities within

**Alternative 1 (Findings of Denial)**
Staff has drafted findings of denial based on council feedback, which is included as Attachment 1 to this memo.

**Alternative 2 (Findings of Compliance with Changes to Plan)**
Staff has drafted findings of approval with the addition of a new 1-acre park which are summarized in Attachment 2. Full findings and conditions to the support these changes are included as Exhibit 1 to Ordinance 2023-001.

*New Park (Tract F)*
Condition of Approval B13 would require the applicant to provide a new 1-acre park (Tract F) in addition to open space Tract C. Staff has recommended the park to be located over Lots 29 – 32 as these lots provide a flat and prominent location within the subdivision. The condition allows the applicant to choose a different location if all of the design requirements are met. The condition requires Tract C to remain a minimum size of 1.75-acres, for an overall minimum park and open space area of 2.75-acres.

*Impact to Buildable Lots*

To reduce the impact on buildable lots within the subdivision, all pedestrian walkways that are currently shown in private tracts can be converted to easements over private lots. A 15 ft. wide open space / trail easement can also be provided along the north / east side of Lots 11 – 24 within Tract C. See Attachment 3. After accounting for the new 1-acre park, it is estimated that the net loss of buildable lot area will be approximately 17,000 SF.

| | |
|---|---|
| Additional park space | - 43,500 SF lot area |
| Open space easement over private lots | + 26,500 SF lot area |
| **Net change to lot area** | **-17,000 SF** |

*PUD Procedures*

The PUD process requires Planning Commission to review and approve the Final Development Plan, including any conditions related to open space improvements. The new park space required as Condition of Approval B13 can be approved by Planning Commission prior to Final Plat recording.

**City Council Alternatives**

1. Deny the application based on the findings in Attachment 1
2. Approve the application based on the findings in Attachment 2 (full findings and conditions provided as Exhibit 1 to Ordinance 2023-001)
3. Approve the application with revisions to the findings in Attachment 2 and direct staff to draft final findings for adoption at the March 7, 2023 council meeting.

**Attachments:**

1. Draft findings of denial
2. Draft findings of approval with addition of Tract F – Park Space
3. Draft Condition of Approval B13 (Tract F – Park Space)
4. Conceptual Plat based on Condition of Approval B13
5. Conceptual Open Space Plan based on Condition of Approval B13
6. Example “Nature Play” equipment

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

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

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

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

## I. BACKGROUND

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

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

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

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

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

E. **Review Criteria:** Chapter 16.12 Residential Land Use Districts; Chapter 16.14 Residential Building Design; Chapter 16.40 Planned Unit Development; Chapter 16.58 Vision Clearance and Fence Standards; Chapter 16.60 Yard Requirements; Chapter 16.72 Procedures for Processing Development Permits; Chapter 16.89 Residential Design Checklist and Residential Design Review; Chapter 16.92 Landscaping; Chapter 16.94 Off-Street Parking and Loading; Chapter 16.96 On-Site Circulation; Chapter 16.106 Transportation Facilities; Chapter 16.108 Improvement Plan Review; Chapter 16.110 Sanitary Sewers; Chapter 16.112 Water Supply; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities; Chapter 16.120 Subdivisions; Chapter 16.128 Land Division Design Standards; Chapter 16.142 Parks, Trees, and Open Spaces; Chapter 16.144 Wetland, Habitat, Natural Areas

F. **Public Notice:** Notice of the application was provided in accordance with SZCDC § 16.72.020 for a Type V application as follows: notice was distributed in five locations throughout the City, posted on the site, and mailed to property owners within 1,000 ft. of the site on or before December 21, 2022. Notice was also published in a local newspaper (Tigard Times) on December 22, 2022 and January 5, 2023.

G. **History and Background:** The subject site is identified as the “Moser” property and is located at the north end of the SE Sherwood Master Plan study area. The property has been occupied by a single-family residence and several outbuildings for many years. A mature forest was located behind the home towards the middle and eastern edges of the property until it was removed by the previous owner between 2006 and 2007. The site is located north of the former Ken Foster Farm site and is not known to have soil contaminants.

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

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

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

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

## II. AFFECTED AGENCY AND PUBLIC COMMENTS

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

B. Public Comments

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

## III. APPLICABLE CODE PROVISIONS FOR FINDINGS OF DENAIL

**Chapter 16.12 Residential Land Use Districts**
**16.12.010 - Purpose and Density Requirements**

**3. Southeast Sherwood Master Planned Unit Development**

**a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre (except middle housing types pursuant to 16.12.010.F).**

**ANALYSIS:** The applicant is proposing a density of approximately 3.06-units per acre which exceeds the maximum density permitted in the underlying VLDR zone (1.0-unit per acre) and VLDR-PUD zone (2.0-units per acre). The development is required to conform to the concepts, goals, and objectives of the SE Sherwood Master Plan. The following concept is proposed for the subject property within the SE Sherwood Master Plan:

- A total of 24 residential lots
- 4.5-acres of wooded open space
- 25 – 50 ft. trail connecting the open space to SW Murdock Rd.

**FINDING:** The applicant is proposing a density of approximately 3.06-units per acre is required to conform to the concepts, goals, and objectives of the SE Sherwood Master Plan.

**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:**

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

**ANALYSIS:** The B/C Alternative of SE Sherwood Master Plan identifies 4.5-acres of open space on the subject property with a wide trail connecting to Murdock Rd. The plan states:

*"The main open space is 4.5 acres clustered in the northern wooded area. This space is connected to Murdock Road by a green 25-50 foot-wide linear buffer of open space and walking path along the north edge of the site."*

The applicant is proposing approximately 2-acres of open space within Tract C which is less than half of the open space identified in the master plan. The proposed open space does not have significant frontage on a public street as identified in the plan. The Sherwood Planning Commission expressed this concern during their hearing, stating that the open space was in a hard-to-reach area that would be difficult to reach by residents and the public.

In addition to most of the wooded open space identified in the master plan being used for private lots, the development does not include a 25 – 50 ft. wide walking path connecting to Murdock Rd. The linear space is limited in some areas to 15 ft. wide and crosses a public street without a direct off-street connection to Murdock Rd.

**FINDING:** This standard is not met.

**Chapter 16.40 – Planned Unit Development (PUD)**

**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:**

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

**ANALYSIS:** The applicant is proposing a density of approximately 3.06-units per acre which exceeds the maximum density permitted in the underlying VLDR zone of 1.0-units per acre. The applicant is proposing an approximately 2-acre open space within Tracts C and D. The open space will be reforested with native trees and include a wood-chip walking trail, gazebo, benches, and interpretive signage.

As the applicant is proposing a density at 3x the underlying zone, the design and amenities included in the plan are not sufficient to meet the criterion above. A typical residential neighborhood would include a central park space with amenities such as a play equipment, concrete walking paths, weather protection and seating, and flat usable

lawn space for recreation. The proposed density of 3x the underlying zone is therefore not warranted by the open space plan and improvements.

In addition, the location of the open space is located in a highly engineered area of the site with steep slopes. This area is not visible within the overall neighborhood and will be difficult to access for many members of the community including seniors and individuals with mobility challenges.

**FINDING:** This criterion is not met.

## I. EXHIBITS

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

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

**B. Agency Comments**

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

**C. Additional Information**

1. SE Sherwood Master Plan – Figure 15 Alternative B/C
2. Overall Circulation Plan – Denali and Moser Developments
3. Aerial Photo of Subject Site

## Findings for Revised Conditions

**Chapter 16.40 – Planned Unit Development (PUD)**

**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:**

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

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

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

In order to meet the criterion above, the development is required to provide a park space with the amenities described in Condition of Approval B13. As an alternative to providing this park space and amenities, the applicant can opt to develop the site under the clear and objective standards of the underlying VLDR zone at a maximum density of 1.0-units per acre.

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

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

1. A minimum of two walkway connections between SW Curry Ridge Dr. and open space Tract C shall be provided. The minimum spacing between trail connections shall be 500 ft. The walkways shall meet pedestrian walkway cross section shown in open space plan and be a minimum of 15 ft. wide.

2. The gazebo and interpretive signage within Tract C shall be removed and replaced with a one-acre park with amenities as described in Section 4 below. Tract C shall continue to be a minimum size of 1.75-acres and include the following elements:
    a. Reforestation in accordance with the reforestation plan
    b. Hard-surface off-street trail (asphalt or concrete) in accordance with the open space plan
    c. Pedestrian guard rails along the trail where adjacent to retaining walls or steep slopes
    d. Two benches
3. A new park identified as Tract F shall be provided in the location of Lots 29 – 32 or an alternative location with a minimum size of 1.0-acres. The design of the park and amenities described below shall be owned and maintained by the HOA and receive approval by the Planning Commission as part of the Final Development Plan
    a. Park shall include trees and landscaping
    b. Park shall include lighting
    c. Park shall include a minimum flat area of 20,000 SF that is ADA accessible from the public street. Required amenities can be located in flat area.
    d. Park shall include a nature play center (3,000 SF minimum)
    e. Park shall include a full-size basketball court (8,500 SF minimum) or full-size tennis court (minimum 2,100 SF)
    f. Park shall include a gazebo or other covered structure with tables and seating (minimum 600 SF)
    g. Park shall include minimum of two benches outside the covered structure
    h. Park area can be reduced on a per square foot basis for any off-street parking and drive aisles provided that meet the dimensional requirements of SZCDC 16.94.020(B)
    i. Optional – the park shall include a restroom with a reimbursement for all or partial construction costs from the City.

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

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

**FINDING:** This criterion is met as conditioned below.

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

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

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

**FINDING:** This criterion is met as conditioned below.

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

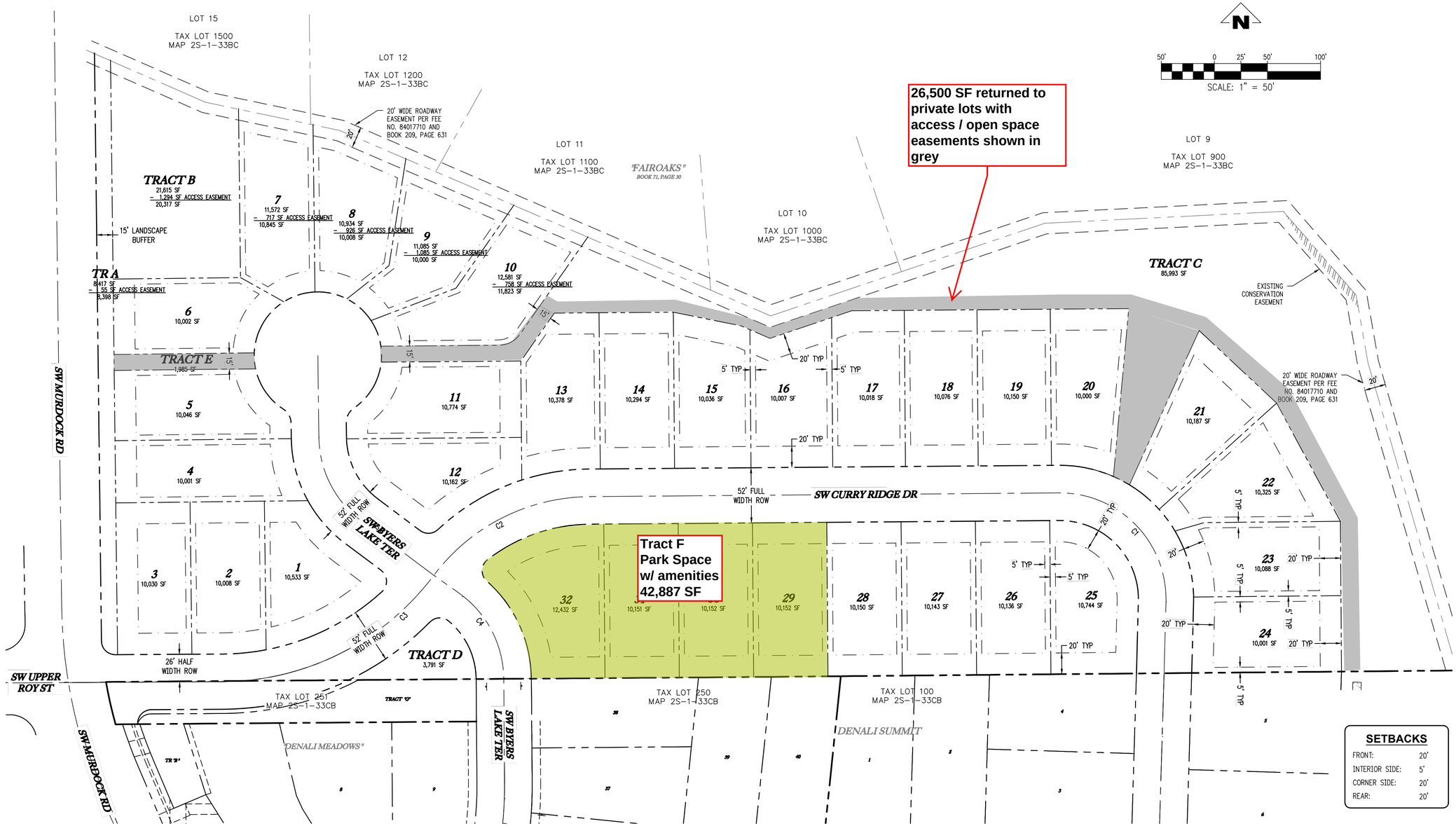
**16.40.020 - Preliminary Development Plan**
**D. Council Action**
**Upon receipt of the findings and recommendations of the Commission, the Council shall conduct a public hearing pursuant to Chapter 16.72. The Council may approve, conditionally approve, or deny the Preliminary Development Plan. A Council 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.**

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

**REVISED CONDITION OF APPROVAL B13**

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

1. A minimum of two walkway connections between SW Curry Ridge Dr. and open space Tract C shall be provided. The minimum spacing between trail connections shall be 500 ft. The walkways shall meet pedestrian walkway cross section shown in open space plan and be a minimum of 15 ft. wide.
2. The gazebo and interpretive signage within Tract C shall be removed and replaced with a one-acre park with amenities as described in Section 4 below. Tract C shall continue to be a minimum size of 1.75-acres and include the following elements:
    a. Reforestation in accordance with the reforestation plan
    b. Hard-surface off-street trail (asphalt or concrete) in accordance with the open space plan
    c. Pedestrian guard rails along the trail where adjacent to retaining walls or steep slopes
    d. Two benches
3. A new park identified as Tract F shall be provided in the location of Lots 29 – 32 or an alternative location with a minimum size of 1.0-acres. The design of the park and amenities described below shall be owned and maintained by the HOA and receive approval by the Planning Commission as part of the Final Development Plan
    a. Park shall include trees and landscaping
    b. Park shall include lighting
    c. Park shall include a minimum flat area of 20,000 SF that is ADA accessible from the public street. Required amenities can be located in flat area.
    d. Park shall include a nature play center (3,000 SF minimum)
    e. Park shall include a full-size basketball court (8,500 SF minimum) or full-size tennis court (minimum 2,100 SF)
    f. Park shall include a gazebo or other covered structure with tables and seating (minimum 600 SF)
    g. Park shall include minimum of two benches outside the covered structure
    h. Park area can be reduced on a per square foot basis for 90-degree off-street parking and that meets the dimensional requirements of SZCDC 16.94.020(B). All parking shall be at 90 degrees to the public right-of-way. No internal drive aisles are permitted.
    i. Optional – the park shall include a restroom with a reimbursement for all or partial construction costs from the City.




## GROSS & NET AREAS:

| LOT | AREA |
|---|---|
| 1 | 10,533 SF |
| 2 | 10,008 SF |
| 3 | 10,030 SF |
| 4 | 10,001 SF |
| 5 | 10,046 SF |
| 6 | 10,002 SF |
| 7 | 10,845 SF |
| 8 | 10,008 SF |
| 9 | 10,000 SF |
| 10 | 11,823 SF |
| 11 | 10,774 SF |
| 12 | 10,162 SF |
| 13 | 10,378 SF |
| 14 | 10,294 SF |
| 15 | 10,036 SF |
| 16 | 10,007 SF |
| 17 | 10,018 SF |
| 18 | 10,076 SF |
| 19 | 10,150 SF |
| 20 | 10,000 SF |
| 21 | 10,187 SF |
| 22 | 10,325 SF |
| 23 | 10,088 SF |
| 24 | 10,001 SF |
| 25 | 10,744 SF |
| 26 | 10,136 SF |
| 27 | 10,143 SF |
| 28 | 10,150 SF |
| 29 | 10,152 SF |
| 32 | 12,432 SF |
| TR A | 8,398 SF |
| TR B | 20,317 SF |
| TR C | 85,993 SF |
| TR D | 3,791 SF |
| TR E | 1,985 SF |
| MURDOCK ROW | 3,976 SF |
| PUBLIC STEET ROW | 81,917 SF |
| ACCESS EASEMENT | 5,023 SF |
| GROSS SF | 541,245 SF |
| REQ'D 15% OPEN SPACE | 81,188 SF |

DEDUCTIONS FROM SQUARE FOOTAGE

| | |
|---|---|
| MURDOCK ROW | 3,976 SF |
| PUBLIC STEET ROW | 81,917 SF |
| TR B | 20,317 SF |
| TOTAL DEDUCTIONS | 106,210 SF |
| GROSS SF | 541,245 SF |
| DEDUCTIONS | 106,210 SF |
| NET SF | 435,035 SF |

## SETBACKS

| | |
|---|---|
| FRONT: | 20' |
| INTERIOR SIDE: | 5' |
| CORNER SIDE: | 20' |
| REAR: | 20' |

CURVE TABLE

| CURVE | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD LENGTH |
|---|---|---|---|---|---|
| C1 | 160.56 | 100.00 | 91.9955 | N44° 27' 16"W | 143.86 |
| C2 | 170.25 | 185.00 | 52.7262 | S63° 11' 04"W | 164.30 |
| C3 | 230.57 | 250.00 | 52.8421 | S63° 14' 33"W | 222.48 |
| C4 | 94.83 | 100.00 | 54.3329 | N27° 36' 45"W | 91.32 |

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

MOSER PASS AT DENALI

TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

PRELIMINARY PLAT

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|

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

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 12, 1994
PATRICK RENO TORTORA

NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

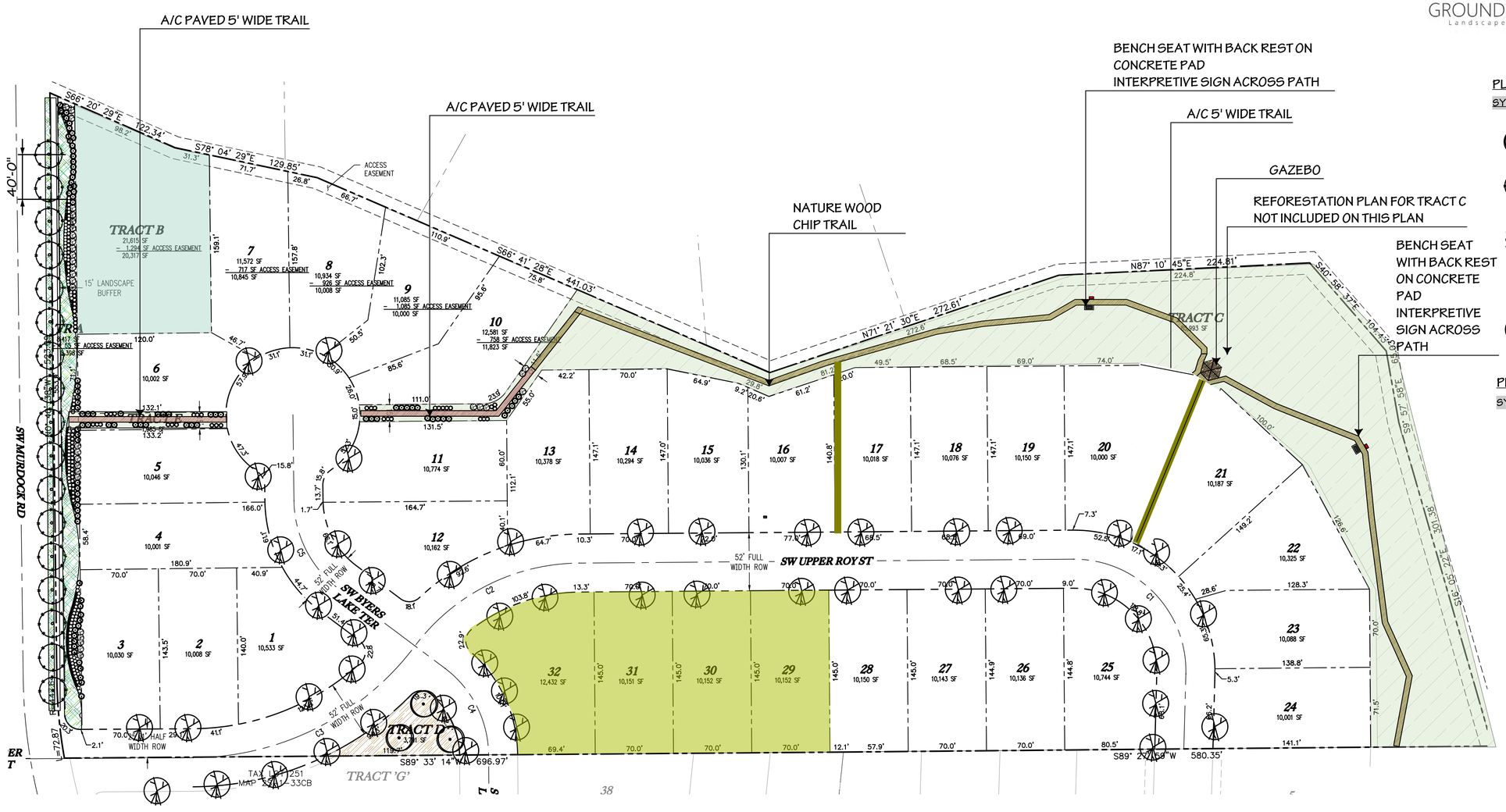
SHEET 04 OF 14

52

FILE: C:\Projects\0200-016 Moser Subdivision Sherwood\dwg\plan\0200-016_04plot, Layout: 04 PRELIMINARY PLAT, Plot Date: 11/7/2022 1:38 PM, by: Pat Tortora

GROUND ROOTS
Landscape Design

| MOSER PASS | | PROJECT 22012 |
|---|---|---|
| TAX LOT 1700 SHERWOOD, OR | | |
| DESIGNER | DATE | VERSION |
| GROUND ROOTS LD - JANE ELRICK | 9/7/2022 | 4 |
| LANDSCAPE PLAN | | 1/1 |




## PLANT LIST - TREES

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 3 | ACER RUBRUM 'FRANKS RED'<br>Red Sunset Maple | 2" cal | AS SHOWN |
| | 13 | CARPINUS BELTULUS PYRAMIDALIS<br>European Hornbeam | 2" cal | AS SHOWN |
| | 3 | GINKGO BILOBA 'GOLDSPIRE'<br>Goldspire Ginkgo | 6-8' ht. | AS SHOWN |
| | 3 | PINUS FLEXIUS 'VANDERWOLF PINE'<br>Limber Pine | 5' ht | AS SHOWN |
| | 48 | ZELKOVA SERRATA 'VILLAGE GREEN'<br>Village Green Zelkova | 2" cal | AS SHOWN |

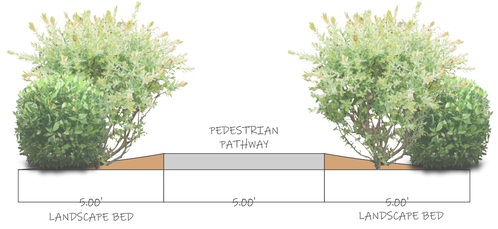
## PLANT LIST - SHRUBS & GROUND COVER

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 9 | MYRICA CALIFORNICA<br>Pacific Wax Myrtle | 5 gal | 6' oc |
| | 45 | VACCINIUM OVATUM<br>Evergreen Huckleberry | 2 gal | 4' oc |
| | 87 | CARYOPTERIS X CLANDONENSIS<br>Blue Mist Bluebeard | 2 gal | 4' oc |
| | 88 | ILEX GLABRA 'SHAMROCK'<br>Shamrock Inkberry | 2 gal | 4' oc |
| | 97 | PENNISETUM ALOPECURIOIDS 'HAMELN'<br>Hameln Dwarf Fountain Grass | 1 gal | 3' oc |
| | 96 | VIBURNUM TINUS 'COMPACTUM'<br>Spring Bouquet Laurustinus | 2 gal | 4' oc |

## SEEDED AREAS

| | | | |
|---|---|---|---|
| | PT LAWN SEED<br>PT 769 R & R ECO-TURF MIX | SEED | 5-7 lbs / 1000 sqft |
| | PT 705 XERISCAPE LAWN ALTERNATIVE | SEED | 2 lbs / 1000 sqft |
| | (2) 6' BENCH WITH BACK REST ON CONCRETE PAD | | |
| | INTERPRETIVE SIGN | | |

## PEDESTRIAN WALKWAY CROSS-SECTION






## TREE DENSITY CALCULATIONS*

*DOES NOT INCLUDE REFORESTATION OF TRACT C

| TREE NAME | QTY | MATURE SPREAD | CANOPY AREA (SF) | CANOPY COVERAGE (SF) |
|---|---|---|---|---|
| **PROPOSED NEW TREES:** | | | | |
| ACER RUBRUM 'FRANKSRED' | 3 | 40 | 1257 | 3771 |
| CARPINUS BETULUS PYRAMIDALIS | 13 | 35 | 962 | 12506 |
| GINKGO BILOBA 'GOLDSPIRE' | 3 | 6 | 28 | 84 |
| PINUS FLEXILIS VANDERWOLF PYRAMID' | 3 | 30 | 707 | 2121 |
| ZELKOVA SERRATA 'VILLAGE GREEN' | 48 | 36 | 1018 | 48864 |
| | | **TOTAL CANOPY COVERAGE** | | 67346 |
| | | **TOTAL SITE AREA** | | 335,896 |
| | | **PERCENT CANOPY COVER** | | 20% |

0 100 200 300 FT

SCALE: 1" = 50'

N
WINTER SUN
SUMMER SUN

EXISTING PLANTS-LOCATION APPROXIMATE
UNLESS SPECIFIED, ALL PLANT SYMBOLS ARE PLACEHOLDERS TBD
BASED ON AVAILABILITY

NOTE:

THE EXISTING PROPERTY CONDITIONS, INCLUDING PROPERTY LINE LOCATIONS SHOWN ON THE PLAN, ARE APPROXIMATE AND DO NOT REPRESENT A FIELD-SURVEYED CONDITION. OWNER SHALL VERIFY ALL PROPERTY LINES, DIMENSIONS, EASEMENTS, AND EXISTING UNDERGROUND UTILITY AND IRRIGATION LOCATIONS PRIOR TO ANY CONSTRUCTION. SERVICES AND ADVICE ARE LIMITED TO PLANNING AND CONCEPTUAL DESIGN OF EXTERIOR SPACES AND HORTICULTURE CONSULTATION AND DO NOT INCLUDE ANY ENGINEERING SERVICES, STRUCTURAL ANALYSIS, OR CONSTRUCTION DETAILS WHICH MAY REQUIRE THE SERVICE OF A LICENSED PROFESSIONAL AS REQUIRED BY LAW. CONSTRUCTION DETAILS GIVEN ARE CONCEPTUAL IN NATURE AND SHOULD BE CONFIRMED BY A LICENSED ARCHITECT OR CONTRACTOR. IMAGES SHOWN ARE FOR INSPIRATION AND SOME REFERENCES MAY NOT BE THE WORK OF GROUND ROOTS LANDSCAPE DESIGN. SOURCES AVAILABLE UPON REQUEST.



Nature Play Example 1



Nature Play Example 2

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

**ORDINANCE 2023-001**

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

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

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

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

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

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

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

**WHEREAS**, the City Council required changes to the plan including the addition of an approximately 1-acre park to meet the approval criteria and development standards under SZCDC 16.40.020(C)(3); (5); and (6); and

**WHEREAS**, the City Council findings to support the final decision are included as Exhibit 1 and Exhibit 2 to this ordinance;

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

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

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

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

**Section 3. Approval.**

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

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

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

**Duly passed by the City Council this 21st of February 2023.**

_____ _____
Tim Rosener, Mayor Date

Attest:

_____
Sylvia Murphy, MMC, City Recorder

| | AYE | NAY |
|---|---|---|
| Standke | ____ | ____ |
| Giles | ____ | ____ |
| Scott | ____ | ____ |
| Young | ____ | ____ |
| Brouse | ____ | ____ |
| Mays | ____ | ____ |
| Rosener | ____ | ____ |

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

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

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

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

## I. BACKGROUND

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

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

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

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

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

E. **Review Criteria:** Chapter 16.12 Residential Land Use Districts; Chapter 16.14 Residential Building Design; Chapter 16.40 Planned Unit Development; Chapter 16.58 Vision Clearance and Fence Standards; Chapter 16.60 Yard Requirements; Chapter 16.72 Procedures for Processing Development Permits; Chapter 16.89 Residential Design Checklist and Residential Design Review; Chapter 16.92 Landscaping; Chapter 16.94 Off-Street Parking and Loading; Chapter 16.96 On-Site Circulation; Chapter 16.106 Transportation Facilities; Chapter 16.108 Improvement Plan Review; Chapter 16.110 Sanitary Sewers; Chapter 16.112 Water Supply; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities; Chapter 16.120 Subdivisions; Chapter 16.128 Land Division Design Standards; Chapter 16.142 Parks, Trees, and Open Spaces; Chapter 16.144 Wetland, Habitat, Natural Areas

F. **Public Notice:** Notice of the application was provided in accordance with SZCDC § 16.72.020 for a Type V application as follows: notice was distributed in five locations throughout the City, posted on the site, and mailed to property owners within 1,000 ft. of the site on or before December 21, 2022. Notice was also published in a local newspaper (Tigard Times) on December 22, 2022 and January 5, 2023.

G. **History and Background:** The subject site is identified as the “Moser” property and is located at the north end of the SE Sherwood Master Plan study area. The property has been occupied by a single-family residence and several outbuildings for many years. A mature forest was located behind the home towards the middle and eastern edges of the property until it was removed by the previous owner between 2006 and 2007. The site is located north of the former Ken Foster Farm site and is not known to have soil contaminants.

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

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

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

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

## II. AFFECTED AGENCY AND PUBLIC COMMENTS

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

B. Public Comments

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

## III. APPLICABLE CODE PROVISIONS

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

**DIVISION III ADMINISTRATIVE PROCEDURES**

**Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS**
**16.72.010 – Generally**

**A. Classifications**

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

**3. Type III**

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

**c. Subdivisions between 11 – 50 lots**

**5. Type V**

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

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

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

**FINDING:** This criterion is met.

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

**A. Very Low Density Residential (VLDR)**

**3. Southeast Sherwood Master Planned Unit Development**

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

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

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

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

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

32 lots / 9.98 acres = 3.20 units per acre

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

29 lots / 9.98 acres = 2.90 units per acre.

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

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

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

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

**FINDING:** This criterion is met.

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

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

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

**FINDING:** This criterion is met as conditioned below.

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

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

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

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

**FINDING:** This criterion is met.

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

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

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

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion does not apply.

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

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

**FINDING:** This criterion is met.

**16.12.020 - Allowed Residential Land Uses**

**A. Residential Land Uses**

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

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

**Whereas P = Permitted**

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

**FINDING:** This criterion is met.

**16.12.030 - Residential Land Use Development Standards**

**A. Generally**

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

**B. Development Standards**

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

**C. Development Standards per Residential Zone**

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

*2. Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.*

*3. Maximum height is the lesser of feet or stories.*

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

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

**FINDING:** These standards are met as conditioned below.

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

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

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

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

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

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

**16.12.040 - Community Design**

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

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

**B. The vehicle parking area(s) shall be functional based on the minimum design standards listed on the table above, 16.12.040.A. Furnaces, stairs, etc. shall not be located within the garage designated parking areas.**

**C. Residential Front-Yard Landscaping – the front-yard area of a lot shall be fully landscaped excluding paved off-street parking areas, paved pedestrian paths, and utility areas. Landscaping materials shall meet standards identified in Section 16.92.020 Landscaping Materials.**

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

**ANALYSIS:** Details on the proposed garage design and front yard landscaping are generally not provided during land use review. Both standards will be reviewed and approved as part of the building permit and occupancy phase, as conditioned below. Future owners are required to maintain garages and front yard landscaping in accordance with applicable code.

**FINDING:** This standard is met as conditioned below.

**CONDITION OF APPROVAL E2:** Prior to Issuance of Building Permits, the applicant shall demonstrate how the proposed garages for each residential unit meet the garage standards in SZCDC § 16.12.040.

**CONDITION OF APPROVAL G2:** Prior to Occupancy each residence, the front yard of each lot shall be fully landscaped excluding any paved off-street parking areas, paved pedestrian paths, and utility areas.

**Chapter 16.14 RESIDENTIAL BUILDING DESIGN**

**16.14.010 Residential Building Design Standards for All Housing Types Except for Multi-Family Housing that is Subject to the Provisions of Chapter 16.90 Site Planning**

**A. Purpose**

**The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design.**

**The standards in this section are intended to be clear and objective to allow a streamlined review process per the Residential Design Checklist provisions of Chapter 16.89. Each standard has an**

**associated guideline that provides flexibility for discretionary Design Review by the Planning Commission per Chapter 16.89, Residential Design Review if necessary or desired by the applicant. Adjustments or variances to the standards below can be requested through one of the review processes described in B below.**

**B. Review Process.**

**The following review processes can be used to review those housing types that are subject to these standards per 16.14.010.C and 16.89.020.A through D. The applicable review process depends on the level of compliance with the clear and objective standards in this section.**

**1. If all applicable standards from this section are met, Residential Design Checklist review is applied per Chapter 16.89.**

**2. If any standards of Table 16.14-1 - A, B or C are not met outright, a Type I Adjustment or Type II Class B Variance is required, in addition to the Residential Design Checklist, per Chapter 16.89. The Detailed Design standards of Table 16.14-1.D cannot be adjusted.**

**3. If the applicant chooses to meet the design guidelines instead of the design standards, a Type IV Design Review is required, per Chapter 16.89.**

**C. Applicability**

**1. The standards in this section apply to all new residential development, unless otherwise indicated per the subsections below or per applicable overlay zones. Manufactured home parks and manufactured homes on individual residential lots are subject to the provisions of Chapter 16.46 Manufactured Homes.**

**Additional standards are located in 16.14.020, 16.14.030, and 16.14.040. Multi-family development is subject to the provisions of Chapter 16.90 Site Planning.**

**2. Expansions and conversions of residential structures in Chapter 16.14. The standards in this section apply to expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhome that add more than 50 percent of area to any building elevation(s) adjacent to a public right-of-way or public accessway, as follows:**

**a. The expansion or conversion shall include design elements from Table 16.14-1 below that bring the overall building elevation(s) adjacent to a public right-of-way or public accessway closer to conformance with applicable standards; and**

**b. The expansion or conversion shall not bring the overall building elevation(s) adjacent to a public right-of-way or public accessway further out of conformance with**

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

**Table 16.14-1. Residential Design Standards**

| Design Standard (Objective Process) | Design Guideline (Discretionary Process: Residential Design Review) |
|---|---|
| **A. Entry location and orientation** | |
| **These standards apply to all new residential development, except for Multi-family, at the time of building permit submittal.**<br>**At least one main entrance for each residential structure, or each townhome unit, must meet the following standards.** | **Building elevations facing streets and common courtyards should include pedestrian oriented entrances. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in mass, surface, or finish to emphasize the entrance.** |
| **1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit.** | |
| **2. The entrance must either:** | |
| **a. Face the street; or** | |
| **b. Be at an angle of up to 45 degrees from the street; or** | |
| **c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or** | |
| **d. Open onto a porch. If the entrance opens onto a porch, the porch must:** | |
| **1) Be at least 25 square feet in area with a minimum four-foot depth;** | |
| **2) Have at least one porch entry facing the street;** | |
| **3) Have a roof that is no more than 12 feet above the floor of the porch; and** | |
| **4) Have a roof that covers at least 30% of the porch area.** | |
| **Additional provisions:** | **None** |
| **B. Garages and Off-Street Parking Areas** | |
| **These standards apply to all residential housing development except for townhomes and Multi-family development.** | **Garages should not be a dominant feature of the front residential elevation.** |

| | | |
|---|---|---|
| **Where one or more garages face a street, all of the following standards apply:** | | **Garage doors should be articulated to reduce their visual impact.** |
| **1. The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure.** | | |
| **2. The width of all garages on the street-facing elevation shall not exceed 60 percent of the total width of that elevation. The width of the garage shall be measured from the edges of the finished exterior garage wall.** | | |
| **3. Garages that face a street shall contain at least one of the following design features:** | | |
| | **a. Garage trellis or pergola extending at least 12 inches from the building face** | |
| | **b. Windows on 15 percent of the garage door** | |
| | **c. Natural wood finish** | |
| | **d. A recess of at least three (3) feet behind the primary dwelling** | |
| | **e. Use of multiple materials finish or colors** | |
| **Additional provisions:** | | **16.14.020—Additional Townhome Design Standards**<br>**16.14.030 - Additional Triplex and Quadplex Design Standards** |
| **C. Windows and Doors** | | |
| **These standards apply to all residential housing development except for Multi-family development.**<br><br>**A minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way, or common courtyard elevations must include windows or entrance doors. For side building elevations, adjacent to a public right-of-way or public accessway, a minimum of 10 percent of area is required. Percentage calculation can include window trims and shutters. First floor roof elevations are excluded from the calculations. Elevations separated from the street property line by a dwelling are exempt from meeting this standard. For townhomes, this standard applies on each individual unit.** | | **Building elevations adjacent to streets, and common courtyards should include ample levels of glazing to ensure articulation on the façade, daylighting of interior spaces and visibility into the public realm.** |
| **Additional provisions:** | | **None** |
| **D. Detailed design[1]** | | |

| | | | |
|---|---|---|---|
| **1. All single detached dwellings, duplexes, triplexes and quadplexes shall incorporate at least five (5) of the following elements on the primary building elevation adjacent to a public right-of-way. At least one element shall be incorporated from each of Subsections a, b and c below. The other two required elements may come from any subsection (a through e) below.**<br><br>**All cottages in a cottage cluster shall incorporate at least three (3) of the following elements on the building elevation(s) facing a public right-of-way and/or common courtyard-facing elevation. At least one element shall be incorporated from each of Subsections a, b and c below.**<br><br>**All townhome units shall incorporate at least two (2) of the following elements on the primary building elevation adjacent to a public right-of-way. At least one element shall be incorporated from two (2) of Subsections a, b and c below.**<br><br>**For corner lots, this standard applies to both street- facing elevations.** | | | **Primary building elevations adjacent to streets and common courtyards should include pedestrian oriented design elements and other design features that provide articulation, variety, interest and quality.** |
| | **a. Porches, entries and other offsets:** | | |
| | | **i. Covered porch at least 36 square feet with a depth not less than six (6) feet as measured perpendicular from the face of the main building façade to the edge of the porch.** | |
| | | **ii. Recessed entry area at least two (2) feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide.** | |
| | | **iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other.** | |
| | | **iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and accessible from an interior room.** | |
| | **b. Roof elements:** | | |
| | | **i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.** | |

| | | | |
|---|---|---|---|
| | | **ii. Roof line offsets of at least two (2) feet from the top surface of one roof to the top surface of the other.** | |
| | | **iii. Any roofing materials other than asphalt shingles.** | **[Cont'd.]** |
| | | **iv. Gable roof, hip roof, shed roof, or gambrel roof design.** | |
| | | **v. Dormer that is at least four (4) feet wide.** | |
| | | **vi. Decorative eave braces.** | |
| | **c. Window elements:** | | |
| | | **i. Window trim around all windows at least three (3) inches wide and five-eighths (5/8) inches deep.** | |
| | | **ii. Window recesses, in all windows, of at least three (3) inches as measured horizontally from the face of the building façade.** | |
| | | **iii. Bay window at least one (1) foot deep and three (3) feet wide.** | |
| | | **iv. Shutters on the exterior of ground floor windows.** | |
| | | **v. Window Grids.** | |
| | **d. Garage elements:** | | |
| | | **i. Attached garage width, as measured between the edges of the exterior finished garage wall, of 30 percent or less of the total width of that elevation.** | |
| | | **ii. A balcony that extends out over the garage and includes columns.** | |
| | | **iii. Two separate doors for two car garages instead of one large door.** | |
| | | **iv. Decorative windows on the garage door.** | |
| | | **v. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail.** | |
| | **e. Building materials:** | | |
| | | **i. Horizontal lap siding between three (3) to eight (8) inches wide (the visible portion once installed).** | |
| | | **ii. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade.** | |

| | | | |
|---|---|---|---|
| | | **iii. Vertical board and batting siding three (3) to eight (8) inches wide (the visible portion once installed).** | |
| | | **iv. Belly band trim** | |
| | | **v. Four (4) Paint Color Scheme** | |
| **Additional provisions:** | | | **None** |
| **E. Building Materials** | | | |
| **Prohibited building materials include:**<br>**1. Aluminum**<br>**2. Vinyl**<br>**3. T-111 siding** | | | **Residential buildings should utilize durable and high quality exterior building materials that create a visually appealing façade.** |
| **F. Limitation on parking** | | | |
| **Off-street parking is not allowed within the front yard of a dwelling except within a designated driveway or garage or per the provisions of 16.14.020 and 16.14.030.** | | | **Parking is located in a manner that does not overwhelm the street-facing façade.** |
| **G. House plan variety** | | | |
| **This standard applies to new residential subdivisions and townhome developments only. It does not apply to cottage clusters.** | | | **New residential developments should provide a variety of house styles and means of articulation along the front façade to avoid repetitive facades along a block face.** |
| **1. No two directly adjacent or opposite dwellings in a single dwelling detached development of more than four units may have the same front or street-facing facade. This standard is met when front or street-facing facades differ from one another by at least three of the elements listed in subsections (3) through (8) below. Where facades repeat on the same block face, they must have at least three intervening lots between them that meet this standard.** | | | |
| **2. No two directly adjacent or opposite townhome blocks in a development of more than two (2) townhome blocks may have the same front or street-facing façade.** | | | |
| | **a. For this standard a townhome block is the entire structure of attached townhome units.** | | |
| | **b. This standard does not apply to individual units within the townhome block.** | | |
| | **c. This standard is met when front or street-facing facades differ from one townhome block to another by at least three of the elements listed in subsections (3) through (8) below.** | | |

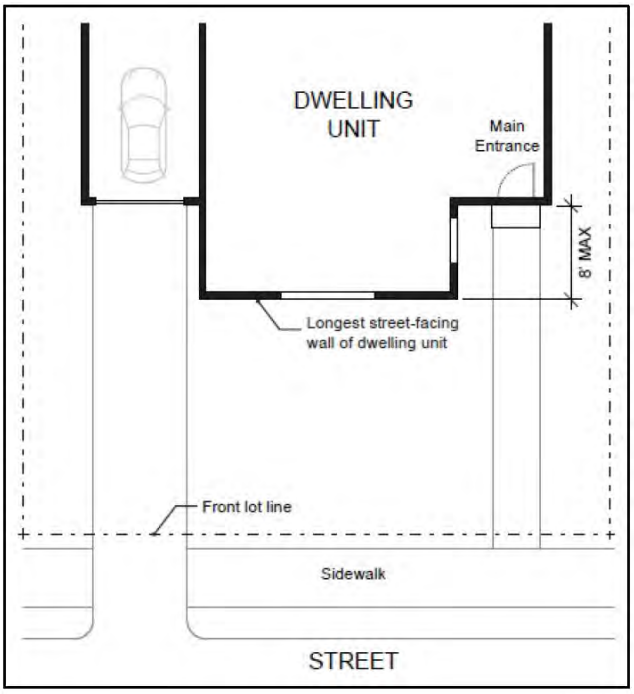
| | |
|---|---|
| **3. Materials. The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another.** | |
| **4. Articulation. The plans have different offsets, recesses, or projections; or the front building elevations break in different places. For example, a plan that has a stoop entry (recess) varies from one that has an entry under a front porch (projection). For this standard to apply, a recess must have a minimum depth of four (4) feet and a projection or offset must be at least four (4) feet in depth.** | **[Cont'd.]** |
| **5. Variation in roof elevation. The plans have different roof forms (e.g., gable versus gambrel or hip), different roof height (by at least 10 percent), different orientation (e.g., front-facing versus side-facing gable), different roof projections (e.g., with and without dormer or shed, or different type of dormer or shed), or different roof pitch by more than 2 feet of vertical rise to 12 feet of horizontal run.** | |
| **6. Entry or porch. The plans have different configuration or detailing of the front porch or covered entrance.** | |
| **7. Fenestration. The plans have different placement, shape, or orientation of windows or different placement of doors.** | |
| **8. Height. The elevation of the primary roofline (along the axis of the longest roofline) changes by not less than four (4) feet from building to building, or from dwelling unit to dwelling unit, on abutting lots, as applicable. Changes in finished grade of eight (8) feet or more from one lot to the adjacent lot are counted toward change in height for purposes of evaluating facade variation.** | |
| **Additional provisions:** | **16.14.020—Additional Townhome Design Standards**<br>**16.14.030 - Additional Triplex and Quadplex Design Standards** |

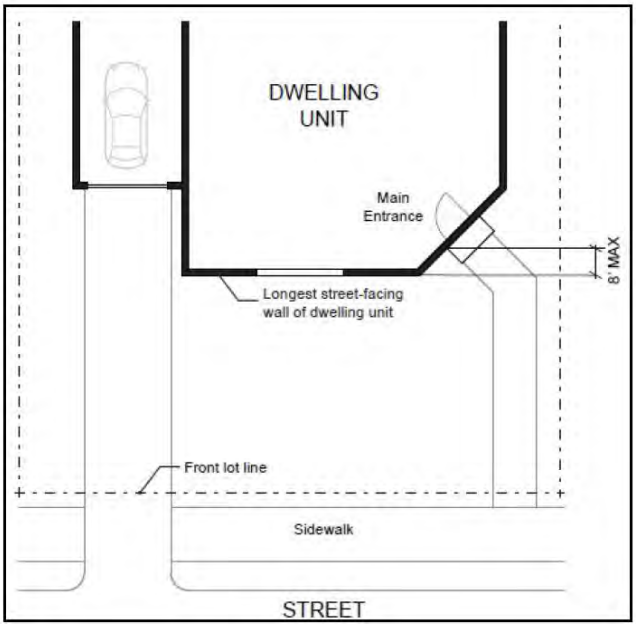
**Notes:**

1. **The Detailed Design standards in Subsection D of Table 16.14-1 cannot be adjusted through an Adjustment or Variance per Chapter 18.64. If a Detailed Design standard from Subsection D cannot be met for a development, then the development should utilize another option from the list.**

## D. Illustrations

**Figure 3. Entry Location and Orientation—Main Entrance**



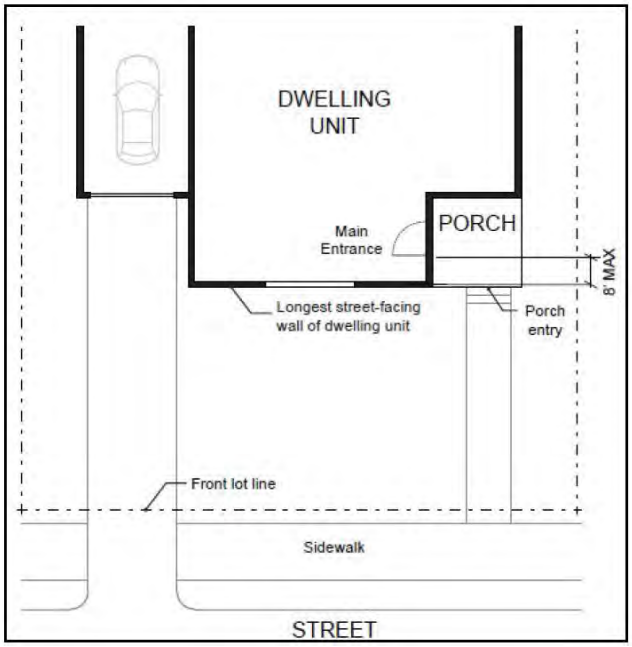



**Figure 6. Window Coverage Calculations**




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

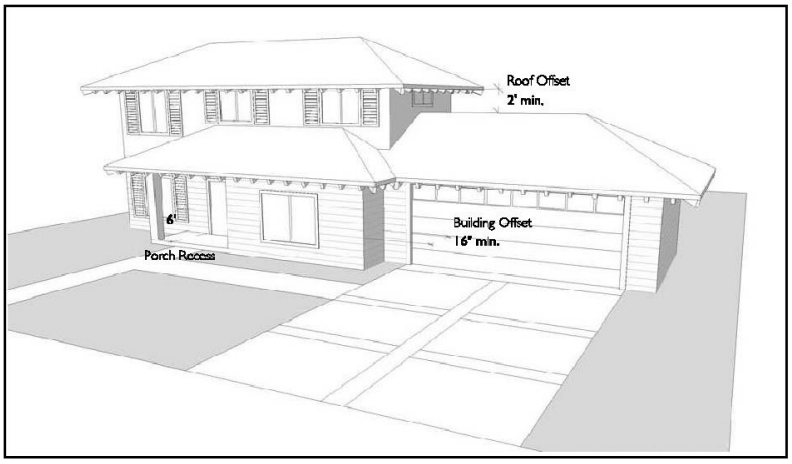
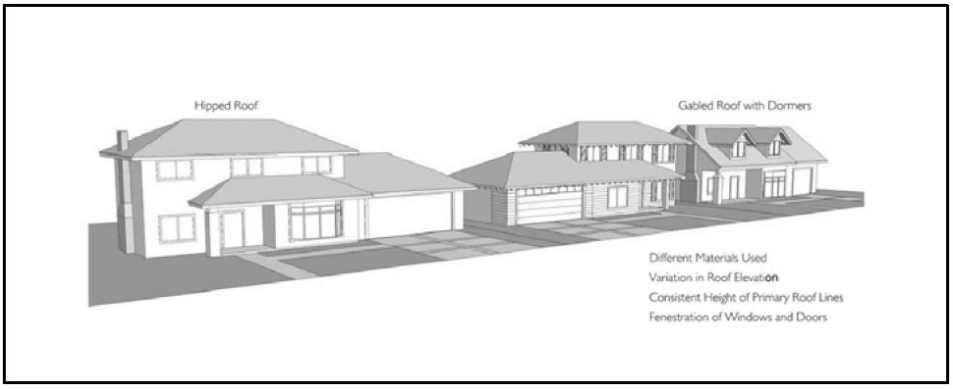



**Figure 9. House Plan Variety—Single Detached**




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

**FINDING:** These standards are met as conditioned below.

**CONDITION OF APPROVAL E3:** Prior to Issuance of Building Permits, the applicant shall demonstrate compliance with the Residential Design standards in SZCDC § 16.14.010 Table 16.14-1.

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

## Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)*

### 16.40.010 - Purpose

**A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.**

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

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

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

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

**4. Achieve maximum energy efficiency in land uses.**

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

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

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

**16.40.020 - Preliminary Development Plan**

**A. Generally**

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

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

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

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

**FINDING:** This standard is met.

***

**C. Commission Review**

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

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

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

**FINDING:** This criterion is met.

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

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

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

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

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

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

**FINDING:** This criterion is met per Condition H1.

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

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

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

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

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

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

| | |
|---|---|
| Additional park space | - 43,500 SF lot area |
| Open space easement over private lots | + 26,500 SF lot area |
| **Net change to lot area** | **-17,000 SF** |

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

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

1. A minimum of two walkway connections between SW Curry Ridge Dr. and open space Tract C shall be provided. The minimum spacing between trail connections shall be 500 ft. The walkways shall meet pedestrian walkway cross section shown in open space plan and be a minimum of 15 ft. wide.
2. The gazebo and interpretive signage within Tract C shall be removed and replaced with a one-acre park with amenities as described in Section 4 below. Tract C shall continue to be a minimum size of 1.75-acres and include the following elements:
    a. Reforestation in accordance with the reforestation plan
    b. Hard-surface off-street trail (asphalt or concrete) in accordance with the open space plan
    c. Pedestrian guard rails along the trail where adjacent to retaining walls or steep slopes
    d. Two benches
3. A new park identified as Tract F shall be provided in the location of Lots 29 – 32 or an alternative location with a minimum size of 1.0-acres. The design of the park and amenities described below shall be owned and maintained by the HOA and receive approval by the Planning Commission as part of the Final Development Plan
    a. Park shall include trees and landscaping
    b. Park shall include lighting
    c. Park shall include a minimum flat area of 20,000 SF that is ADA accessible from the public street. Required amenities can be located in flat area.

d. Park shall include a nature play center (3,000 SF minimum)
e. Park shall include a full-size basketball court (8,500 SF minimum) or full-size tennis court (minimum 2,100 SF)
f. Park shall include a gazebo or other covered structure with tables and seating (minimum 600 SF)
g. Park shall include minimum of two benches outside the covered structure
h. Park area can be reduced on a per square foot basis for any off-street parking and drive aisles provided that meet the dimensional requirements of SZCDC 16.94.020(B)

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met as conditioned below.

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

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

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

**FINDING:** This criterion is met as conditioned below.

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

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

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

**FINDING:** This criterion is met as conditioned below.

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

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

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

**ANALYSIS:** The gross site area is 12.40-acres.

**FINDING:** This criterion is met.

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

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

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

**FINDING:** These criteria is met as conditioned below.

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

**16.40.030 - Final Development Plan**

**A. Generally**

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

**B. Final Subdivision Plat**

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

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

**FINDINGS:** These criteria are met as conditioned below.

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

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

**16.40.040 - General Provisions**

**A. Phasing**

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

**2. Any PUD which requires more than twenty four (24) months to complete must be constructed in phases that are substantially complete in themselves and conform to a phasing plan approved as part of the Final Development Plan.**

**B. Failure to Complete**

**1. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan,**

**the Commission will determine whether or not the PUD's continuation, in whole or in part, is in the public interest.**

**2. If continuation is found not to be in the public interest, the Commission will recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.**

**C. Changes in Approved Plans**

**1. Major Changes**

**Proposed major changes in a Final Development Plan are considered the same as a new application, and are made in accordance with the procedures specified in this Chapter.**

**2. Minor Changes**

**Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses.**

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

**FINDING:** This criterion is met.

**D. Multiple Zone Density Calculation**

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

**ANALYSIS:** A density zone transfer is not proposed.

**FINDING:** This criterion is met.

**16.40.050 - Residential PUD**

**A. Permitted Uses**

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

**1. Varied housing types, including but not limited to single-family attached dwellings, zero-lot line housing, row houses, duplexes, cluster units, and multi-family dwellings.**

**2. Related NC uses which are designed and located so as to serve the PUD district and neighborhood.**
**3. All other uses permitted within the underlying zoning district in which the PUD is located.**

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion does not apply.

**C. Development Standards**
**1. Density**
**The number of dwelling units permitted in a Residential PUD is the same as that allowed in the underlying zoning district, except as provided in Sections 16.40.040.D and 16.40.050.C.2.**
**2. Density Transfer**
**Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan, then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed**
**3. Minimum Lot Size and Setbacks**
**The minimum lot size and setbacks shall be consistent with the provisions in the underlying zone with the exceptions listed below:**
**a) Where there are multiple zones within a single PUD, lot sizes and setbacks shall meet the following:**
**1) Lots on the perimeter boundary of the PUD shall be consistent with the underlying zone.**
**2) All remaining lots, not on the perimeter boundary of the PUD, may utilize the provision of average lot size of the underlying zones.**

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

**FINDING:** These criteria are met.

**16.58.010 Clear Vision Areas**

**A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.**

**B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.**

**C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.**

**The following requirements shall govern clear vision areas:**

**1. In all zones, the minimum distance shall be twenty (20) feet.**

**2. In all zones, the minimum distance from corner curb to any driveway shall be twenty-five (25) feet.**

**3. Where no setbacks are required, buildings may be constructed within the clear vision area.**

**ANALYSIS:** The plans submitted by the applicant do not show clear vision areas as required by this section. Clear vision areas are required on the corners of each intersection in the subdivision. Trees appear to be located in the vision clearance triangle within open space Tract D. Trees within the vision clearance triangles are required to be pruned to a height of 7 ft. above the sidewalk and 10 ft. above the street.

**FINDING:** These standards are met as conditioned below.

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

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

**Chapter 16.120 - SUBDIVISIONS**
**16.120.010 - Purpose**
**Subdivision regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.**

**16.120.020 - General Subdivision Provisions**

**A. Approval of a subdivision occurs through a two-step process: the preliminary plat and the final plat.**

**1. The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and**

**2. The final plat shall reflect all conditions of approval of the preliminary plat.**

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

**FINDING:** This criterion will be met.

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

**D. Future Partitioning**

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

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

**FINDING:** This criterion is met.

**E. Lot averaging**

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

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

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

**FINDING:** This standard does not apply.

**F. Required Setbacks**

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met as conditioned below.

**CONDITION OF APPROVAL A8:** No property created by the subdivision approval shall be disposed of, transferred, or sold 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 32-lot subdivision is being processed concurrently with the Type V PUD approval request with the City Council as the Hearing Authority.

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

**B. Phased Development**

**1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat.**

**2. The criteria for approving a phased subdivision review proposal are:**

**a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;**

**b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:**

**(1) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and**

**(2) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.**

**3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.**

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

**FINDING:** This criterion does not apply.

**16.120.040 - Approval Criteria: Preliminary Plat**
**No preliminary plat shall be approved unless:**

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

**ANALYSIS:** The proposed street system will conform to the adjacent Denali developments and complete the local transportation system within the SE Sherwood Master Plan area. The proposed right-of-way width is 52 ft., which is below the new 60 ft. local street standards adopted by the City in Spring 2022. Utilizing the new standard is not recommended as the right-of-way width will change between developments and may lead to safety issues and poor aesthetic. In order to match the existing right-of-way width and design, the applicant has requested a Transportation Facility Modification pursuant to SZCDC § 16.106.020(E).

**FINDING:** This criterion is met.

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

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

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

**FINDING:** This criterion is met as conditioned below.

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

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

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion does not apply.

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

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

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

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

**16.120.050 - Final Subdivision Plat**

**A. Procedure**

**1. Unless otherwise noted below, final subdivision approval includes meeting all conditions from the land use approval, review and approval by County, and the signature of the City's designee on the mylar.**

**2. The subdivider shall submit the final plat, and all supplementary information required by the Planning Department or pursuant to this Code.**

**3. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature.**

**4. All requirements for signature of the mylar shall be completed within two (2) years of approval of the final plat.**

**B. Extensions**

**If the final plat is not approved within two (2) years, the preliminary plat approval shall expire and a new plat must be submitted. However, the City may, upon written request by the applicant, grant a single extension up to one (1) year upon a written finding that the facts upon which approval was based have not changed to an extent sufficient to warrant 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**

*******

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

**FINDINGS:** These criteria are met as conditioned below.

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

**16.120.060 - Improvement Agreement**

**A. Subdivision Agreement**

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

**B. Performance Security**

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

**16.120.070 - Bond**

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

1. **A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated or cash.**
2. **Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.**
3. **Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.**
4. **When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit for reimbursement.**
5. **Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.**

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

**FINDINGS:** These criteria are met.

***

**Chapter 16.128 - LAND DIVISION DESIGN STANDARDS**
**16.128.010 - Blocks**

**A. Connectivity**

**1. Block Size**

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

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

**FINDING:** This standard is met.

**2. Block Length**

**Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.**

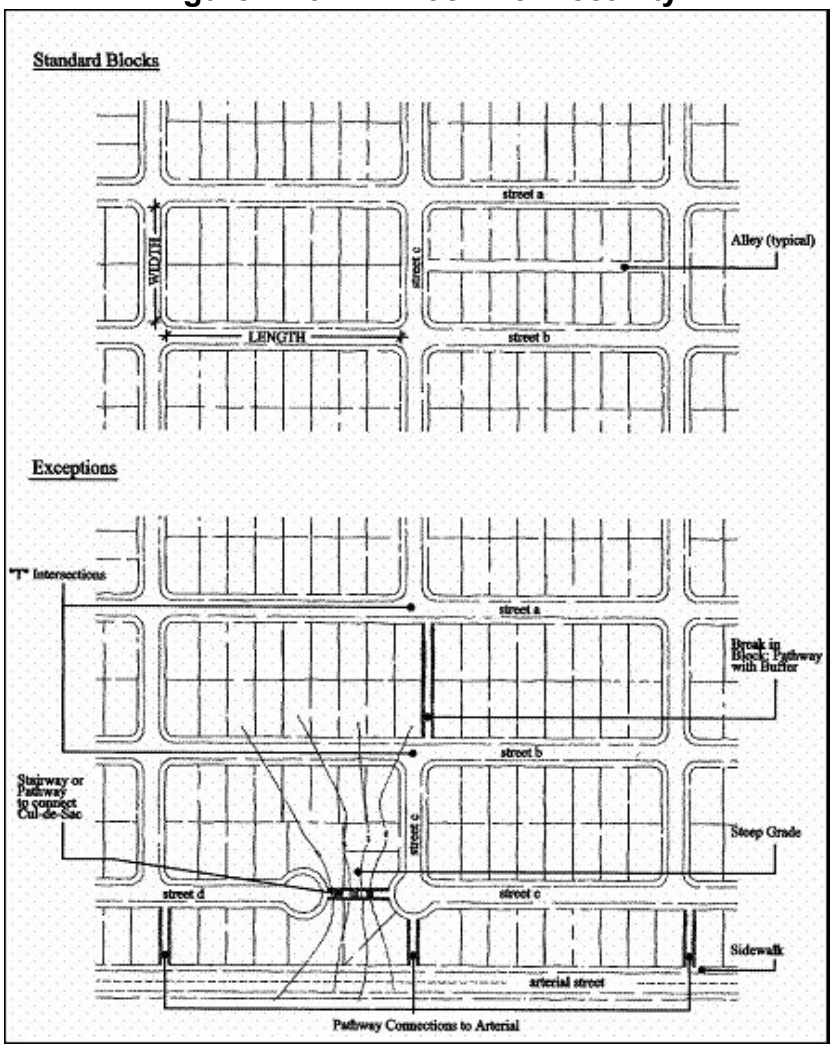
**ANALYSIS:** The partial block created as part of the adjoining Denali developments will be continued and completed through the subject site. When completed, the block will exceed 530 ft. per the standard above. As part of the Denali Summit PUD approval, the applicant received an exception to the block length standard.

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

**FINDING:** This standard is met.

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

**Figure 7.401 — Block Connectivity**




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

**FINDING:** This standard is met.

**B. Utilities Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed.**

**Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.**

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

**FINDING:** This standard is met.

**C. Drainages**

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

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

**FINDING:** This standard is met.

**16.128.020 - Pedestrian and Bicycle Ways**

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

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

**FINDING:** This standard is met.

**16.128.030 - Lots**

**A. Size and Shape**

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This standard does not apply.

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

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

**FINDING:** This standard is met.

**C. Double Frontage**
**Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.**

**ANALYSIS:** No double frontage lots are proposed.

**FINDING:** This standard is met.

**D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.**

**ANALYSIS:** As shown in the Preliminary Plat (Exhibit A1 – Sheet 4) side lot lines run at right. Where curves exist in the street, the side lot lines are radial to the curve of the street as 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 subdivision. Landscaping standards related to subdivisions (e.g. open space landscaping) are addressed below.

**FINDING:** This criterion is met.

**16.92.020 Landscaping Materials**

**A. Type of Landscaping**

**Required landscaped areas shall include an appropriate combination of native evergreen or deciduous trees and shrubs, evergreen ground cover, and perennial plantings. Trees to be planted in or adjacent to public rights-of-way shall meet the requirements of this**

**Chapter. Plants may be selected from the City's "Suggested Plant Lists for Required Landscaping Manual" or suitable for the Pacific Northwest climate and verified by a landscape architect or certified landscape professional.**

**1. Ground Cover Plants**

**a. All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.**

**b. Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.**

**2. Shrubs**

**a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.**

**b. Shrubs must be at least the one-gallon container size at the time of planting.**

**3. Trees**

**a. Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.**

**b. Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.**

**B. Plant Material Selection and Preparation**

**1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.**

**2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.**

**ANALYSIS:** The applicant has submitted Landscape Plan (Exhibit A12) and "Vegetated Corridor Master Plan" (Forest Restoration Plan) (Exhibit A7). The Forest Restoration Plan is following specific restoration guidelines for planting based on the forester

recommendations. All other landscaping within the open space tracts have been sized in accordance with the standards above.

**FINDING:** These standards are met as conditioned below.

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

***

**16.92.030 Site Area Landscaping and Perimeter Screening Standards**

**D. Visual Corridors**

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

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

**FINDING:** This criterion is met.

**16.92.040 Installation and Maintenance Standards**

**A. Installation**

**All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.**

**B. Maintenance and Mitigation of Landscaped Areas**

**1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.**

**2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.**

3. **Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, (Parks, Trees and Open Space).**

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

**FINDING:** These standards are met as conditioned below.

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

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

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

C. **Irrigation**

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

1. **Option 1: A permanent built-in irrigation system with an automatic controller installed.**
2. **Option 2: An irrigation system designed and certified by a licensed landscape architect or other qualified professional as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The system does not have to be permanent if the plants chosen can survive independently once established.**
3. **Option 3: Irrigation by hand. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.**

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

**FINDING:** This standard is met as conditioned below.

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

**Chapter 16.94 OFF-STREET PARKING AND LOADING**
**16.94.010 General Requirements**

**E. Location**

**1. Residential off-street parking spaces:**

**a. Shall be located on the same lot or development as the residential use.**

**b. Shall not include garages or enclosed buildings with the exception of a parking structure in multifamily developments where three (3) or more spaces are not individually enclosed. (Example: Underground or multi-level parking structures).**

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

**FINDING:** These standards are met.

***

**16.94.020 Off-Street Parking Standards**

**A. Generally**

**Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.**

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

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

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

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

**FINDING:** This standard is met as conditioned below.

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

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**Chapter 16.96 - ONSITE CIRCULATION**
**16.96.020 Minimum - Residential standards**
**Minimum standards for private, on-site circulation improvements in residential developments:**

**A. Driveways**

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

**ANALYSIS:** Each lot will include a private driveway.

**FINDING:** This standard is met as conditioned below.

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

**Chapter 16.142 Parks, Trees and Open Space**

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

**16.142.030 - Single-Family or Duplex Residential Subdivisions**

**A. A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. The following may not be used to calculate open space:**

**1. Required yards or setbacks.**
**2. Required visual corridors.**
**3. Required sensitive areas and buffers.**
**4. Any area required to meet a standard found elsewhere in this code.**

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

**FINDING:** This criterion is met.

**B. Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.**

**1. Example: if a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement.**

**ANALYSIS:** Enhanced streetscapes are not proposed.

**FINDING:** This standard does not apply.

**C. The open space shall be conveyed in accordance with one of the following methods:**

**1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager's designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;**

**2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.**

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

**FINDING:** This standard is met as conditioned below.

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

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

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

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

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

**G. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.**

**ANALYSIS:** A residential partition is not proposed.

**FINDING:** This standard does not apply.

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

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

**FINDING:** This criterion is met.

**16.142.040 - Visual Corridors**

**A. Corridors Required**

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

| | 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 frontage along SW Murdock Road, identified as an arterial in the City's Transportation System Plan (TSP). A 15 ft. wide visual corridor is required along the length of SW Murdock Rd. The applicant is proposing a 15 ft. wide visual corridor to be located in Tract A.

**FINDING:** This criterion is met as conditioned below.

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

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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 as the Tonquin Scabland Geologic Area. A portion of the Scabland area will be preserved in Tract C while the remainder will be private lots. The open space will be maintained by the HOA but available to the public.

**FINDING:** This criterion is met.

**16.142.060: STREET TREES**

**A. Installation of Street Trees on New or Redeveloped Property. Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.**

**1. Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.**

**2. Size: Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.**

**3. Types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.**

**4. Required Street Trees and Spacing:**

**a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in**

**section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.**

**b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.**

**c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:**

**(1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or**

**(2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and**

**(3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.**

**(4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.**

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

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

**FINDING:** These standards are met as conditioned below.

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

**16.142.070 Trees on Property Subject to Certain Land Use Applications**

**A. Generally**

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

**B. Applicability**

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

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

**FINDING:** This criterion is met.

**C. Inventory**

**1. To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a tree and woodland inventory and report. The report shall be prepared by a qualified professional and must contain the following information:**

**a. Tree size (in DBH and canopy area)**

**b. Tree species**

**c. The condition of the tree with notes as applicable explaining the assessment**

**d. The location of the tree on the site**

**e. The location of the tree relative to the planned improvements**

**f. Assessment of whether the tree must be removed to accommodate the development**

**g. Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.**

**2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and report shall also include, but is not limited to, the specific information outlined in the appropriate land use application materials packet.**

**3. Definitions for the inventory purposes of this Section**

**a. A tree is a living woody plant having a trunk diameter as specified below at Diameter at Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under six (6) inches at DBH. All trees six (6) inches or greater shall be inventoried.**

**b. A woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a six (6) inches or greater at DBH. Woodlands planted for commercial agricultural purposes and/or subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under this Section.**

**c. A large stature tree is over 20 feet tall and wide with a minimum trunk diameter of 30 inches at DBH.**

**FINDING:** The applicant has submitted a Tree Protection and Removal Plan (Exhibit A17 – Sheet 03) that shows existing trees on the site and the proposal for preservation or removal. All of the trees are proposed for removal based on the limited supply of mature healthy trees and the need to remove invasive understory and grade the property. The applicant is proposing to restore a portion of the historic forest based on a detailed plan created by Ash Creek Forest Management. The applicant has previously obtained approval to remove 20 of the existing 70 trees in order to grade the site in preparation of development and for the upcoming Street of Dreams event.

**FINDING:** These criteria are met.

**D. Retention requirements**

**1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.**

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

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

**FINDING:** This standard is met.

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

**The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.**

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

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

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

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

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

**FINDING:** This standard is met.

**4. The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other**

**policies and standards of the City Comprehensive Plan, and are:**

**a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or**

**b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or**

**c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or**

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

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

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

**FINDING:** These criteria are met.

*******

**Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS***

**16.144.010 - Generally**

**Unless otherwise permitted, residential, commercial, industrial, and institutional uses in the City shall comply with the following wetland, habitat and natural area standards if applicable to the site as identified on the City's Wetland Inventory, the Comprehensive Plan Natural Resource Inventory, the Regionally Significant**

**Fish and Wildlife Habitat Area map adopted by Metro, and by reference into this Code and the Comprehensive Plan. Where the applicability of a standard overlaps, the more stringent regulation shall apply.**

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

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

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

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

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

*******

**16.144.020 – Standards (Wetlands)**

**A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:**

**1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.**

**a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.**

**b. Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.**

**c. A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.**

**2. If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.**

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

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

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

**FINDING:** This standard is met as conditioned below.

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

**B. The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:**

**1. The site does not contain an endangered or threatened**

**plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).**

2. **The facility will comply with applicable requirements of the zone.**
3. **The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed**

   **areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.**
4. **The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.**
5. **Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 16.140.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.**

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

**FINDING:** These standards are met.

**C. When the Regionally Significant Fish and Wildlife Habitat map indicates there are resources on the site or within 50 feet of the site,**

**the applicant shall provide plans that show the location of resources on the property. If resources are determined to be located on the property, the plans shall show the value of environmentally sensitive areas using the methodologies described in Sections 1 and 2 below. The Metro Regionally Significant Fish and Wildlife Habitat map shall be the basis for determining the location and value of environmentally sensitive habitat areas. In order to specify the exact locations on site, the following methodology shall be used to determine the appropriate boundaries and habitat values:**

**2. Verifying boundaries of inventoried upland habitat. Upland habitat was identified based on the existence of contiguous patches of forest canopy, with limited canopy openings. The "forest canopy" designation is made based on analysis of aerial photographs, as part of determining the vegetative cover status of land within the region. Upland habitat shall be as identified on the HCA map. The perimeter of an area delineated as "forest canopy" on the Metro Vegetative Cover map may be adjusted to more precisely indicate the drip line of the trees within the canopied area.**

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

**FINDING:** This standard is met.

**Chapter 16.106 - TRANSPORTATION FACILITIES**

**16.106.010 - Generally**

**A. Creation**

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

| Type of Street | ROW Width | Number of Lanes | Minimum Land Width | On Street Parking Width | Bike Lane Width | Sidewalk Width | Landscape Strip (exclusive of curb) | Median Width |
|---|---|---|---|---|---|---|---|---|

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Local (previous standard)** | **52’** | **2** | **14’** | **8’ on one side only** | **None** | **6’** | **5’ with 1’ buffer** | **None** |
| **Local (current standard)** | **60’** | **2** | **18’** | **8’ on both sides** | **None** | **6’** | **5’ with 1’ buffer** | **None** |
| **Arterial** | **60-102'** | **2-5** | **12'** | **Limited** | **6 feet** | **6-8'** | **5'** | **14' if required** |

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

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

**FINDING:** These criteria are met.

**B. Street Naming**

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

**C. Street Name Standards**

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

**D. Preferred Street Names**

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

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

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

**FINDING:** These criteria are met.

**16.106.020 - Required Improvements**

**A. Generally**

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

**B. Existing Streets**

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

**C. Proposed Streets**

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

**D. Extent of Improvements**

1. **Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications**

**included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.**

**2. If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:**

**a. A partial improvement is not feasible due to the inability to achieve proper design standards;**

**b. A partial improvement may create a potential safety hazard to motorists or pedestrians.**

**c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;**

**d. The improvement would be in conflict with an adopted capital improvement plan;**

**e. The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or**

**f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.**

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

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

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

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

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

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

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

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

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

**FINDING:** These criteria are met as conditioned below.

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

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

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

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

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

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

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

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

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

**E. Transportation Facilities Modifications**

**1. A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.**

**2. A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8 in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:**

**a. Reduced sight distances.**
**b. Vertical alignment.**
**c. Horizontal alignment.**
**d. Geometric design (length, width, bulb radius, etc.).**
**e. Design speed.**
**f. Crossroads.**
**g. Access policy.**
**h. A proposed alternative design which provides a plan superior to these standards.**
**i. Low impact development.**
**j. Access Management Plans**

**3. Modification Procedure**

**a. A modification shall be proposed with the application for land use approval.**
**b. A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.**
**c. When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.**

**4. Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:**

**a. Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation**

**System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.**

**b. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.**

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

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

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

(a) The proposed modifications will enable development of the site at the density envisioned in the SE Sherwood Master Plan and will extend local streets as identified in Figure 18 Local Street Connectivity Map of the City's Transportation System Plan. SW Curry Ridge Dr. will create a new intersection with SW Murdock Rd., completing the block and allowing vehicle and pedestrian circulation through the "Denali" developments.

(b) The site faces an unusual hardship that warrants a modification to the underlying standards based on the physical conditions of the site and existing construction surrounding the site. The site has varying topography and hard subsurface bedrock that increase costs of providing new streets and public utilities. The reduced design speed is related to the curve of SW Curry Ridge Dr. at the northeast end of the site. This curve will allow buildable lots to be created on both sides of the street and allow the site to meet the density of the SE Sherwood Master Plan. The reduced width of 52 ft. will allow the local streets to match the existing street widths, avoiding a narrowing street within the existing block and alleviating a potential safety concern. The proposed cul-de-sac length for SW Byers Lake Terrace will exceed 200 ft. and is proposed based on existing construction. The land to the north is developed with single-family uses and cannot be extended to create a through street.

**FINDING:** This criterion is met.

***

**16.106.030 - Location**

**A. Generally**

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

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

**FINDING:** This criterion is met.

**B. Street Connectivity and Future Street Systems**

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

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

**FINDING:** This criterion is met.

**2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.**

**a. A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical**

**constraints; it shall provide an alternate connection approved by the decision-maker.**

**b. Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.**

**c. Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.**

**d. Driveways that are more than 24 feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.**

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

**FINDING:** This criterion is met.

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

**ANALYSIS:** An exception to the block length standard was approved as part of the Denali Summit subdivision (LU 2020-013 SUB / PUD). The proposed street system will complete this block by connecting SW Curry Ridge Dr. to SW Byers Lake Terrace and SW Murdock Rd. The block length is broken up by public access easements within open space and the private streets in Denali Summit. A convenient transportation system has been created within the Denali developments as shown in Exhibit C2.

**FINDING:** This criterion is met.

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

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

**FINDING:** This standard does not apply.

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

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

**FINDING:** This standard does not apply.

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

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

**FINDING:** This standard is met.

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

**a. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.**

**b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or**

**c. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.**

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

**FINDING:** This criterion is met.

**C. Underground Utilities**

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

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

**FINDING:** This standard is met.

**D. Additional Setbacks**

**Generally additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.**

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

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

**FINDING:** This standard is met.

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

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

**ANALYSIS:** No reserve strips or street plugs are proposed.

**FINDING:** This standard does not apply.

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

**ANALYSIS:** No new T intersections are proposed.

**FINDING:** This standard is met.

**C. Future Extension**

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

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

**ANALYSIS:** No future extension of public streets is required.

**FINDING:** This standard is met.

**D. Intersection Angles**

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

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

**FINDING:** This standard is met.

**E. Cul-de-sacs**

1. **All cul-de-sacs shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation. A cul-de-sac shall not be more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.**
2. **All cul-de-sacs shall terminate with a turnaround in accordance with the specifications in the Engineering Design Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.**
3. **Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where**

**a cul-de-sac or dead-end street is planned, to connect the ends of the streets together, connect to other streets, or connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP, the Engineering Design Manual or other provisions identified in this Code for the preservation of trees.**

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

**FINDING:** This standard is met.

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

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

**FINDING:** This standard will be met.

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

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

**FINDING:** This standard does not apply.

**H. Buffering of Major Streets**
**Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties must be provided, through and local traffic be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section**

**16.142.040, and all applicable access provisions of Chapter 16.96, are to be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.**

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

**FINDING:** This standard is met.

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

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

**FINDING:** This standard does not apply.

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

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

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

**FINDING:** This standard does not apply.

**K. Traffic Controls**

**1. Pursuant to Section 16.106.080, or as otherwise required by the City Engineer, an application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.**

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

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

**FINDING:** This standard is met.

**L. Traffic Calming**

**1. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:**

**a. Curb extensions (bulb-outs).**

**b. Traffic diverters/circles.**

**c. Alternative paving and painting patterns.**

**d. Raised crosswalks, speed humps, and pedestrian refuges.**

**e. Other methods demonstrated as effective through peer reviewed Engineering studies.**

**2. With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street**

**construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.**

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

**FINDING:** This standard is met.

**M. Vehicular Access Management**

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

**1. Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.**

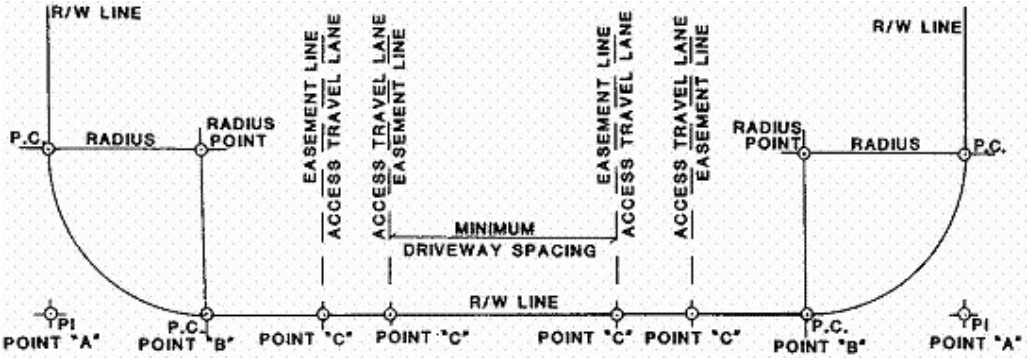
**a. Minimum right-of-way radius at intersections shall conform to City standards.**

**b. All minimum distances stated in the following sections shall be governed by sight distance requirements according to the Engineering Design Manual.**

**c. All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.**

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

**e. Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:**




**2. Roadway Access**

**No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be**

**measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.**

**a. Local Streets**

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

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

**3. Exceptions to Access Criteria for City-Owned Streets**

**a. Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is submitted to and approved by the City Engineer as the access management plan must be included as part of the land use submittal or an application for modification as described in § 16.106.020 E. (Transportation Facilities Modifications).**

**b. Access in the Old Town (OT) Overlay Zone**

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

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

**FINDING:** These criteria are met.

**N. Private Streets**

**1. The construction of a private street serving a single-family residential development is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).**

**2. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan.**

**3. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.**

**4. A private street shall also be signed differently from public streets and include the words "Private Street".**

**ANALYSIS:** No new private streets are proposed.

**FINDING:** These criteria are met.

**16.106.060 - Sidewalks**

**A. Required Improvements**

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

**2. For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.**

**3. In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the City Manager or designee.**

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

**FINDING**: This standard is met.

**B. Design Standards**

**1. Arterial and Collector Streets**
**Arterial and collector streets shall have minimum six (6) or eight (8) foot wide sidewalks/multi-use paths, located as required by this Code. Residential areas shall have a minimum of a six (6) foot wide sidewalk and commercial industrial areas shall have a minimum of an eight (8) foot wide sidewalk.**

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

**3. Handicapped Ramps**
**Sidewalk handicapped ramps shall be provided at all intersections.**

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

**FINDING:** These criteria are met.

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

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

**FINDING:** This standard is met.

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

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

**FINDING:** This standard is met.

**16.106.080 - Traffic Impact Analysis (TIA)**

**A. Purpose**

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

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

**B. Applicability**

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

1. **An amendment to the Sherwood Comprehensive Plan or zoning map.**
2. **A new direct property approach road to Highway 99W is proposed.**
3. **The proposed development generates fifty (50) or more PM peak-hour trips on Highway 99W, or one hundred (100) PM peak-hour trips on the local transportation system.**
4. **An increase in use of any adjacent street or direct property approach road to Highway 99W by ten (10) vehicles or more per day that exceed the twenty thousand-pound gross vehicle weight.**
5. **The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.**

6. **A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.**

**C. Requirements**

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

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

**D. Study Area**

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

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

**links that may be adversely affected as a result of the proposed development.**

**E. Analysis Periods**

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

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

**F. Approval Criteria**

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

1. **The analysis complies with the requirements of 16.106.080.C;**
2. **The analysis demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City Engineer and, when County or State highway facilities are affected, to Washington County and ODOT;**
3. **For affected non-highway facilities, the TIA demonstrates that mobility and other applicable performance standards established in the adopted City TSP have been met; and**

**4. Proposed public improvements are designed and will be constructed to the street standards specified in Section 16.106.010 and the Engineering Design Manual, and to the access standards in Section 16.106.040.**

**5. Proposed public improvements and mitigation measures will provide safe connections across adjacent right-of-way (e.g., protected crossings) when pedestrian or bicycle facilities are present or planned on the far side of the right-of-way.**

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

**FINDING:** This criterion is met.

**G. Conditions of Approval**

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

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

**FINDING:** This criterion is met.

**16.106.090 - Rough Proportionality**

**A. Purpose**

**The purpose of this section is to ensure that required transportation facility improvements are roughly proportional to the potential impacts of the proposed development. The rough proportionality requirements of this section apply to both frontage and non-frontage improvements. A proportionality analysis will be conducted by the**

**City Engineer for any proposed development that triggers transportation facility improvements pursuant to this chapter. The City Engineer will take into consideration any benefits that are estimated to accrue to the development property as a result of any required transportation facility improvements. A proportionality determination can be appealed pursuant to Chapter 16.76. The following general provisions apply whenever a proportionality analysis is conducted.**

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

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

**1. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half-mile radius of the proposed development. If a TIA is required, the impact area is the TIA study area.**

**2. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.**

**3. The effect of increased demand on transportation facilities and other approved, but not yet constructed, development projects within the impact area that is associated with the proposed development.**

**4. Applicable TSP goals, policies, and plans.**

**5. Whether any route affected by increased transportation demand within the impact area is listed in any City program including school trip safety; neighborhood traffic management; capital improvement; system development improvement, or others.**

**6. Accident history within the impact area.**

**7. Potential increased safety risks to transportation facility users, including pedestrians and cyclists.**

**8. Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.**

**9. Other considerations as may be identified in the review process pursuant to Chapter 16.72.**

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

**FINDING:** These criteria are met.

**Chapter 16.108 – IMPROVEMENT PLAN REVIEW**
**16.108.010 – Preparation and Submission**
**An improvement plan shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of the plan shall be submitted to the City for review. An improvements plan shall be accompanied by a review fee as per this Section.**

- **A. Review Fee**
  **Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.**
- **B. Engineering Agreement**
  **A copy of an agreement or contract between the applicant and Registered Civil Engineer for:**
  1. **Surveying sufficient to prepare construction plans.**
  2. **Preparation of construction plans and specifications.**
  3. **Construction staking, and adequate inspection.**
  4. **Construction notes sufficient to develop accurate as-built plans.**
  5. **Drawing of accurate as-built plans and submission of reproducible mylars for finals to the City.**
  6. **Certificate stating that construction was completed in accordance with required plans and specifications.**

**16.108.040 - Acceptance of Improvements**

- **A. Final Inspection**
  **At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.**
- **B. Notification of Acceptance**
  **The City shall give written notice of acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.**
- **C. Maintenance Bond**

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

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

**FINDING:** These criteria are met as conditioned below.

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

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

**CONDITION OF APPROVAL E5:** Prior to Issuance of Building Permits, substantial completion of the public improvements by the Sherwood Engineering Department is required unless otherwise approved by the Sherwood Engineering Department in the case of a model home.

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

**Chapter 16.110 – SANITARY SEWERS**
**16.110.010 - Required Improvements**
**Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however, that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future connection and the temporary system meets all other applicable City, Clean Water Services, Washington County and State sewage disposal standards.**

**16.110.020 - Design Standards**

**A. Capacity**

**Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map in the Sanitary Sewer Master Plan, and other applicable Clean**

**Water Services and City standards, in order to adequately serve the proposed development and allow for future extensions.**

**B. Over-Sizing**

**1. When sewer facilities will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.**

**2. Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.**

**16.110.030 - Service Availability**

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

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

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

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

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

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

**FINDING:** This standard is met as conditioned below.

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

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

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

**CONDITION OF APPROVAL G8:** Prior to Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

**Chapter 16.112– WATER SUPPLY**
**16.112.010 Required Improvements**
**Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with the Water System Master Plan.**

**16.112.020 - Design Standards**

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

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

**C. Over-Sizing**

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

**16.112.030 - Service Availability**

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

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

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

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

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

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

Water meters shall not be located in hardscape.

**FINDING:** These criteria are met as conditioned below.

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

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

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

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

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

**CONDITION OF APPROVAL G9:** Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

**Chapter 16.114 – STORM WATER**
**16.114.010 - Required Improvements**
**Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement.**

**(Note: Section 16.114.015, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) to be removed from the SZCDC and permanently located in the Municipal Code).**

**16.114.020 - Design Standards**

**A. Capacity**

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

**B. On-Site Source Control**

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

**C. Conveyance System**

**The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.**

**16.114.030 - Service Availability**

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

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

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

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

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

A storm report in compliance with CWS standards is required.

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

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

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

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

**FINDING:** These criteria is met as conditioned below

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

**CONDITION OF APPROVAL C14:** Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide on-site water

quality treatment/hydro-modification facilities with maintenance access to all facility structures in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services. These facilities shall be designed meeting the approval of the Sherwood Engineering Department.

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

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

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

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

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

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

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

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

**Chapter 16.116 - FIRE PROTECTION**
**16.116.010 Required Improvements**
**When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as**

**determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.**

**A. Capacity**

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

**B. Fire Flow**

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

**C. Access to Facilities**

**Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.**

**D. Hydrants**

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

**16.116.030 - Miscellaneous Requirements**

**A. Timing of Installation**

**When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in the opinion**

**of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.**

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

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

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

**FINDING:** These criteria are met.

**Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES**
**16.118.010 Purpose**
**Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.**
**16.118.020 Standard**

**A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**

**B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.**

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

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

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

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

**16.118.030 - Underground Facilities**

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

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

**FINDING:** These standards are met as conditioned below.

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

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

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

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# 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 2022-020 SUB / PUD Moser Pass subject to the following conditions of approval:**

## A. GENERAL CONDITIONS

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. Development and construction on the site shall conform substantially to the preliminary plat plans submitted by Emerio Design as part of the land use review, except as modified in the conditions below, (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official, Clean Water Services, and Tualatin Valley Fire and Rescue, and Washington County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.
3. Placement of construction trailers or temporary storage containers on the subject property shall require a Temporary Use Permit per Section 16.86 of the SZCDC.
4. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.
5. All fences within the subdivision shall meet the requirements in Sherwood Zoning and Community Development Code Chapter 16.58.020.
6. The applicant and future owners shall restrict and maintain on-site landscaping, utilities, and any other obstructions in the sight distance triangles to provide adequate sight distance at access locations.
7. Prior to Building Permit application submittal, obtain address(es) for the site or parcels.
8. No property created by the subdivision approval shall be disposed of, transferred, or sold unit required subdivision approvals are obtained, pursuant to Sherwood Zoning & Community Development Code.
9. The required public improvements and common areas shall be substantially completed within one (1) year from the date of the Notice of Decision of the Final Development Plan.
10. Trees within the Clear Vision Areas shall be maintained in accordance with the clear vision standards in SZCDC § 16.58.010. Trees shall be pruned to 7 ft. above the sidewalk and 10 ft. above the street.

11. If the existing access easement along the north property line is not extinguished, no fences, retaining walls, or permanent structures shall be constructed within the easement on Lots 7 – 10 and Tracts B and C.
12. The preliminary plat approval is valid for two years from the date of the Notice of Decision. The final plat shall be approved by the City within two years of Notice of Decision, unless an extension is granted by the City prior to the two-year deadline.
13. The applicant and future owners shall install and maintain the restored forest area in accordance with the final Forest Restoration Plan. Landscaping under the Forest Restoration Plan is not required for occupancy as tree planting is required to follow a specific schedule based on the season.
14. The proposed development shall comply with the conditions of the CWS Service Provider Letter.
15. Per City of Sherwood standards, all new utilities shall be placed underground.
16. The Final Plat shall be processed as a Type I administrative decision. The Final Development Plan shall be processed as a Type IV land use decision.
17. The PUD ordinance shall become effective upon approval of the Final Development Plan pursuant to SZCDC 16.40.30.

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

1. Prior to Final Plat and Final Development Plan approval, provide a revised plat that demonstrates how the minimum lot depth and minimum lot width at front property line standards are met.
2. Prior to Final Plat approval, the applicant shall obtain Final Development Plan approval from the Planning Commission.
3. Prior to Final Plat Approval, show a clear vision area on the corners of each street intersection in accordance with SZCDC § 16.58.010 Clear Vision Areas.
4. Prior to Final Development Plan approval, the existing access easement shall be extinguished on the subject property, or the plans shall be revised to maintain existing access within the easement.
5. Prior to Final Development Plan approval, provide a final Landscape Plan (including open space improvements) and Forest Restoration Plan.
6. Prior to Final Plat Approval, the applicant shall provide draft CC&Rs that demonstrate how the open space plantings, including the restored forest area, will be maintained by the developer or future HOA.
7. Prior to final plat approval, submit draft deeds for City review dedicating Open Space Tracts Tracts C, D, E, and F to the future HOA. The deeds shall be recorded with the final plat.
8. Prior to final plat approval, submit draft CC&Rs to the City that describe how Open Space Tracts Tracts C, D, E, and F will be maintained by the future HOA. The final CC&Rs shall be recorded with the final plat.

9. Prior to final plat approval, the plat and CC&Rs shall clearly state that the open space Tracts Tracts C, D, E, and F are available for public use.
10. Prior to Final Plat Approval, submit draft CC&Rs demonstrating how visual corridor Tract A will be owned and maintained by the future HOA.
11. Prior to Final Plat Approval, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.
12. Prior to Final Plat Approval, any well within the subject property shall be abandoned/removed in accordance with all applicable regulations.
13. Prior to Final Development Plan Approval, the following changes shall be made to the preliminary plat and open space plan:
    a. A minimum of two walkway connections between SW Curry Ridge Dr. and open space Tract C shall be provided. The minimum spacing between trail connections shall be 500 ft. The walkways shall meet pedestrian walkway cross section shown in open space plan and be a minimum of 15 ft. wide.
    b. The gazebo and interpretive signage within Tract C shall be removed and replaced with a one-acre park with amenities as described in Section 4 below. Tract C shall continue to be a minimum size of 1.75-acres and include the following elements:
        i. Reforestation in accordance with the reforestation plan
        ii. Hard-surface off-street trail (asphalt or concrete) in accordance with the open space plan
        iii. Pedestrian guard rails along the trail where adjacent to retaining walls or steep slopes
        iv. Two benches
    c. A new park identified as Tract F shall be provided in the location of Lots 29 – 32 or an alternative location with a minimum size of 1.0-acres. The design of the park and amenities described below shall be owned and maintained by the HOA and receive approval by the Planning Commission as part of the Final Development Plan
        i. Park shall include trees and landscaping
        ii. Park shall include lighting
        iii. Park shall include a minimum flat area of 20,000 SF that is ADA accessible from the public street. Required amenities can be located in flat area.
        iv. Park shall include a nature play center (3,000 SF minimum)
        v. Park shall include a full-size basketball court (8,500 SF minimum) or full-size tennis court (minimum 2,100 SF)
        vi. Park shall include a gazebo or other covered structure with tables and seating (minimum 600 SF)
        vii. Park shall include minimum of two benches outside the covered structure

viii. Park area can be reduced on a per square foot basis for any off-street parking and drive aisles provided that meet the dimensional requirements of SZCDC 16.94.020(B)

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

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

1. Prior to engineering plan approval and any filling of the on-site wetland, the proposed development shall obtain a US Army Corps of Engineers/Oregon Department of State Lands joint permit.
2. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for street widening improvements (including street lighting and street trees) along the subject property frontage of SW Murdock Road to meet a 3-lane city arterial street section meeting the approval of the Sherwood Engineering Department.
3. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for left turn lanes within SW Murdock Road at the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department.
4. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new sidewalk ramps on the western side of the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations.
5. ~~Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new sidewalk ramps on the western side of the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations. (duplicate condition to C4 above)~~
6. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new continental crosswalk and rapid flashing beacon at the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations.
7. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new local street improvements (including street lighting and street trees) within the subdivision to meet a 28’ local standard residential street section meeting the approval of the Sherwood Engineering Department.

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

## D. PRIOR TO ISSUANCE OF A SITE GRADING PERMIT

1. None

## E. PRIOR TO ISSUANE OF BUILDING PERMITS

1. Prior to Issuance of Building Permits for each lot, the applicant shall provide plot plans and building plans showing the residential structures meet the development standards of the VLDR-PUD zone. No exceptions to the underlying standards are permitted unless a modification to the PUD is approved pursuant to SZCDC § 16.40.
2. Prior to Issuance of Building Permits, the applicant shall demonstrate how the proposed garages for each residential unit meet the garage standards in SZCDC § 16.12.040.
3. Prior to Issuance of Building Permits, the applicant shall demonstrate compliance with the Residential Design standards in SZCDC § 16.14.010 Table 16.14-1.
4. Prior to Issuance of Building Permits, the applicant shall provide a House Variety Plan that demonstrates compliance with the housing variety standards in Residential Design standards in SZCDC § 16.14.010 Table 16.14-1.
5. Prior to Issuance of Building Permits, substantial completion of the public improvements by the Sherwood Engineering Department is required unless otherwise approved by the Sherwood Engineering Department in the case of a model home.

**F. PRIOR TO ACCEPTANCE OF CONSTRUCTED PUBLIC IMPROVEMENTS**

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

the related public storm sewer improvements meeting the approval of the Sherwood Engineering Department.

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

## G. PRIOR TO OCCUPANCY OF STRUCTURES

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

# V. EXHIBITS

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

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

**B. Agency Comments**

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

**C. Additional Information**

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

**DATE:** 7-22-2022

**DATE UPDATED:** 11/7/2022

**PROPERTY OWNERS/ DEVLOPER:**
J.T. Roth Construction, Inc.
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:** 32-Lot residential subdivision in the VLDR Planned Unit Development (PUD) Zone. The proposed **"Moser Pass PUD"** will be developed pursuant to the City of Sherwood Land Use and Development Code requirements.

**SITE LOCATION:** 22900 SW Murdock Road

**ZONING:** VLDR, Very Low Density Residential

**TOTAL SITE SIZE:** 12.36 Acres / 538,401.6 Square Feet

**LEGAL DESCRIPTION:** Tax Map 2S133BC, Tax Lots 1700

## I. INTRODUCTION

Background Information: The subject site consists of one (1) tax lot totaling approximately 12.36 acres in size. The site area is irregular in shape with a 10-foot access easement located along the northern and eastern property boundary for access to the property to the southeast of the subject property. The site is currently developed with a single-family dwelling, as well as a couple accessory structures. 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 32-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 (4) 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. The Applicant is requesting that the front yard setback be 15-feet for the house and 20 feet for the garage.

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## 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(except middle housing types pursuant to 16.12.010.F).*

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. Middle housing is not being proposed as part of the PUD.

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 – 10,533 square feet; Lot 2 – 10,008 square feet; Lot 3 – 10,030 square feet; Lot 4 – 10,001 square feet; Lot 5 – 10,046 square feet; Lot 6 – 10,002 square feet; Lot 7 – 10,845 square feet; Lot 8 – 10,008 square feet; Lot 9 – 10,000 square feet; Lot 10 – 11,823 square feet; Lot 11 – 10,774 square feet; Lot 12 – 10,162 square feet; Lot 13 – 10,378 square feet; Lot 14 10,294 square feet; Lot 15 10,036 square feet; Lot 16 10, 007 square feet; Lot 17 10,018 square feet; Lot 18 10,076 square feet; Lot 19 10,150 square feet; Lot 20 10,000 square feet; Lot 21 10,187 square feet, Lot 22 10,325 square feet; Lot 23 10,088 square feet; Lot 24 10,001 square feet; Lot 25 10,744 square feet; Lot 26 10,136 square feet; Lot 27 10,143 square feet; Lot 28 10,150 square feet; Lot 29 10,152 square feet; Lot 30 10,152 square feet; Lot 31 10,151 square feet; Lot 32 12,432 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 northwest corner and landscaped usable open space along the north and east (i.e. Tract C) of the subject site all acts as buffer to adjacent developed properties to the north.

*(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 C and D will provide usable and passive open space areas for the PUD and will be dedicated as Tracts C and D usable open space on the final plat. Tract C has been located to abut with the Denali Summit open space tract to the south to help facilitate pedestrian connectivity to the north and west as intended in the SE Sherwood Master Plan.

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).




Since the grove of trees identified as open space on the Alternative B/C have been removed from the Moser property, the Applicant would like to restore the grove of trees to the maximum extent practicable as part of this PUD proposal. To accomplish this goal, the developer has worked closely with Ash Creek Forest Management, LLC to develop a reforestation plan. A letter from Ash Creek Forest Management, LLC has been submitted as part of the overall application materials detailing the reforestation plan and the benefits associated with replanting the Moser property.

In addition to reforesting Tract C, the developer has also proposed extending the pedestrian trail in the Denali Summit PUD north and west through the Moser Pass PUD. There will also be a pedestrian viewing platform within Tract C to provide wildlife viewing opportunities within the adjacent Rock Creek natural aera and views of Mt. Hood.

*(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. The existing PUD developments to the south (Denali, Denali Meadows, and Denali Summit) have been developed by the owner of the subject property and the proposed PUD (Moser Pass at Denali) is a continuation of the Denali PUD developments. Developments to the west of SW Murdock Rd. are more densely

developed than proposed PUD, while lands to the north are comprised of larger lots with detached single-family homes.

The proposed Moser Pass at Denali PUD will extend SW Curry Ridge Drive north from Denali Summit through the subject property to connect with SW Murdock Rd. In addition, SW Byers Lake Terrace will be extended north into the subject property and terminate into a cul-de-sac. By extending the existing stubbed streets within the Denali PUD's into the subject property, it will allow for a pedestrian-friendly transportation system that links the development with the surrounding residential developments, as well as with the greater Sherwood transportation street system.

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 east side of SW Murdock Rd., as well as along both sides of the proposed streets running north/south and east/west through the site. With the construction of these features, pedestrian connectivity will be provided throughout the site and beyond.

*(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 did contain unique environmental opportunities in the form of a large grove of trees in the northeast corner of the property. However, as noted above, those unique environmental opportunities identified in the SE Sherwood Master Plan for the Moser property have since been cleared from the property.

In the spirit of the SE Sherwood Master Plan B/C alternative, the Applicant is proposing to reforest the NE corner of the property to the extent practicable as part of the PUD. To achieve the reforestation of the northeast corner of the property that was identified on the Alternative B/C in the SE Sherwood Master Plan, the proposed PUD sets aside Tract C as open space. Tract C will be 85,993 square feet is size. As noted in the submitted letter from Ash Creek Forest Management, LLC, the plan is to provide habitat improvement plans along the open space, tract C, in association with the construction of Moser Pass at Denali development. Given the regional habitat depletion and the site's natural tendency towards Oak Woodland/Oak Forest habitat, the actions recommended by Ash Creek Forest Management, LLC within the open space are to promote improvement of the existing habitat conditions.

The subject property also contains unique constraints in the form of rock outcroppings. Even though the rock outcroppings are not constraints identified in the SE Sherwood

Master Plan for the site, they do present unique constraints to developing the property. The rock outcroppings on-site will be graded as part of the development proposal and the rocks will be crushed on-site to provide a road base for the future roads.

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 reforestation plan within Tract C will have a positive impact on the future redevelopment of the Moser property.

*(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 house designs, as discussed in the submitted PUD Architectural Pattern Book, will range from a Contemporary to Transitional to Modern to Traditional to Early American and Modern Farmhouse styles that will complement the surrounding community. The proposed housing styles are similar and compatible with the existing houses in the adjacent PUD subdivisions.

*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*

*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 | VLDR | LDR | MDRL | MDRH | HDR |
|---|---|---|---|---|---|
| RESIDENTIAL | | | | | |
| • Single Family Detached Dwellings | P | P | P | P | P |

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 above 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 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*

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

2. *Creation of new lots or parcels as part of a townhome or cottage cluster developments are subject to the applicable land division or Planned Unit Development approval process.*

3. *Sufficient Infrastructure. Prior to obtaining a residential building permit for construction of any new middle housing structure or division of an existing structure into middle housing, the applicant must submit a request for verification of Sufficient Infrastructure, together with any documentation requested by the City Engineer or designee, and receive approval from the City Engineer or designee.*

*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 Thirty-two (32) 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. As depicted on Sheet 4 of the submitted plans, all proposed lots exceed the minimum lot width requirement of the VLDR-PUD code.

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 | 20 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 | 20 feet for all corner lots |
| Rear yard: | 20 feet | 20 feet |

All setbacks will be reviewed for compliance during the building permit process.

As part of this planned unit development, the applicant is not requesting any modifications to the VLDR zone setbacks.

No middle housing is being proposed as part of the planned unit development proposal.

*16.12.040 – Community Design*

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

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

B. *The vehicle parking area(s) shall be functional based on the minimum design standards listed on the table above, 16.12.040.A. Furnaces, stairs, etc. shall not be located within the garage designated parking areas.*

C. *Residential Front-Yard Landscaping – the front-yard area of a lot shall be fully landscaped excluding paved off-street parking areas, paved pedestrian paths, and utility areas. Landscaping materials shall meet standards identified in Section 16.92.020 Landscaping Materials.*

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

RESPONSE: The future homes that will be developed in the proposed PUD will be custom homes with two (2) to three (3) garages. At this time detailed housing plans for the homes have been finalized. As required by the above criteria, the garages will be functional based on the minimum design standards and furnaces, stairs, etc. will not be located within the garage designated parking areas. All future homes will be reviewed for compliance with the residential garages minimum design standards during the building permit process.

Except for the hard surface driveway areas providing off-street parking, as well as any necessary utility areas, all front yard areas will be fully landscaped to satisfy the standards identified in Section 16.92.020 Landscape Materials. The landscape material standards identified in Section 16.92.020 will be reviewed for compliance during the building permit review process.

All relevant sections of Divisions V, VIII and IX are addressed in this narrative and application package.

*Chapter 16.14 - RESIDENTIAL BUILDING DESIGN*

*16.14.010 – Residential Building Design Standards for all housing types except for Multi-family housing that is subject to the provisions of Chapter 16.90 Site Planning.*

*A. Purpose*

*The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design.*

*The standards in this section are intended to be clear and objective to allow a streamlined review process per the Residential Design Checklist provisions of Chapter 16.89. Each standard has an associated guideline that provides flexibility for discretionary Design Review by the Planning Commission per Chapter 16.89, Residential Design Review if necessary or desired by the applicant. Adjustments or variances to the standards below can be requested through one of the review processes described in B below.*

*B. Review Process. The following review processes can be used to review those housing types that are subject to these standards per 16.14.010.C and 16.89.020.A through D. The applicable review process depends on the level of compliance with the clear and objective standards in this section.*

*1. If all applicable standards from this section are met, Residential Design Checklist review is applied per Chapter 16.89.*

*2. If any standards of Table 16.14-1 - A, B or C are not met outright, a Type I Adjustment or Type II Class B Variance is required, in addition to the Residential Design Checklist, per Chapter 16.89. The Detailed Design standards of Table 16.14-1.D cannot be adjusted.*

*3. If the applicant chooses to meet the design guidelines instead of the design standards, a Type IV Design Review is required, per Chapter 16.89.*

RESPONSE: The applicant understands that 16.14.010 applies to this application. The developer is choosing to use the streamlined review process per the Residential Design Checklist provisions of Chapter 16.89 to satisfy the above criteria. In addition, the developer has included a copy of the Residential Design Checklist provisions of Chapter 16.89 into the Architectural Pattern Book to further assure compliance with the provisions. Compliance with the clear and objective provisions of the Residential Design Checklist will be reviewed for compliance during the building permit review process.

*C. Applicability*

*1. The standards in this section apply to all new residential development, unless otherwise indicated per the subsections below or per applicable overlay zones.*

*Manufactured home parks and manufactured homes on individual residential lots are subject to the provisions of Chapter 16.46 Manufactured Homes. Additional standards are located in 16.14.020, 16.14.030, and 16.14.040. Multi-family development is subject to the provisions of Chapter 16.90 Site Planning.*

2. *Expansions and conversions of residential structures in Chapter 16.14. The standards in this section apply to expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhome that add more than 50 percent of area to any building elevation(s) adjacent to a public right-of-way or public accessway, as follows:*

   a. *The expansion or conversion shall include design elements from Table 16.14-1 below that bring the overall building elevation(s) adjacent to a public right-of-way or public accessway closer to conformance with applicable standards; and*

   b. *The expansion or conversion shall not bring the overall building elevation(s) adjacent to a public right-of-way or public accessway further out of conformance with applicable standards. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently out of conformance shall not be made more non-conforming. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently in conformance shall not be made non-conforming.*

RESPONSE: The above criteria do not apply to the Applicant's proposal because the proposed PUD lots will ultimately be developed with new single-family detached dwellings. As such, there will be no expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhomes as part of the proposed PUD. Additionally, this application does not propose a manufactured home park or manufactured homes on individual proposed residential lots.

*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 the review and approval in accordance with Chapter 16.72. PUDs may be considered only:*

1. *On sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of:*

   a. *Natural features such as floodplains, wetlands, and extreme topography, or*

   b. *Man-made features, such as parcel configuration and surrounding development, but not including man-made features on or resulting from other parcels owned by any owner of the property subject to the PUD application;*

2. *On parcels of land within an Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or*

3. *For a cottage cluster development that is unable to meet the standards of Section 16.14.040; or*

4. *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 due to the natural features on site such as a small seasonal wetland, the extreme rocky topography, eastern property boundary abutting the Rock Creek natural area, as well as the man-made features, such as the surrounding developments to the north. By developing the subject property to align with the vision of the SE Sherwood Master Plan, it will bring greater public benefit to the surrounding area than developing to the strict adherence to the code. It will also allow for 85,993square feet of the site to be preserved in Tract C and reforested, which will be a significant benefit to SE Sherwood.

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

A cottage cluster development is not being proposed as part of the PUD.

Lastly, no variations are being sought to the required VLDR setbacks.

*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 4 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 existing wetland and extreme topography. Even though the Applicant is proposing to fill the existing wetland, it comes with great expense. To fill we documented wetland, the developer needs to obtain a joint permit from the Army Corps of Engineers and the Division of State Lands (DSL), which requires the help of an Environmental Specialist, as well as paying mitigation fees to DSL. In addition, the subject property has significant rock outcroppings that need to be removed to accommodate the extension of S.W. Curry Ridge Dr. through the site to intersect with S.W. Murdock Rd. as contemplated in the S.E. Sherwood Master Plan.

There is great public benefit to facilitating the completion of the SE Sherwood Master Plan, as well as the proposed improvements along the east side of SW Murdock Rd. and the extension of the proposed streets 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 net buildable area of the site is 435,035 square feet and 15% of the net buildable area is 65,255 square feet. Tracts C, D, and E have been designated as usable and passive open space tracts comprising 91,769 square feet. Thus, the proposed open space exceeds the 15% requirement by 26,514 square feet. As the sole developer of the SE Sherwood Master Plan area, the Applicant's PUD proposals for all the properties within the master plan boundary exceeds the 15% open space requirement for the SE Sherwood Master Plan area by 36,901 square feet.

Tract C will run along the east side of the site and provide for pedestrian connectivity between the proposed PUD and the Denali Summit PUD. Tract C contains 85,993 square feet of open-space and will provide expanded open-space as contemplated in the SE Sherwood Master Plan. Tract C will also be reforested to align with the goals of the SE Sherwood Master Plan and have a viewing platform with two (2) benches. A pedestrian trail will also be extended from the Denali Summit PUD through Tract C to connect with SW Murdock Rd. as envisioned by the SE Sherwood Master Plan.

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. Specifically, the Applicant is requesting the following: Front yard setback: 15-feet front yard setback for the house and 20-feet for the garage.

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, vernacular, 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 house designs ranging from a Contemporary to Transitional to Modern to Traditional to Early American and Modern Farmhouse styles that will complement the surrounding community. Proposed houses will meet the minimum side and rear setbacks 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 and E, will be dedicated to the homeowners' association for maintenance, preservation and management. These tracts will be developed as open space 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 mitigating the existing wetland and earth work needed to remove the rock outcroppings, 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 (4) dwelling units per net acre which will facilitate complete mitigation of seasonal wetland and removal of the rock outcroppings to allow the extension of S.W. Curry Ridge Dr. through the site. Without SE Sherwood Master Plan PUD approval, complete development of the site may be left undone. Additionally, the proposed development will extend a sidewalk along the sites SW Murdock Rd. frontage, underground any existing overhead utility lines along SW Murdock Rd., and provide for connectivity opportunities with the greater Sherwood Transportation System by connecting S.W. Curry Ridge Dr. with S.W. Murdock Road.

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 (1) 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 east/west and north/south public streets. All lots will also take access from the new public streets as well.

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 16.4****0.050(C)(3).*

RESPONSE: The subject site is approximately 12.36 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.

*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 (4) dwelling units per net buildable acre. The effect of the special density allowance, using the SE Sherwood Master Plan, grants four (4) units per acre rather than the underlying zoning density of up to one (1) unit per acre.

The gross and net square footages are shown below.

| | |
|---|---|
| LOT 1 | 10,533 Sq. Ft. |
| LOT 2 | 10,008 Sq. Ft. |
| LOT 3 | 10,030 Sq. Ft. |
| LOT 4 | 10,001 Sq. Ft. |
| LOT 5 | 10,046 Sq. Ft. |
| LOT 6 | 10,002 Sq. Ft. |
| LOT 7 | 10,845 Sq. Ft. |
| LOT 8 | 10,008 Sq. Ft. |
| LOT 9 | 10,000 Sq. Ft. |
| LOT 10 | 11,823 Sq. Ft. |
| LOT 11 | 10,774 Sq. Ft. |
| LOT 12 | 10,162 Sq. Ft. |
| LOT 13 | 10,378 Sq. Ft. |
| LOT 14 | 10,294 Sq. Ft. |
| LOT 15 | 10,036 Sq. Ft. |
| LOT 16 | 10, 007 Sq. Ft. |
| LOT 17 | 10,018 Sq. Ft. |
| LOT 18 | 10,076 Sq. Ft. |
| LOT 19 | 10,150 Sq. Ft. |
| LOT 20 | 10,000 Sq. Ft. |
| LOT 21 | 10,187 Sq. Ft. |
| LOT 22 | 10,325 Sq. Ft. |
| LOT 23 | 10,088 Sq. Ft. |

| | |
|---|---|
| LOT 24 | 10,001 Sq. Ft. |
| LOT 25 | 10,744 Sq. Ft. |
| LOT 26 | 10,136 Sq. Ft. |
| LOT 27 | 10,143 Sq. Ft. |
| LOT 28 | 10,150 Sq. Ft. |
| LOT 29 | 10,152 Sq. Ft. |
| LOT 30 | 10,152 Sq. Ft. |
| LOT 31 | 10,151 Sq. Ft. |
| LOT 32 | 12,432 Sq. Ft. |
| SW Murdock Rd. ROW dedication | 3,976 Sq. Ft. |
| Public Street ROW dedication | 81,917 Sq. Ft. |
| Cul-de-sac Street right-of-way | 4,411 Sq. Ft. |
| Access Easement along Lots 7 – 10 and Tract B | 5,023 Sq. Ft. |
| Tract A usable open space | 8,398 Sq. Ft. |
| Tract B water quality | 20,317 Sq. Ft. |
| Tract C usable open space | 85,993 Sq. Ft. |
| Tract D usable open space | 3,791 Sq. Ft. |
| Tract E usable open space | 1,985 Sq. Ft. |
| Gross Square Footage = | 541,245 Sq. Ft. |

| Deductions from Gross Square Footage: | | |
|---|---|---|
| SW Murdock Rd. ROW dedication = | 3,976 Sq. Ft. | |
| Public Street right-of-way = | 81,917 Sq. Ft. | |
| Water quality tract (Tract B) = | 20,317 Sq. Ft. | |
| Total = | 106,210 Sq. Ft in Deductions | |

| | | |
|---|---|---|
| Gross Square Footage | | 541,245 Sq. Ft. |
| -Deductions | | 106,210 Sq. Ft |
| Net Square Footage = | 435,035 Sq. Ft. or 9.98 Net Acres | |

In this case, there are 9.98 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 39 units (9.98 net acres x 4 units = 39.92). The Applicant's proposal is for a 32-Lot residential PUD. Tracts A, B, C, D and E 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 and Setbacks*

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

*a) Where there are multiple zones within a single PUD, lot sizes and setbacks shall meet the following:*

*1) Lots on the perimeter boundary of the PUD shall be consistent with the underlying zone.*
*2) All remaining lots, not on the perimeter boundary of the PUD, may utilize the provision of average lot size of the underlying zones.*

RESPONSE: The minimum lot size of the underlying zoning district, which is VLDR, is 10,000 square feet when in a PUD. All proposed lot sizes are 10,000 square feet or greater in size. All setbacks for the future homes will be consistent with the VLDR zone provisions.

*Chapter 16.58 - VISION CLEARANCE AND FENCE STANDARDS*

*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.*

RESPONSE: The proposed PUD will have a total of three (3) corner lots (i.e. Lots 1, 12, and 32). In addition to the three (3) corner lots, the PUD will also have one (1) lot that will have rounded corners (i.e. Lot 25). Given the front yard setback is 20-feet in the VLDR zone, it should not be a problem for the three (3) corner lots and the one (1) rounded lot to meet the requirements of the clear vision areas. Regardless, the Applicant anticipates that the above criteria will be made an on-going condition of any final approval and they will ultimately be reviewed for compliance during the building permit review for the future homes.

*16.58.020 - Fences, Walls and Hedges.*

*A. Purpose:*

*The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of the property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.*

*B. Applicability:*

*The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. These standards do not apply to sound walls and landscape features that are not hedges.*

*C. Fences, Walls, and Hedges in Residential Zones:*

RESPONSE: At this time no fences or walls are being proposed as part of the PUD. Regardless, the Applicant anticipates that the above criteria will be made an on-going condition of any final approval and they will ultimately be reviewed for compliance during the building permit review for the future homes.

*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.*

RESPONSE: The above criterion does not apply to the Applicant's proposal because no through lots are being proposed as part of the PUD.

*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.*

RESPONSE: As noted previously in this narrative there will be a total of three (3) corner lots in the proposed PUD (i.e. Lots 1, 12, and 32). The front yard setback in the VLDR zone is 20-feet, which all future homes will be required to meet. The street side yard requirement in the VLDR zone is 20-feet, which is the same as the front yard setback requirement in the VLDR zone. All future corner lot homes will meet the above criteria, which will be future reviewed during the building permit process. All required setbacks are shown on Sheet 4.

*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.*

RESPONSE: No homes are being proposed at this time. As such, the Applicant anticipates that the above criteria will be made a condition of any final approval to be reviewed during the building permit process.

*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 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 for townhomes, and 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).*

RESPONSE: The above criteria do no apply to the Applicant's proposal because the subject property does not have an area or dimension which does not meet the requirements of the city's Code.

*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 October 28, 2021. The planning staff contacts at the meeting were Erika Palmer 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 November 1, 2021. 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, and three (3) 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.

*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 yard setback to 15-feet front yard setback for the house (20-feet for the garage as required by code), is being requested through the planned unit development process.

*Chapter 16.89 - RESIDENTIAL DESIGN CHECKLIST AND RESIDENTIAL DESIGN REVIEW*

*16.89.010 – Purpose and Intent*

*A. Purpose*

*The Residential Design Checklist Review and Residential Design Review are intended to provide an opportunity for the City of Sherwood to encourage development of a variety of housing types while providing for a review process that encourages traditional forms commonly found in Sherwood while providing for a variety of design and site-specific situations for these housing types.*

*This process is designed to provide a streamlined review process to encourage development of housing at a variety of types and scales. The Residential Design Checklist Review is a clear and objective review process and will be implemented at time of Residential Building Permit submittal. For projects seeking additional flexibility, the Residential Design Checklist Review may be paired with either a concurrent Type I Adjustment or Type II Class B Variance process referenced in Section 16.84.030.*

*For residential projects seeking the highest level of flexibility, the Residential Design Review is a Type IV discretionary review. Projects subject to Residential Design Review are to be reviewed against the design guidelines rather than against the degree of departure from the standard.*

RESPONSE: With the proposed PUD, the developer is electing to use the streamlined review process offered through the Residential Design Checklist Review process for the future single-family detached dwellings that will be constructed in the PUD.

*16.89.020 – Residential Design Checklist Review or Residential Design Review Required*

A. *When Required. Residential Design Checklist Review or Residential Design Review is required prior to new residential development, expansions or conversions that are subject to the design standards of 16.14, or any substantial change to a site or use and is required prior to issuance of building permits for a new residential dwelling, or for substantial alteration of an existing residential dwelling or use. Exemptions noted below.*

   *Either a Residential Design Checklist Review or a Residential Design Review is required for the following housing types (multi-family dwellings are subject to Section 16.90 review):*

   1. *Accessory Dwelling Unit*
   2. *Single detached dwelling*

RESPONSE: As noted above, the developer is electing to use the streamlined review process offered through the Residential Design Checklist Review process for the future single-family detached dwellings that will be constructed in the PUD. Compliance with the Residential Design Checklist will be reviewed for compliance during the building permit review 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 thirty-two (32) 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 thirty-two (32) new residential building lots. Power and communications lines will also be extended from what is existing to the residential building lots. Sheet 11 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 4) illustrates the location of these areas, and the landscaping plan details concepts 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 d****ocuments 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, D and E 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 contain a natural feature in the form of a wetland. However, because the wetland is a seasonal wetland, the developer is working with the Army Corps of Engineers and the Division of State Lands to obtain a joint permit to fill the wetland as part of the proposed PUD development. With that being said, the applicating will be preserving, to the extend possible, existing pine trees and vegetation within Tract C. Existing vegetation and trees elsewhere on the subject site, outside of Tract 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 thirty-two (32) single-family residential building lots will not generate more than 400 average daily trips because, 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 part of the submitted application materials.

*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: The submitted landscape plan shows all proposed landscaped area as being covered with a combination of trees, shrubs, grasses, and various groundcovers. Mulch is not being used as a substitute for ground cover. As noted on landscape plan, ground cover plants are either one to five-gallon pots or seed. The ground cover requirements have been met with the proposed plan. It has been show on the landscape plan 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: The submitted landscape plan 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 shown on the landscape plan 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: The submitted landscape plan 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 landscape plan.

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. Nevertheless, it may be possible to preserve some existing trees in Tract A with the landscaping required along the sites SW Murdock Road frontage. Any tree preservation within Tract A will be determined during construction based on the health of the tree. Most, if not all, of the existing trees and vegetation within the footprint of proposed Tract C has been previously disturbed and removed from the site. Any existing trees within the footprint of Tract C that Ash Creek Forest Management, LLC determines to be worthy of preservation as part of the reforestation effort will be retained.

*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. No impervious paving is being proposed within the landscaping areas. The proposed pedestrian trails within Tract C will be a soft surface trail likely covered with woodchips. A viewing area will be provided in Tract C that will include architectural features interspersed with planted areas, such as, benches, interpretive signage, masonry or stone walls, fences, rock groupings, and bark dust.

*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 D. 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*

*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; ADU standards are per OAR Division 46)*

| | Minimum Parking Standard | Maximum Permitted Parking Zone A [1] | Maximum Permitted Parking Zone B [2] |
|---|---|---|---|
| Accessory Dwelling Unit | None | None | None |
| Single Family detached and manufactured home on lot [3] | 1 per dwelling unit | None | None |

RESPONSE: The proposed development is for thirty-two (32) 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 east side of SW Murdock Road. In addition, a pedestrian connection will be made in Tract C to link with the open space in the Denali Summit subdivision to complete the pedestrian trail contemplated in the SE Sherwood Master Plan.

The proposed public street will be extended through the subject property as part of this development and intersect with SW Murdock Rd. at the western boundary of the site. 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*

*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.*

RESPONSE: As part of the proposed PUD two (2) existing public streets will be extended into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into a cul-de-sac. Both public streets will be created in accordance with the provisions of this Chapter. Additionally, as proposed, both streets will conform to the city's standards for their street classification, as shown on the TSP.

SW Murdock Rd. along the property's frontage will also be improved to conform to the city's standards and specifications for a minor arterial street.

*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.*

RESPONSE: As part of the proposed PUD two (2) existing public streets will be extended into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into a cul-de-sac.

Because SW Byers Lake Terrace will terminate into a cul-de-sac, it's likely that the cul-de-sac will need a new street name. The developer will work closely with city Staff to determine if a new street name is required for the cul-de-sac and, if necessary, will provide the new street name prior to submission of the final plat.

*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.*

RESPONSE: The site currently has frontage along SW Murdock Road. The proposed PUD has been designed to take access from SW Murdock Road. Required improvements will be made to SW Murdock Rd. along the site's frontages, which will improve pedestrian access and provide better visibility along the corridor. With the development of the subject property, 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 6 - 9 of the submitted plan set shows the proposed improvements to all existing and proposed streets within the PUD.

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.*

RESPONSE: The subject property abuts SW Murdock Rd., which is classified as a minor arterial street. Half street improvements will be made to SW Murdock Rd. and will comply with the city's standards and specifications for a minor arterial street.

In addition to SW Murdock Rd., the proposed PUD will also be extending two (2) existing public streets into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into a cul-de-sac. Both streets will be constructed to a full public street width and comply with the city's standards and specifications for local public streets.

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.*

RESPONSE: Right-of-way dedication is shown for all new streets proposed with this subdivision, as well as for the frontage of SW Murdock Road. The SE Murdock Road frontage improvements include a sidewalk, curb/gutter and 14 additional feet of pavement. The additional pavement could accommodate a shared use path as identified in the Transportation System Plan (TSP), but this area was not identified in the TSP for a future bike lane. No partial or future improvements are proposed.

*E. Transportation Facilities Modifications*

1. *A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.*
2. *A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8*

*in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:*

*a. Reduced sight distances.*
*b. Vertical alignment.*
*c. Horizontal alignment.*
*d. Geometric design (length, width, bulb radius, etc.).*
*e. Design speed.*
*f. Crossroads.*
*g. Access policy.*
*h. A proposed alternative design which provides a plan superior to these standards.*
*i. Low impact development.*
*j. Access Management Plans*

*3. Modification Procedure*
*a. A modification shall be proposed with the application for land use approval.*
*b. A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.*
*c. When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.*

*4. Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:*
*a. Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.*
*b. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.*
*c. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self- imposed hardships shall not be used as a reason to grant a modification request.*
*d. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.*
*e. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.*

RESPONSE: The applicant seeks transportation facility modifications with this application. A memorandum stamped by the project engineer provides further detail supporting the requests. The requested modifications include a request to lower the design speed allowing for a centerline radius of 100 feet, right-of-way width reduction from 60 feet to 52 feet, and for intersection spacing to be greater than the maximum requirement. Additionally, the applicant seeks a design exception to the maximum cul-de-sac length as it is proposed to exceed the maximum length of 200 feet. The reasons for these modifications are due to significant topographical constraints, existing development adjacent to the subject property, roadway spacing constraints on SW Murdock Road, and solid rock at the ground surface. Approval of these requested modifications is necessary to address the appearance, cost of maintenance, and functionality of the proposed subdivision. The requested modifications are the minimum necessary to alleviate the hardship. 16.106.020.E.4(a-b) are met with this application.

*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.*

RESPONSE: All proposed streets and existing streets abutting the site have been designed based on their location, street designation, and grade of streets in their relation to existing and planned streets, topographical conditions, and proposed land uses. As proposed, the street system serving the PUD will provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves will be adequate for expected traffic volumes.

To the extent practicable, the street alignment is consistent with the solar access requirements and topographical considerations given the site's limited ability to design around these requirements.

*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).*

RESPONSE: Due to the surrounding development patterns and the Rock Creek natural area located on the east side of the property, the site does not allow for the proposed public streets to be continued beyond the boundaries of the site.

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.*

RESPONSE: The subject property is part of the SE Sherwood Master Plan, which provided a street connectivity plan for the area. The proposed streets within the PUD provide the level of local street connectivity contemplated in the in the SE Sherwood Master Plan. All proposed streets have been located in the general vicinity of the connection(s) shown on the SE Sherwood Master Plan map, except where such connection is not practicable due to topography or other physical constraints, then an alternate connection has been provided.

    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.*

RESPONSE: Except for the shared driveway serving Lots 2 and 3, which will be more than 24-feet in width, all other driveways will be no more that 24-feet in width. The shared driveway serving Lots 2 and 3 will align with the planned streets per the TSP.

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.*

RESPONSE: Due to the surrounding development patterns, existing natural areas, and zoning of surrounding properties, the block lengths within the proposed PUD have been predetermined.

As noted above, the subject property abuts SW Murdock Rd., which is classified as a minor arterial street. In addition to SW Murdock Rd., the proposed PUD will also be extending two (2) existing public streets into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into the proposed cul-de-sac. Since the proposed streets cannot be stubbed to the north or east to facilitate future development, and because the land to the south has been previously developed, the block lengths within the proposed PUD will exceed the block lengths noted above. As such, the applicant has provided an extensive pedestrian trail system within Tract C to help alleviate some out of distance pedestrian travel due to the longer block lengths.

Since the proposed PUD is not able to provide the block lengths required by the above criterion, the applicant is requesting a deviation to the block length standard as part of the PUD.

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.*

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.*

RESPONSE: The above criteria do not apply to the Applicant's proposal because no proposed streets must cross a water feature.

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.*

RESPONSE: Pedestrian and bicycle connectivity has been provided within the proposed public streets, and trail system within the proposed open space. Paved bike and pedestrian accessways consistent with the cross-section standards in Figure 8-6 of the TSP are provided on the public right- of-way. Where full street connections are not possible, public easements are provided on the multi-use paths within the open space.

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.

RESPONSE: All public and private utilities will be located underground, including sanitary sewers and storm water drains, and will be completed prior to surfacing the streets.

No stubs for service connections are required because there are not contiguous properties that can be redeveloped in the future.

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.

RESPONSE: The above criterion does not apply to the Applicant's proposal because no additional setbacks are required for the PUD.

*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.*

RESPONSE: The above criterion does not apply to the Applicant's proposal because no reserve strips are being proposed as part of the PUD.

*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.*

RESPONSE: All proposed streets meet the above criterion because the streets, as far as practicable, have been aligned with existing streets. There is no staggering of any proposed streets that would create at "T" intersection or dangerous condition.

*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."*

RESPONSE: The above section does not apply to the Applicant's proposal because it's not possible for the adjoining lands to be further subdivided.

*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.*

RESPONSE: The proposed PUD satisfies the above criterion because all proposed street will intersect as near to ninety (90) degree angles and practical.

*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 theEngineering 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.*

RESPONSE: A cul-de-sac is being proposed as part of the proposed PUD due to constraints posed by the existing development patterns in the area, which preclude a street extension and continuous circulation. The proposed cul-de-sac will be slightly more than two hundred (200) feet in length from the center line of SW Curry Ridge Rd. to the center of the cul-de-sac, but it will only provide access to nine (9) dwelling units.

Because the proposed cul-de-sac will be more than 200-feet in length, the Applicant is requesting a deviation to the cul-de-sac length as part of the proposed PUD. The exception to the standard is proposed due to topographical and existing development pattern constraints.

A memorandum requesting an exception for block length is also included with this application as the applicant seeks an exception to the maximum block length. Additional findings on block length standards are addressed below in this narrative under the section titled *16.128.010 – Blocks.*

*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: No private streets are being proposed as part of this PUD proposal, therefore, the above criteria to not apply to the Applicant's proposal.

*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.*

3. *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.*

4. *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.*

RESPONSE: Sidewalks will be provided on both sides of the proposed public streets. A sidewalk will also be provided on the east side of SW Murdock Rd. adjacent to the site.

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.*

RESPONSE: SW Murdock Rd. is classified as a minor arterial street, so the sidewalk along SW Murdock will have a minimum of a six (6) foot wide sidewalk for residential areas.

The sidewalks along the local streets will have a minimum five (5) foot sidewalk and be located as required by this code. Handicapped ramps will be provided at all intersections.

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.*

RESPONSE: Bicycle and pedestrian connections are provided within the right-of-way of the full street connections within the PUD. However, when spacing between connections is more than 330 feet because it is prevented by topography, existing development patterns, or environmental constraints such as rivers and streams, then public easements have been provided over the trail system within the open space to provide additional pedestrian connections within the PUD.

*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.*

RESPONSE: The Applicant's proposal satisfies the above criterion because a 5-foot bike lane will be added along the site's SW Murdock Rd. frontage.

*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.*

RESPONSE: During the required Pre-App. meeting, the Applicant was informed by city Staff that a TIA would not be required for the proposed PUD because it did not meet the threshold of the above code section to require one. As such, the above section does not apply to the Applicant's proposal.

*Chapter 16.110 SANITARY SEWERS*

RESPONSE: Sheet 11 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 Murdock Road. 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 Murdock Road adjacent to the western boundary 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 11 of the submitted plan set along with individual water meters to each of the new lots.

*Chapter 16.114 STORM WATER*

RESPONSE: Sheet 11 of the submitted plan set shows a proposed water quality facility (i.e. Tract B) along the northwestern 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: The developer will be working with TVF&R during the civil plan review on the installation of new fire hydrants to serve the proposed PUD. The future 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 11. 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 thirty-two 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 thirty-two lot PUD development. The subdivision/PUD is proposed to be developed in one phase.

*16.120.040 – 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 6 - 9 of the submitted plan set shows the street plan, profile and section for SW Murdock Rd. and the proposed new public streets, 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: No private streets are proposed as part of this application.

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 11 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 that is not being currently developed.

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

RESPONSE: There is no adjoining land that can either be developed independently or that can be provided access to allow development in accordance with this Code as all surrounding property is either currently developed or is preserved and natural lands.

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 C to the extent practicable 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 4 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 Murdock Rd. 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 adj**acent 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/west public street. The extension of the proposed public street from the south to the north and west will allow for it to connect with SW Murdock Rd. to the west as envisioned in the SE Sherwood Master Plan. Due to the existing development patterns in the surrounding area and the presence of the Tualatin River National Wildlife Refuge (i.e. Rock Creek) to the east of the site, the block lengths for the subject property have been predetermined.

With the proposed pedestrian connections in the open space (i.e. Tract C) and the existing pedestrian connections with the Denali Summit and Denali Meadows PUD's, the block lengths between these connections is minimized for pedestrians. The existing pedestrian connection created in the Denali Summit PUD between the private streets (i.e. Tracts E and F) is approximately 560 feet in length. By extending the street within the Denali Summit PUD north and west through the subject property, the block length created between SW Byers Lake Terrace and the existing pedestrian connection

created in the Denali Summit PUD between the private streets (i.e. Tracts E and F) will exceed 530 feet in length.

Because the proposed block length exceeds the maximum block length of 530 feet, the Applicant is seeking approval of a Design Modification through the PUD process for the proposed block length. The increased block length is necessary due to the sites undulating topography, existing surrounding development and natural areas, and the sites rocky terrain.

Sidewalks are being provided on both sides of the proposed public streets, as well as along the east side of SW Murdock Road. A soft trail (i.e. wood chip) will be provided in Tract C.

Lastly, Tract C will provide connectivity links for pedestrians to provide alternative pedestrian routes to minimize out of distance travel when traveling to the north and west from the Denali Summit PUD to the south. Specifically, Tract C will have a pedestrian trail that connects with the open space and trails in the recently approved Denali Summit PUD. This will allow pedestrians to have an alternative access to SW Murdock Road without having to walk down the public streets before being able to travel to the west. The existing pedestrian connections within the Denali Summit PUD also provide for a mid-block pedestrian connection to SW Murdock Road.

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 contains a small seasonal wetland at the northcentral portion of the site. The existing wetland is depicted on Sheet 2 of the submitted plans. The developer is currently working with the Army Corps of Engineers and the Division of State Lands (DSL) to obtain a joint permit to fill the wetland as part of the development. A copy of the joint permit can be provided to the city prior to beginning any construction activity.

*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 contains one (1) short cul-de-sac street. There are no unusually long or oddly shaped blocks as part of the PUD. 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. All lots front the proposed public streets. 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.

*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*

*16.142.030 – All 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. Cottage cluster development is subject to the open space requirements of 16.14.40 and not to the requirements of this section. 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 C and D provide the required usable open space, neither of which are required sensitive areas or buffers. Tract A provides the required visual corridors along the sites SW Murdock Rd. frontage. 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 C and D 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.

*D. The density of a 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 | 10,533 Sq. Ft. |
| LOT 2 | 10,008 Sq. Ft. |
| LOT 3 | 10,030 Sq. Ft. |
| LOT 4 | 10,001 Sq. Ft. |
| LOT 5 | 10,046 Sq. Ft. |
| LOT 6 | 10,002 Sq. Ft. |
| LOT 7 | 10,845 Sq. Ft. |
| LOT 8 | 10,008 Sq. Ft. |
| LOT 9 | 10,000 Sq. Ft. |
| LOT 10 | 11,823 Sq. Ft. |
| LOT 11 | 10,774 Sq. Ft. |
| LOT 12 | 10,162 Sq. Ft. |
| LOT 13 | 10,378 Sq. Ft. |
| LOT 14 | 10,294 Sq. Ft. |
| LOT 15 | 10,036 Sq. Ft. |
| LOT 16 | 10, 007 Sq. Ft. |
| LOT 17 | 10,018 Sq. Ft. |
| LOT 18 | 10,076 Sq. Ft. |
| LOT 19 | 10,150 Sq. Ft. |
| LOT 20 | 10,000 Sq. Ft. |
| LOT 21 | 10,187 Sq. Ft. |
| LOT 22 | 10,325 Sq. Ft. |
| LOT 23 | 10,088 Sq. Ft. |
| LOT 24 | 10,001 Sq. Ft. |
| LOT 25 | 10,744 Sq. Ft. |
| LOT 26 | 10,136 Sq. Ft. |
| LOT 27 | 10,143 Sq. Ft. |
| LOT 28 | 10,150 Sq. Ft. |
| LOT 29 | 10,152 Sq. Ft. |
| LOT 30 | 10,152 Sq. Ft. |
| LOT 31 | 10,151 Sq. Ft. |
| LOT 32 | 12,432 Sq. Ft. |
| SW Murdock Rd. ROW dedication | 3,976 Sq. Ft. |
| Public Street ROW dedication | 81,917 Sq. Ft. |
| Cul-de-sac Street right-of-way | 4,411 Sq. Ft. |
| Access Easement along Lots 7 – 10 and Tract B | 5,023 Sq. Ft. |
| Tract A usable open space | 8,398 Sq. Ft. |
| Tract B water quality | 20,317 Sq. Ft. |
| Tract C usable open space | 85,993 Sq. Ft. |
| Tract D usable open space | 3,791 Sq. Ft. |

| | |
|---|---|
| Tract E usable open space | 1,985 Sq. Ft. |
| Gross Square Footage = | 541,245 Sq. Ft. |

| Deductions from Gross Square Footage: | |
|---|---|
| SW Murdock Rd. ROW dedication = | 3,976 Sq. Ft. |
| Public Street right-of-way = | 81,917 Sq. Ft. |
| Water quality tract (Tract B) = | 20,317 Sq. Ft. |
| Total = | 106,210 Sq. Ft in Deductions |

| | |
|---|---|
| Gross Square Footage | 541,245 Sq. Ft. |
| -Deductions | 106,210 Sq. Ft |
| Net Square Footage = | 435,035 Sq. Ft. or 9.98 Net Acres |

In this case, there are 9.98 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 39 units (9.98 net acres x 4 units = 39.92). Tracts A, B, C, D and E 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 PUD subdivision consisting of thirty-two 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 Recreation System Development Charges 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 a minor 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 and a 15-foot landscaped visual corridor will be provided as required by the City's development code since right-of-way will be dedicated. A detailed landscape plan has been submitted as part of the overall application materials showing how the 15-foot wide visual corridor will be landscaped.

*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 appro**val. 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 Murdock Rd. and the proposed new public streets within the development. The submitted landscape plan shows the location of 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 the submitted landscape plan 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: The submitted landscape plan shows the proposed planting of one (1) street tree, spaced every 40 feet, in the planter strips along both sides of the new public streets and along the east side of SW Murdock Rd.

*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 12.36 acres (540,977 Sq. Ft.) which yields 4.96 acres (216,390 sq. ft.) of tree canopy. The project will be planting a wide range of tree species and street trees. A large number of pine trees will be located in Tract C to help reforest an area of the property that was previously forested. To achieve this the developer will be working closely with Aspen Creek Forest Management, LLC to reforest portions of Tract C in a strategic manner. Additionally, new landscaping will be provided within the in the open space areas consistent with the requirements for open space. A detailed landscape plan has been submitted demonstrating compliance with this criterion. The

table below further shows how the site will comply with the 40% tree canopy requirement of this section.

**Tract C' Tree Density Calculations**

| ***Scientific Name* / Common Name** | **QTY** | **Mature Spread** | **Canopy Area (SF)** | **Canopy Coverage (SF)** |
|---|---|---|---|---|
| *Acer macrophyllum* / Big Leaf Maple | 10 | 50 | 1963 | 19625 |
| *Amelanchier alnifolia* / Western Serviceberry | 500 | 10 | 79 | 39250 |
| *Calocedrus decurrens* / Incense Cedar | 250 | 15 | 177 | 44156 |
| *Pinus ponderosa* / Ponderosa Pine | 25 | 40 | 1256 | 31400 |
| *Quercus garryana* / Oregon White Oak | 40 | 60 | 2826 | 113040 |
| *Rhamnus purshiana* / Cascara | 250 | 15 | 177 | 44156 |
| | | **Total Canopy Coverage:** | | 291628 |
| | | **Total Site Area:** | | 335896 |
| | | **Percent Canopy Coverage:** | | 86.82% |

*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.*

2. *Required Tree Canopy – All Residential Developments subject to Type II-V land use review.*

   *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 detached and middle housing developments) subject to Residential Design Checklist or Type I review | Residential (single family detached and middle housing developments) subject to Type II-IV review | Old Town & Infill developments | Commercial, Industrial, Institutional Public and Multi-Family dwelling |
|---|---|---|---|---|
| Canopy Requirement | N/A | 40% | N/A | 30% |
| Counted Toward the Canopy Requirement | | | | |
| Street trees included in canopy requirement | N/A | Yes | N/A | No |
| Landscaping requirements included in canopy requirement | N/A | N/A | N/A | Yes |
| Existing trees onsite | N/A | Yes<br>x2 | N/A | Yes<br>x2 |
| Planting new trees onsite | N/A | Yes | N/A | Yes |
| Mature Canopy in Square Feet Equation $\pi r^2$ or (3.14159*radius $^2$) (This is the calculation to measure the square footage of a circle.<br>The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half. | | | | |
| Canopy Calculation Example: Pin Oak<br>Mature canopy = 35'<br>(3.14159* 17.5 $^2$) = 962 square feet | | | | |

RESPONSE: As noted above, the proposed PUD will be providing a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage in the

table below is based on the expected mature canopy of each proposed tree by using the equation πr 2 to calculate the expected square footage of canopy for each tree.

The canopy requirement will be achieved by planting new trees. If necessary, the required street trees will be used toward the total on site canopy 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 has provided the estimated tree canopy of the proposed trees in the table below.

**Tract C' Tree Density Calculations**

| ***Scientific Name*** **/ Common Name** | **QTY** | **Mature Spread** | **Canopy Area (SF)** | **Canopy Coverage (SF)** |
|---|---|---|---|---|
| *Acer macrophyllum* / Big Leaf Maple | 10 | 50 | 1963 | 19625 |
| *Amelanchier alnifolia* / Western Serviceberry | 500 | 10 | 79 | 39250 |
| *Calocedrus decurrens* / Incense Cedar | 250 | 15 | 177 | 44156 |
| *Pinus ponderosa* / Ponderosa Pine | 25 | 40 | 1256 | 31400 |
| *Quercus garryana* / Oregon White Oak | 40 | 60 | 2826 | 113040 |
| *Rhamnus purshiana* / Cascara | 250 | 15 | 177 | 44156 |
| | | **Total Canopy Coverage:** | | 291628 |
| | | **Total Site Area:** | | 335896 |
| | | **Percent Canopy Coverage:** | | 86.82% |

*Chapter 16.144 WETLAND, HABITAT AND NATURAL AREAS*

*16.144.020 - Standards*

*A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:*

*1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.*

*a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.*

b. *Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.*

c. *A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.*

2. *If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.*

B. *The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:*

1. *The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).*

2. *The facility will comply with applicable requirements of the zone.*

3. *The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.*

4. *The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.*

5. *Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 16.140.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.*

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:*

1. *Verifying boundaries of inventoried riparian habitat. Locating habitat and determining its riparian habitat class is a four-step process:*

   a. *Located the Water Feature that is the basis for identifying riparian habitat.*

      1. *Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.*

      2. *Locate all flood areas within 100 feet of the property.*

      3. *Locate all wetlands within 150 feet of the property based on the Local Wetland Inventory map and on the Metro 2002 Wetland Inventory map (available from the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232). Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers.*

   b. *Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas or are within 100 feet of flood areas. Vegetative cover status shall be as identified on the Metro Vegetative Cover map. In the event of a discrepancy between the Metro Vegetative Cover map and the existing site conditions, document the actual vegetative cover based on the following definitions along with a 2002 aerial photograph of the property;*

      1. *Low structure vegetation or open soils — Areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).*

2. *Woody vegetation — Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown-closure) located within 300 feet of a surface stream.*

3. *Forest canopy — Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.*

c. *Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% (using the Clean Water Services Vegetated Corridor methodology); and*

d. *Identify the riparian habitat classes applicable to all areas on the property using Table 8-1 below:*

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.*

RESPONSE: The subject site contains a small seasonal wetland as shown on Sheet 2 of the submitted plans. However, the small seasonal wetland does not show up on the City's Wetland Inventory, the Comprehensive Plan Natural Resource Inventory, and/or the Regionally Significant Fish and Wildlife Habitat Area map adopted by Metro because it was recently crated with the removal of the pine trees by the previous property owner. After the trees where cut down and the stumps were removed from the site, it created a small depression that has now become a seasonal wetland.

The site 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 (i.e. Rock Creek), 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. This is further supported by the CWS SPL letter the developer

obtained for the mass grading permit, and the letter dated April 25th, 2022, by Environmental Science & Assessment, LLC. 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.




In order to facilitate the proposed PUD development, the developer has hired Environmental Science & Assessment, LLC. to delineate the boundary of the wetland and to obtain the necessary joint permit from the Division of State Lands (DSL) and the Army Corps of Engineers to fill the wetland. In addition, Environmental Science & Assessment, LLC. has obtained a second required CWS SPL letter for the filling of the wetland as part of the PUD development. Copies of the approved wetland delineation and CWS SPL letter are provided as part of the submitted application materials.

All state and local required mitigation measures for filling the small seasonal wetland will be adhered to as part of the proposed development.

*Chapter 16.148 VIBRATIONS*

*Chapter 16.150 AIR QUALITY*

*Chapter 16.152 ODORS*

RESPONSE: The proposal is for thirty-two (32) new single-family residential building lots for future detached 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 Murdock Rd., 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.

CONCLUSION:

As a needed housing application such as the Applicant's, ORS 197.307(4) requires local governments to "adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing." Needed housing means "all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those

terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a." ORS 197.303(a). Needed housing includes "[a]ttached and detached single-family housing and multiple family housing for both owner and renter occupancy." ORS 197.303(1)(a).

The subject Application falls under the definition of "needed housing" because (a) it is on land zoned for residential use that is within an urban growth boundary, and (b) it will consist of attached and/or detached single-family housing for owner and/or renter occupancy.

Procedures are clear and objective "if they do not impose 'subjective, value-laden analyses that are designed to balance or mitigate impacts.'" *Warren v. Washington County*, LUBA No. 2018-089, *Slip Op.* at p. 21 (Or LUBA 2018) (citing *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff'd* 158 Or App 1, 970 P.2d 685, *rev den* 328 Or 549 (1999)).

The applicant has demonstrated in this written narrative and through the submitted supporting application materials that the proposed 32-Lot residential subdivision satisfies the City's applicable clear and objective review criteria for a residential subdivision within the City of Sherwood. As such, the Applicant respectfully requesting approval of the proposed subdivision with any necessary clear and objective conditions of approval.

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 / Steve Miller
Phone: Cell (541) 318-7487
Applicant Address: 6445 SW Fallbrook Pl., #100, Beaverton, OR 97008
Email: stevem@emeriodesign.com
Owner: J.T. Roth Construction, Inc. / Tim Roth
Phone: (503) 639-2639
Owner Address: 12600 SW 72nd Ave STE 200, Portland, OR 97223
Email: timr@jtrothinc.com
Contact for Additional Information: _____

**Property Information:**

Street Location: 22900 SW Murdock Rd.
Tax Lot and Map No: 2S133BC0; Tax Lot 1700
Existing Structures/Use: Residential
Existing Plan/Zone Designation: VLDR
Size of Property(ies) 12.36 Acres

**Proposed Action:**

Purpose and Description of Proposed Action:

The Applicant is proposing a 32 lot residential PUD in the Southeast Sherwood Master Plan area on land zoned VLDR.

Proposed Use: 32 lot residential PUD

Proposed No. of Phases (one year each): One Phase

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: 7/19/2022

Owner's Signature — Date: 7/19/2022

**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.

# SPL Materials

Clean Water Services
Our commitment is clear.

CWS File Number
**22-002556**

# Service Provider Letter

**This form and the attached conditions will serve as your Service Provider Letter in accordance with Clean Water Services Design and Construction Standards (R&O 19-5, as amended by R&O 19-22).**

| | | | |
|---|---|---|---|
| **Jurisdiction:** | City of Sherwood | **Review Type:** | Tier 2 Analysis |
| **Site Address / Location:** | 22900 SW Murdock Rd<br>Sherwood, OR 97140 | **SPL Issue Date:**<br>**SPL Expiration Date:** | October 10, 2022<br>October 09, 2024 |

| **Applicant Information:** | | **Owner Information:** | |
|---|---|---|---|
| Name | TIM ROTH | Name | TIM ROTH |
| Company | JT ROTH CONSTRUCTION INC | Company | JT ROTH CONSTRUCTION INC |
| Address | 12600 SW 72ND AVE STE 200<br>TIGARD OR 97223 | Address | 12600 SW 72ND AVE STE 200<br>TIGARD OR 97223 |
| Phone/Fax | | Phone/Fax | |
| E-mail: | timr@jtrothinc.com | E-mail: | timr@jrothinc.com |

| **Tax lot ID** | **Development Activity** |
|---|---|
| 2S133BC01700 | Murdock Road Residential Subdivision |

| **Pre-Development Site Conditions:** | | **Post Development Site Conditions:** | |
|---|---|---|---|
| Sensitive Area Present: | [X] On-Site [ ] Off-Site | Sensitive Area Present: | [ ] On-Site [ ] Off-Site |
| Vegetated Corridor Width: | 25’ | Vegetated Corridor Width: | None |
| Vegetated Corridor Condition: | | | |

**Enhancement of Remaining Vegetated Corridor Required:** [ ]

**Square Footage to be enhanced:**

**Encroachments into Pre-Development Vegetated Corridor:**

| Type and location of Encroachment: | Square Footage: |
|---|---|
| Lots (Permanent encroachment; Mitigation required) | 7,519 |

**Mitigation Requirements:**

| Type/Location | Sq. Ft./Ratio/Cost |
|---|---|
| Off-site Mitigation (Per R&O 13-12 VC mitigation requirements for VC encroachment associated with wetland impacts met through verification of wetland mitigation bank credit purchase) | 7,519 |

[X] Conditions Attached [X] Development Figures Attached ( 3 ) [ ] Planting Plan Attached [ ] Geotech Report Required

**This Service Provider Letter does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered on your property.**

## In order to comply with Clean Water Services water quality protection requirements the project must comply with the following conditions:

1. No structures, development, construction activities, gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by Oregon Department of Environmental Quality, pet wastes, dumping of materials of any kind, or other activities shall be permitted within the sensitive area or Vegetated Corridor which may negatively impact water quality, except those allowed in R&O 19-5, Chapter 3, as amended by R&O 19-22.
2. Prior to any site clearing, grading or construction the Vegetated Corridor and water quality sensitive areas shall be surveyed, staked, and temporarily fenced per approved plan. During construction the Vegetated Corridor shall remain fenced and undisturbed except as allowed by R&O 19-5, Section 3.06.1, as amended by R&O 19-22 and per approved plans.
3. **Prior to any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits.**
4. An approved Oregon Department of Forestry Notification is required for one or more trees harvested for sale, trade, or barter, on any non-federal lands within the State of Oregon.
5. **Prior to any ground disturbing activities, an erosion control permit is required. Appropriate Best Management Practices (BMP's) for Erosion Control, in accordance with Clean Water Services' Erosion Prevention and Sediment Control Planning and Design Manual, shall be used prior to, during, and following earth disturbing activities.**
6. Prior to construction, a Stormwater Connection Permit from Clean Water Services or its designee is required pursuant to Ordinance 27, Section 4.B.
7. Activities located within the 100-year floodplain shall comply with R&O 19-5, Section 5.10, as amended by R&O 19-22.
8. Removal of native, woody vegetation shall be limited to the greatest extent practicable.
9. The water quality swale and detention pond shall be planted with Clean Water Services approved native species, and designed to blend into the natural surroundings.
10. **Should final development plans differ significantly from those submitted for review by Clean Water Services, the applicant shall provide updated drawings, and if necessary, obtain a revised Service Provider Letter.**

**This Service Provider Letter is not valid unless CWS-approved site plan is attached.**

**Please call (503) 681-3653 with any questions.**



**Lindsey Obermiller**
**Environmental Plan Review**

**Attachments ( 3 )**

Exhibit A3

CWS FILE NO. 22-002556
Approved
Clean Water Services
FOR ENVIRONMENTAL REVIEW
By LB Date 10/10/2022
SPL ATTACHMENT 1 OF 3

LOT 15
TAX LOT 1500
MAP 2S-1-33BC

LOT 12
TAX LOT 1200
MAP 2S-1-33BC

20.00' WIDE ROADWAY EASEMENT

TAX LOT 1700
MAP 2S-1-33BC

LOT 11
TAX LOT 1100
MAP 2S-1-33BC

"FAIROAKS"
BOOK 71, PAGE 30

LOT 10
TAX LOT 1000
MAP 2S-1-33BC

LOT 9
TAX LOT 900
MAP 2S-1-33BC

SW MURDOCK STREET (CR 2257)

DP-1
DP-8
DP-2
DP-3
DP-4
DP-5
DP-6
DP-7
VC-1
VC-2

ROCK RETAINING WALL
WOOD DECK
CONCRETE STAIRS
HOUSE
BARN
GARAGE
PUMP HOUSE
GRAVEL DRIVEWAY
POLE WITH LIGHT AND DOWN DROP

WETLAND A

VEGETATED CORRIDOR 7,174 SF DEGRADED
25.0'
18%

200'
200' VEGETATED CORRIDOR EXTENDS ONTO SITE FROM OFFSITE RESOURCE, 545 SF, GOOD

ROCK CREEK

TAX LOT 1100
MAP 2S-1-33

SW UPPER ROY STREET

TAX LOT 251
MAP 2S-1-33CB

TRACT B
LOT 7
LOT 8
"DENALI MEADOWS"
LOT 9

SW BYERS LAKE TERRACE

ROCK RETAINING WALL
GRAVEL ROAD BARRICADE

TAX LOT 250
MAP 2S-1-33CB

TAX LOT 100
MAP 2S-1-33CB

Vegetated Corridor: 7,719 SF
Sensitive Area: 2,276 SF

● Wetland Data Plot
■ VC Data Plot
Photo Point
1' Contours


Environmental Science & Assessment, LLC
e s & a
4831 NE Fremont St., Suite 2B
Portland, OR 97213
Phone: 503.478.0424
www.esapdx.com

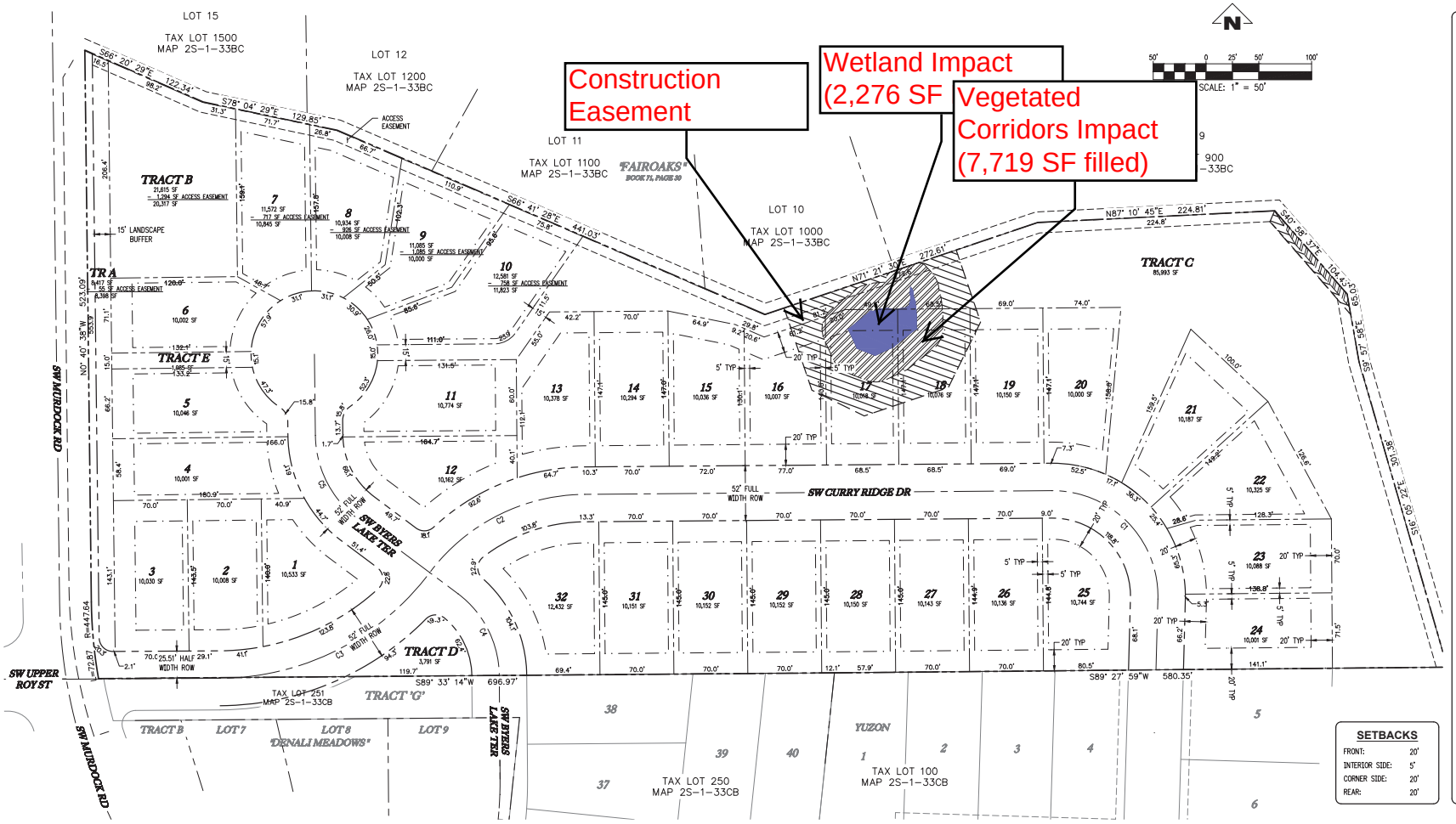

# Existing Conditions Map
# 22900 SW Murdock Street
# Sherwood, Oregon

| | |
|---|---|
| Base Map Source: | Northwest Surveying, Inc. |
| Modified By: | KR |
| Date: | 2/22 |
| Rev: | 5/22 |
| Proj. # | 21055 |

N

Figure 3

1"=100'
0 50 100




| GROSS & NET AREAS: | |
|---|---|
| LOT | AREA |
| 1 | 10,533 SF |
| 2 | 10,008 SF |
| 3 | 10,030 SF |
| 4 | 10,001 SF |
| 5 | 10,046 SF |
| 6 | 10,002 SF |
| 7 | 10,845 SF |
| 8 | 10,008 SF |
| 9 | 10,000 SF |
| 10 | 11,823 SF |
| 11 | 10,774 SF |
| 12 | 10,162 SF |
| 13 | 10,378 SF |
| 14 | 10,294 SF |
| 15 | 10,036 SF |
| 16 | 10,007 SF |
| 17 | 10,018 SF |
| 18 | 10,076 SF |
| 19 | 10,150 SF |
| 20 | 10,000 SF |
| 21 | 10,187 SF |
| 22 | 10,325 SF |
| 23 | 10,088 SF |
| 24 | 10,001 SF |
| 25 | 10,744 SF |
| 26 | 10,136 SF |
| 27 | 10,143 SF |
| 28 | 10,150 SF |
| 29 | 10,152 SF |
| 30 | 10,152 SF |
| 31 | 10,151 SF |
| 32 | 12,432 SF |
| TR A | 8,398 SF |
| TR B | 20,317 SF |
| TR C | 85,993 SF |
| TR D | 3,791 SF |
| TR E | 1,985 SF |
| MURDOCK ROW | 3,976 SF |
| PUBLIC STEET ROW | 81,917 SF |
| ACCESS EASEMENT | 5,023 SF |
| GROSS SF | 541,245 SF |
| REQ'D 15% OPEN SPACE | 81,188 SF |
| DEDUCTIONS FROM SQUARE FOOTAGE | |
| MURDOCK ROW | 3,976 SF |
| PUBLIC STEET ROW | 81,917 SF |
| TR B | 20,317 SF |
| TOTAL DEDUCTIONS | 106,210 SF |
| GROSS SF | 541,245 SF |
| DEDUCTIONS | 106,210 SF |
| NET SF | 435,035 SF |

| SETBACKS | |
|---|---|
| FRONT: | 20' |
| INTERIOR SIDE: | 5' |
| CORNER SIDE: | 20' |
| REAR: | 20' |

MOSER PASS AT DELALI
TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

PRELIMINARY PLAT

REVISIONS
NO. DATE DESCRIPTION

EMERIO DESIGN
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 626-8910
www.emeriodesign.com

SHEET 04 OF 12

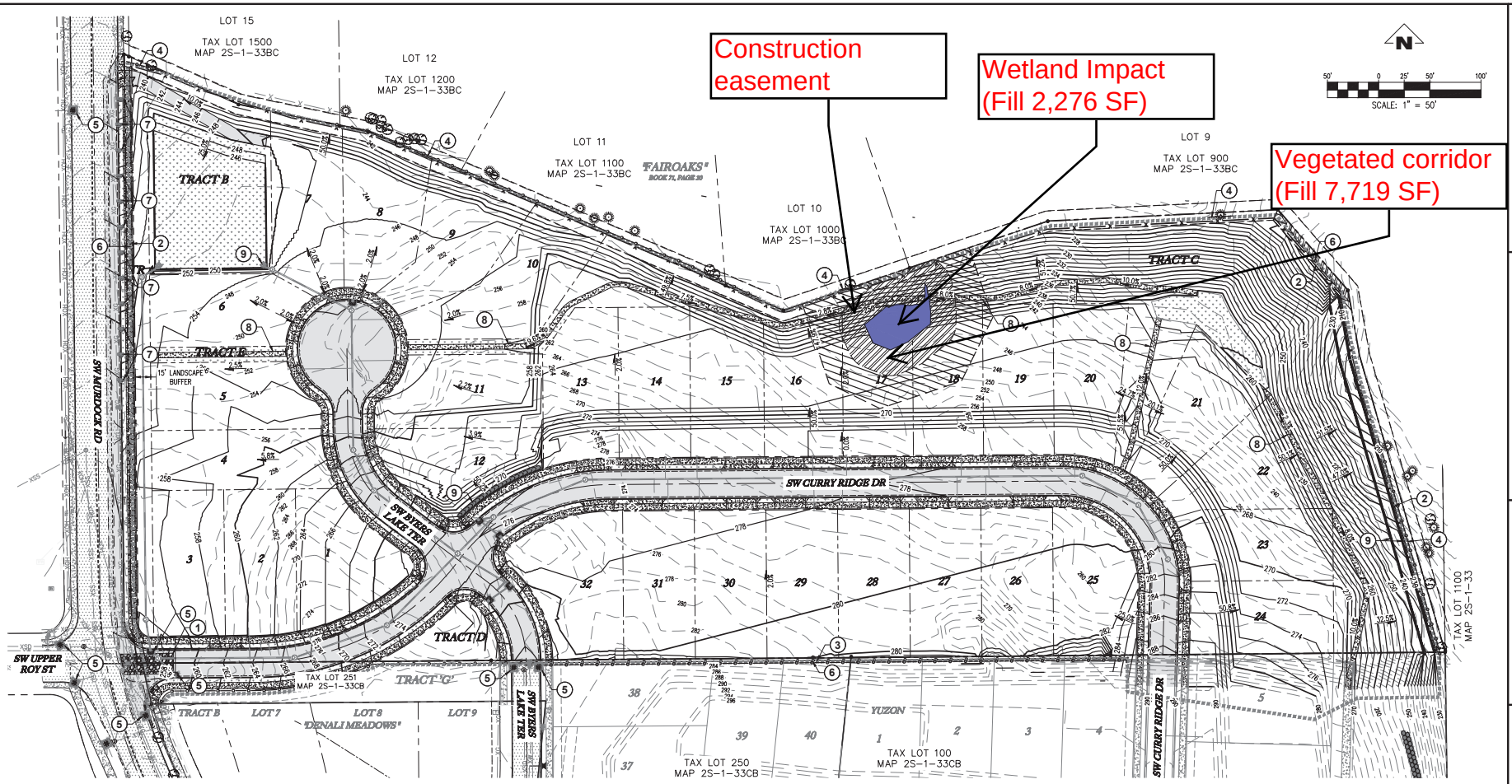
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COLOR COPY

CWS FILE NO. 22-002556
Approved
Clean Water Services
FOR ENVIRONMENTAL REVIEW
By [signature] Date 10/10/2022
SPL ATTACHMENT 2 OF 3

# Figure 4

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.




COLOR COPY

CWS FILE NO. 22-002556
Approved
Clean Water Services
FOR ENVIRONMENTAL REVIEW
By LO Date 10/10/2022
SPL ATTACHMENT 3 OF 3

Figure 5

**EROSION CONTROL NOTES:**

1. INSTALL GRAVEL CONSTRUCTION ENTRANCE
2. INSTALL SEDIMENT FENCE
3. INSTALL ORANGE CONSTRUCTION FENCE (LIMITS OF DISTURBANCE)
4. INSTALL TREE PROTECTION FENCE (TYP)
5. INSTALL INLET PROTECTION
6. LIMITS OF CONSTRUCTION
7. INSTALL BIOFILTER BAG CHECK DAM (25' OC)
8. INSTALL NATURE PATH
9. INSTALL RETAINING WALL PER STRUCTURAL DESIGN

**EROSION CONTROL LEGEND:**

- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- PROPOSED 2' CONTOUR
- PROPOSED 10' CONTOUR
- GRAVEL CONSTRUCTION ENTRANCE (1)
- SEDIMENT FENCE (2)
- ORANGE CONSTRUCTION FENCE (LIMITS OF DISTURBANCE) (3)
- TREE PROTECTION FENCE (4)
- INLET PROTECTION (5)
- LIMITS OF CONSTRUCTION (6)
- BIOFILTER BAG CHECK DAM (7)
- NATURE PATH (8)

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

MOSER PASS AT DELALI
TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

GRADING & EROSION CONTROL PLAN

REVISIONS
NO. DATE DESCRIPTION

EMERIO
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 626-8910
www.emeriodesign.com

SHEET 05 OF 12

FILE P:\2200-016 moser subdivision sherwood\dwg\plan\2200-016_05grad_Layout: 05 GRADING & EROSION CONTROL PLAN, Plot Date: 9/9/2022 1:02 PM, by: Bart Anderson

# TVFR Materials

Exhibit A3

# FIRE CODE / LAND USE / BUILDING REVIEW APPLICATION

Tualatin Valley Fire & Rescue


**North Operating Center**
11945 SW 70th Avenue
Tigard, OR 97223
Phone: 503-649-8577

**South Operating Center**
8445 SW Elligsen Rd
Wilsonville, OR 97070
Phone: 503-649-8577


REV 6-30-20

## Project Information

Applicant Name: Emerio Design
Address: 6445 SW Fallbrook PL
Phone: 503 746-8812
Email: pam@emeriodesign.com
Site Address: 22900 SW Murdock Rd
City: Sherwood
Map & Tax Lot #: 2S133BC TL 1700
Business Name:
Land Use/Building Jurisdiction: Sherwood
Land Use/ Building Permit #

Choose from: Beaverton, Tigard, Newberg, Tualatin, North Plains, West Linn, Wilsonville, Sherwood, Rivergrove, Durham, King City, Washington County, Clackamas County, Multnomah County, Yamhill County

### Project Description

32 lot subdivision

## Permit/Review Type (check one):

- ☑ Land Use / Building Review - Service Provider Permit
- ☐ Emergency Radio Responder Coverage Install/Test
- ☐ LPG Tank (Greater than 2,000 gallons)
- ☐ Flammable or Combustible Liquid Tank Installation (Greater than 1,000 gallons)
  - * Exception: Underground Storage Tanks (UST) are deferred to DEQ for regulation.
- ☐ Explosives Blasting (Blasting plan is required)
- ☐ Exterior Toxic, Pyrophoric or Corrosive Gas Installation (in excess of 810 cu.ft.)
- ☐ Tents or Temporary Membrane Structures (in excess of 10,000 square feet)
- ☐ Temporary Haunted House or similar
- ☐ OLCC Cannabis Extraction License Review
- ☐ Ceremonial Fire or Bonfire (For gathering, ceremony or other assembly)

### For Fire Marshal's Office Use Only

TVFR Permit # 2022-0101
Permit Type: SPP-COS
Submittal Date: 8-30-22
Assigned To: OFM Am
Due Date: NA
Fees Due: Ø
Fees Paid: Ø

## Approval/Inspection Conditions
(For Fire Marshal's Office Use Only)

**This section is for application approval only**

0430 9-9-22
Fire Marshal or Designee Date

Conditions:

See Attached FS Plans Conditions: ☑ Yes ☐ No

Site Inspection Required: ☐ Yes ☒ No

**This section used when site inspection is required**

Inspection Comments:

Final TVFR Approval Signature & Emp ID Date

Exhibit A3

LOT 15
TAX LOT 1500
MAP 2S-1-33BC

LOT 12
TAX LOT 1200
MAP 2S-1-33BC

LOT 11
TAX LOT 1100
MAP 2S-1-33BC

"FAIROAKS"
BOOK 71, PAGE 30

LOT 10
TAX LOT 1000
MAP 2S-1-33BC

LOT 9
TAX LOT 900
MAP 2S-1-33BC

TRACT B

15' LANDSCAPE BUFFER

TRACT A

TRACT E

TRACT C

TRACT D

TRACT 'G'

SW MURDOCK RD

SW BYERS LAKE TER

SW UPPER ROYST

SW CURRY RIDGE DR

TAX LOT 251
MAP 2S-1-33CB

TAX LOT 250
MAP 2S-1-33CB

TAX LOT 100
MAP 2S-1-33CB

TAX LOT 1100
MAP 2S-1-33

LOT 7

LOT 8
"DENALI MEADOWS"

LOT 9

YUZON

N

SCALE: 1" = 50'

Tualatin Valley Fire & Rescue

APPROVED PLANS

APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS.

Deputy Fire Marshal II

TVFR Permit# 2022-0101

## UTILITY NOTES:

1. PROPOSED WATER QUALITY FACILITY
2. PROPOSED STORM LINE
3. PROPOSED STORM MANHOLE
4. PROPOSED POLLUTION CONTROL MANHOLE
5. PROPOSED CG-2 CATCH BASIN
6. PROPOSED STORM LATERAL
7. PROPOSED SANITARY LINE
8. PROPOSED SANITARY MANHOLE
9. PROPOSED CONNECTION TO EXISTING SANITARY MANHOLE
10. PROPOSED SANITARY LATERAL
11. PROPOSED CONNECTION TO EXISTING WATERLINE
12. PROPOSED FIRE HYDRANT
13. PROPOSED BLOWOFF
14. PROPOSED SINGLE WATER METER
15. PROPOSED DOUBLE WATER METER
16. PROPOSED WATER LINE

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

# MOSER PASS AT DELALI

TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

# PRELIMINARY UTILITY PLAN

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|


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SHEET 11 OF 248 12


FILE P:\0200-016 moser subdivision sherwood\dwg\plan\0200-016_11pull, Layout: 10 PRELIMINARY UTILITY PLAN, Plot Date: 9/7/2022 11:42 AM, by: Bart Anderson

GEOPACIFIC

Real-World Geotechnical Solutions
Investigation • Design • Construction Support

# Geotechnical Engineering Report

| | |
|---|---|
| **Project Information:** | Moser Subdivision<br>GeoPacific Project No. 22-6031<br>April 20, 2022 |
| **Site Location:** | 22900 SW Murdock Road<br>Sherwood, Oregon 97140<br>Washington County Tax Lot 2S133BC0 1700 |
| **Client:** | Tim Roth<br>JT Roth Construction, Inc.<br>12600 SW 72nd Ave. Suite 200<br>Portland, OR 97223<br>Phone: (503) 639-2639<br>Email: timr@jtrothinc.com |



14835 SW 72nd Avenue
Portland, Oregon 97224
Tel (503) 598-8445
Fax (503) 941-9281

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2 Site Aerial and Exploration Locations
3 Site Plan and Exploration Locations

## 1.0 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, assess potential geologic hazards at the property, and to provide geotechnical recommendations for site development. This geotechnical study was performed in accordance with GeoPacific Proposal No. P-8057, dated March 28, 2022, and your subsequent authorization of our proposal and *General Conditions for Geotechnical Services*.

## 2.0 SITE AND PROJECT DESCRIPTION

As indicated on Figures 1 and 2, the subject site is located at 22900 SW Murdock Road in Sherwood Oregon and consists of tax lot 2S133BC0 1700, totaling approximately 12.36 acres in size. Topography onsite is moderately sloping down to the north with several hills throughout the area. Site elevations ranging from 200 to 288 feet amsl. The property is currently occupied by a single-family home and small outbuildings in the western portion of the parcel which will be demolished. Vegetation consists primarily of short grasses, native plants, and medium to large trees throughout the property.

GeoPacific understands that the proposed site development will consist of construction of a 32-lot subdivision, with associated new public alleys and streets, private parking areas, stormwater management facilities, and installation of new underground utilities. A grading plan has not yet been provided for our review. However, based on site topography, we anticipate that cuts and fills will be on the order of 8 feet or less.

## 3.0 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 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.

## 4.0 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 reportedly 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 located approximately 13.4 miles northeast of the site. The Oatfield Fault occurs along the western side of the Portland Hills and is located approximately 9.6 miles northeast of the site. The East Bank Fault occurs along the eastern margin of the Willamette River, and is located approximately 14.8 miles northeast of the site. The accuracy of the fault mapping is stated to be within 500 meters (Wong, et al., 2000).

According to the USGS Earthquake Hazards Program, the fault was originally mapped as a down-to-the-northeast normal fault but has also been mapped as part of a regional-scale zone of right-lateral, oblique slip faults, and as a steep escarpment caused by asymmetrical folding above a south-west dipping, blind thrust fault. The Portland Hills fault offsets Miocene Columbia River Basalts, and Miocene to Pliocene sedimentary rocks of the Troutdale Formation. No fault scarps on surficial Quaternary deposits have been described along the fault trace, and the fault is mapped as buried by the Pleistocene aged Missoula flood deposits. 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 8.0 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; 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.

## 5.0 FIELD EXPLORATION AND SUBSURFACE CONDITIONS

Our subsurface explorations for this report were conducted on April 18, 2022. A total of ten exploratory test pits (TP-1 through TP-10) were excavated at the site using a Case Extendahoe backhoe excavator with rock teeth provided and operated by Dan Fischer Excavating, to a maximum depth of approximately 11 feet bgs. Explorations were conducted under the full-time observation of a GeoPacific engineering staff member. During the explorations pertinent information including soil sample depths, stratigraphy, soil engineering characteristics, and groundwater occurrence was recorded. Soils were classified in accordance with the Unified Soil Classification System (USCS). Soil samples obtained from the explorations were placed in relatively air-tight plastic bags. At the completion of each test, the test pits were loosely backfilled with onsite soils. The approximate locations of the explorations are indicated on Figures 2 and 3.

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. Summary exploration logs are attached. The stratigraphic contacts shown on the individual test pit logs represent the approximate boundaries between soil types. The actual transitions may be more gradual. The soil and groundwater conditions depicted are only for the specific dates and locations reported, and therefore, are not necessarily representative of other locations and times. Soil and groundwater conditions encountered in the explorations are summarized below.

### 5.1 Soil Descriptions

***Topsoil:*** At the locations of our explorations the ground was surfaced primarily with grasses and native plants. A topsoil horizon was observed to be present typically consisting of 3 to 18 inches of organic SILT (OL-ML) containing fine roots.

***Residual Soil***: Underlying the topsoil layer at the locations of our explorations, we observed Residual Soil. This soil type consisted of brown to reddish brown, soft to stiff, moist, low plasticity, SILT (ML) with some areas of trace sand, The Residual Soil extended to depths ranging from 1.5 to 10 feet bgs at the locations of our explorations.

***Columbia River Basalt:*** Underlying the residual soil in all exploration locations, we encountered a zone of weathered basalt which graded into dense, in-tact basalt. All of our test pits were terminated at depths between 1.5 and 11 feet bgs due to refusal on hard rock. The basalt displayed very soft (R1) to medium hard (R3) consistency.

### 5.2 Groundwater and Soil Moisture

On April 18, 2022, observed soil moisture conditions were generally moist. Groundwater seepage was encountered at test pit TP-2 at a depth of approximately 8.5 feet bgs. Based on our review of available well logs from the vicinity of the subject site, static groundwater is expected at depths of 100 to 250 feet bgs, depending on ground surface elevation. Perched groundwater may be encountered in localized areas. Seeps and springs may exist in areas not explored and may become evident during site grading.

## 6.0 CONCLUSIONS AND 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. The primary geotechnical concern associated with development at the site the presence of shallow bedrock where underground utilities are proposed. Bedrock was encountered in our explorations at as shallow as 1.5 feet bgs.

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 development, and areas to receive fill should be cleared of any organic and inorganic debris, undocumented fill soils, and/or loose stockpiled soils. Inorganic debris and organic materials from clearing should be removed from the site. Organic-rich soils and root zones should then be stripped from construction areas of the site or where engineered fill is to be placed. Depth of stripping of existing topsoil is estimated to average approximately 3 to 12 inches across the site, with some areas as deep as 18 inches.

The final depth of soil removal will be determined during site inspection after the stripping/excavation has been performed. Stripped topsoil should be removed from areas proposed for placement of engineered fill. Any remaining topsoil should be stockpiled only in designated areas and stripping operations should be observed and documented by the geotechnical engineer or his representative.

Where encountered, undocumented fills and any subsurface structures (dry wells, basements, swimming pools, driveway and landscaping fill, old utility lines, septic leach fields, etc.) should be completely removed and the excavations backfilled with engineered fill.

Areas proposed to be left at grade may require additional over-excavation of foundation areas in order to reach soils which will provide adequate bearing support for the proposed foundations. It is unlikely that site earthwork will be impacted by shallow groundwater, however native soils are

moisture sensitive and will be difficult to handle during periods of wet weather. Stabilization of subgrade soils will require aeration and re-compaction. If subgrade soils are found to be difficult to stabilize, over-excavation, placement of granular soils, or cement treatment of subgrade soils may be feasible options. GeoPacific should be onsite to observe preparation of subgrade soil conditions prior to placement of engineered fill.

### 6.2 Engineered Fill

Where incorporated into the project, all grading for the proposed construction should be performed as engineered grading in accordance with the applicable building code at the time of construction with the exceptions and additions noted herein. Site grading should be conducted in accordance with the requirements outlined in the 2018 International Building Code (IBC), and 2019 Oregon Structural Specialty Code (OSSC), Chapter 18 and Appendix J. Areas proposed for fill placement should be prepared as described in Section 6.1, *Site Preparation Recommendations*. Surface soils should be aerated, scarified and recompacted prior to placement of structural fill. Site preparation, soil stripping, and grading activities should be observed and documented by a geotechnical engineer or his representative. Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill.

Onsite native soils appear to be suitable for use as engineered fill. Soils containing greater than 5 percent organic content should not be used as structural fill. Imported fill material must be approved by the geotechnical engineer prior to 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 12 inches using standard compaction equipment. We recommend that engineered fill be compacted to at least 95 percent of the maximum dry density determined by ASTM D698 (Standard Proctor) or equivalent. Soils should be moisture conditioned to within two percent of optimum moisture. 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 his 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 may be impacted by shallow groundwater, soil moisture and wet weather conditions. Earthwork in wet weather would likely require extensive use of additional crushed aggregate, 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

Refusal on basaltic bedrock was encountered within our subsurface explorations at depths as shallow as 1.5 feet bgs. Excavation below this depth will likely be difficult. The use of rock chippers and other heavy equipment may be needed for the installation of in-ground utilities.

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. 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 soils in the upper 1.5 to 10 feet classify as Type B Soil and temporary excavation side slope inclinations as steep as 1H:1V may be assumed for planning purposes. These cut slope inclinations are applicable to excavations above the water table only.

Shallow, perched groundwater may be encountered at the site and should be anticipated in excavations and utility trenches. 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.

Underground utility pipes should be installed in accordance with the procedures specified in ASTM D2321 and City of Hillsboro/Washington County standards. We recommend that structural trench backfill be compacted to at least 95 percent of the maximum dry density obtained by the Standard Proctor (ASTM D698, AASHTO T-99) or equivalent. Initial backfill lift thicknesses 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, at least one density test is taken for every 4 vertical feet of backfill on each 100-lineal-foot section of trench.

### 6.4 Erosion Control Considerations

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, fiber rolls, and silt fences. If used, these erosion control devices should 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 run-off of surface water and to prevent the ponding of water;
- 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 placement of fill 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

We anticipate that the homes will be constructed with typical spread foundations and wood framing, with maximum structural loading on column footings and continuous strip footings on the order of 10 to 35 kips, and 2 to 4 kips respectively.

The proposed structures may be supported on shallow foundations bearing on stiff, 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. For maximization of bearing strength and protection against frost heave, spread footings should be embedded at a minimum depth of 12 inches below exterior

grade. If soft soil conditions are encountered at footing subgrade elevation, they should be removed and replaced with compacted crushed aggregate.

The anticipated allowable soil bearing pressure is 1,500 lbs/ft$^2$ for footings bearing on competent, native soil and/or engineered fill. The recommended maximum allowable bearing pressure may be increased by 1/3 for short-term transient conditions such as wind and seismic loading. For column or point loads heavier than 35 kips, the geotechnical engineer should be consulted. If heavier loads than described above are proposed, it may be necessary to over-excavate point load areas and replace with additional compacted crushed aggregate to achieve a higher allowable bearing capacity. 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 most 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 disturbed 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 prior to placing reinforcing steel bars. Due to the moisture sensitivity of on-site native soils, foundations constructed during the wet weather season may require over-excavation of footings and backfill with compacted, crushed aggregate.

Our recommendations are for residential construction incorporating raised wood floors and conventional spread footing foundations. After site development, a Final Soil Engineer's Report should either confirm or modify the above recommendations.

### 6.7 Concrete Slabs-on-Grade

Preparation of areas beneath concrete slab-on-grade floors should be performed as described in Section 6.1, *Site Preparation Recommendations* and Section 6.6, *Spread Foundations*. Care should be taken during excavation for foundations and floor slabs, 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 evaluation of the concrete slab-on-grade floors using the beam on elastic foundation method, a modulus of subgrade reaction of 150 kcf (87 pci) should be assumed for the stiff, fine -grained soils anticipated to be present at foundation subgrade elevation following adequate site preparation as described above. 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 D1557 (Modified 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. A commonly applied vapor barrier system consists of a 10-mil polyethylene vapor barrier placed directly over the capillary break material. Other damp/vapor barrier systems may also be feasible. 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 structures, including positive crawlspace drainage to an adequate low-point drain exiting the foundation, visqueen covering the exposed ground in the crawlspace, and crawlspace ventilation (foundation vents). The client should be informed and educated that some slow flowing water in the crawlspaces is considered normal and not necessarily detrimental to the structures given these other design elements incorporated into construction. Appropriate design professionals should be consulted 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.

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 drainpipe 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 52 pcf should be used in design, again assuming level backfill against the wall. These values assume that the recommended drainage provisions are incorporated, 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 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 a 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 drainpipe 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 drainpipe 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 Flexible Pavement Design: Public and Private Drives

We understand that development at the site includes a private parking and driveways throughout the site. For analysis and design purposes, we conservatively assume that the native subgrade and engineered fill soils will exhibit a resilient modulus of 4,500 psi, which correlates to a CBR value of 3.

Based upon our understanding of the anticipated traffic which includes light-duty passenger vehicles, medium sized trucks, delivery and pickup vehicles, and occasional emergency vehicles weighing up to 75,000 lbs and point loads up to 2,500 lbs, we estimate an anticipated 18 kip ESAL count of approximately 60,000 over 20 years. Table 1 presents our flexible pavement design input parameters. Table 2 presents our recommended minimum dry weather pavement section for the proposed pavement sections, supporting 20 years of vehicle traffic per City of Sherwood standards.

**Table 1: Pavement Design Input Parameters**

| Input Parameter | Design Value (40 Years) |
|---|---|
| 18-kip ESAL Initial Performance Period | 60,000 |
| Initial Serviceability | 4.2 |
| Terminal Serviceability | 2.5 |
| Reliability Level | 80 Percent |
| Overall Standard Deviation | 0.5 |
| Roadbed Soil Resilient Modulus (PSI) | 4,000 |

**Table 2: Recommended Minimum Dry-Weather Pavement Section (20 Years)**

| Material Layer | Section Thickness (in.) | Structural Coefficient | Compaction Standard |
|---|---|---|---|
| New Asphalt Concrete – Base Course | 3.0 | 0.42 | 91%/ 92% of Max Density per AASHTO T-209 |
| New ¾”-0 Crushed Aggregate Base | 2.0 | 0.10 | 95% of Modified Proctor AASHTO T-180 |
| New 1.5”-0 Crushed Aggregate Subbase | 8.0 | 0.08 | 95% of Modified Proctor AASHTO T-180 |
| Subgrade | | 4,000 PSI | 95% of Standard Proctor AASHTO T-99 or equivalent |

### 6.11 Subgrade Preparation

Roadway subgrade soils should be compacted and inspected by GeoPacific prior to the placement of crushed aggregate base for pavement. Typically, a proof roll with a fully loaded water, dump truck or haul truck is conducted by travelling slowly across the grade and observing the subgrade for

rutting, deflection, or movement. Any pockets of organic debris or loose fill encountered during ripping or tilling should be removed and replaced with engineered fill (see Section 7.1, Site Preparation). To verify subgrade strength, we recommend proof-rolling directly on subgrade with a loaded dump truck during dry weather and on top of base course in wet weather. Soft areas that pump, rut, or weave should be stabilized prior to paving.

If roadway areas are to be constructed during wet weather, the subgrade and construction plan should be reviewed by the project geotechnical engineer at the time of construction so that condition specific recommendations can be provided. The subgrade soils observed in our subsurface exploration, though not necessarily susceptible to erosion, may become slick and difficult to work with in wet weather conditions. General recommendations for wet weather pavement sections are provided below.

During placement of roadway section materials, density testing and proof rolls should be performed to verify compliance with project specifications. Generally, one subgrade, one base course, and one asphalt compaction test is performed for every 100 to 200 linear feet of paving and a final base aggregate proof roll is conducted within a few days of paving.

### 6.12 Wet Weather Construction Pavement Section

This section presents our recommendations for wet weather pavement sections and construction for new pavement sections at the project. These wet weather pavement section recommendations are intended for use in situations where it is not feasible to compact the subgrade soils to project requirements, due to wet subgrade soil conditions, and/or construction during wet weather. Based on our site review, we recommend a wet weather section with a minimum subgrade deepening of 6 to 12 inches to accommodate a working subbase of additional 1½”-0 crushed rock. Geotextile fabric, Mirafi 500x or equivalent, should be placed on subgrade soils prior to placement of base rock.

In some instances, it may be preferable to use a subbase material in combination with over-excavation and increasing the thickness of the rock section. GeoPacific should be consulted for additional recommendations regarding use of additional subbase in wet weather pavement sections if it is desired to pursue this alternative. Cement treatment of the subgrade may also be considered instead of over-excavation. For planning purposes, we anticipate that treatment of the onsite soils would involve mixing cement powder to approximately 6 percent cement content and a mixing depth on the order of 12 to 18 inches.

With implementation of the above recommendations, it is our opinion that the resulting pavement section will provide equivalent or greater structural strength than the dry weather pavement section currently planned. However, it should be noted that construction in wet weather is difficult, and the performance of pavement subgrades depend on a number of factors including the weather conditions, the contractor’s methods, and the amount of traffic the road is subjected to. There is a potential that soft spots may develop even with implementation of the wet weather provisions recommended in this letter. If soft spots in the subgrade are identified during roadway excavation, or develop prior to paving, the soft spots should be over-excavated and backfilled with additional crushed rock.

During subgrade excavation, care should be taken to avoid disturbing the subgrade soils. Removals should be performed using an excavator with a smooth-bladed bucket. Truck traffic should be limited until an adequate working surface has been established. We suggest that the crushed rock be spread using bulldozer equipment rather than dump trucks, to reduce the amount of traffic and potential disturbance of subgrade soils. Care should be taken to avoid over-compaction of the base course materials, which could create pumping, unstable subgrade soil conditions. Heavy and/or vibratory compaction efforts should be applied with caution. Following placement and compaction of the crushed rock to project specifications (95 percent of Modified Proctor), a finish proof-roll should be performed before paving.

The above recommendations are subject to field verification. GeoPacific should be on-site during construction to verify subgrade strength and to take density tests on the engineered fill, base rock and asphaltic pavement materials.

## 7.0 SEISMIC DESIGN

The Oregon Department of Geology and Mineral Industries (DOGAMI), Oregon HazVu: 2022 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 2019). We recommend Site Class D be used for design as defined in ASCE 7-16, Chapter 20, and Table 20.3-1. Design values determined for the site using the ATC Hazards by Location 2022 Seismic Design Maps Summary Report are summarized in Table 20 and are based upon observed existing soil conditions.

**Table 20: Recommended Earthquake Ground Motion Parameters (ASCE 7-16)**

| Parameter | Value |
|---|---|
| Location (Lat, Long), degrees | 45.354, -122.825 |
| Probabilistic Ground Motion Values, 2% Probability of Exceedance in 50 yrs | |
| Peak Ground Acceleration $PGA_M$ | 0.463 g |
| Short Period, $S_s$ | 0.831 g |
| 1.0 Sec Period, $S_1$ | 0.391 g |
| Soil Factors for Site Class D: | |
| $F_a$ | 1.168 |
| * $F_v$ | 1.909 |
| $SD_s = 2/3 \times F_a \times S_s$ | 0.647 g |
| $*SD_1 = 2/3 \times F_v \times S_1$ | 0.498 g |
| Seismic Design Category | D |

* $F_v$ value reported in the above table is a straight-line interpolation of mapped spectral response acceleration at 1-second period, $S_1$ per Table 1613.2.3(2) with the assumption that Exception 2 of ASCE 7-16 Chapter 11.4.8 is met per the Structural Engineer. If Exception 2 is not met, and the long-period site coefficient ($F_v$) is required for design, GeoPacific Engineering can be consulted to provide a site-specific procedure as per ASCE 7-16, Chapter 21.

### 7.1 Soil Liquefaction

The Oregon Department of Geology and Mineral Industries (DOGAMI), Oregon HazVu: 2022 Statewide GeoHazards Viewer indicates that the site is in an area considered to be at very low risk for soil liquefaction during an earthquake. 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 15.

The subsurface profile observed within our subsurface explorations which extended to a maximum depth of 12 feet bgs, indicated that the site is underlain by medium stiff to stiff, low plasticity silt, sandy silt, and clay. These fine-grained materials were underlain by bedrock. In test pit TP-2, we encountered groundwater seepage at a depth of approximately 9 feet bgs within the site vicinity. Based upon the results of our study, it is our opinion that the risk of soil liquefaction during a seismic event is low, and that no special design measures are needed to address liquefaction.

## 8.0 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. The checklist attached to this report outlines recommended geotechnical observations and testing for the project. 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**




Alexandria B. Campbell, E.I.
Engineering Staff

James D. Imbrie, P.E.
Principal Geotechnical Engineer

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## CHECKLIST OF RECOMMENDED GEOTECHNICAL TESTING AND OBSERVATION

| Item No. | Procedure | Timing | By Whom | Done |
|---|---|---|---|---|
| 1 | Preconstruction meeting | Prior to beginning site work | Contractor, Developer, Civil and Geotechnical Engineers | |
| 2 | Fill removal from site or sorting and stockpiling | Prior to mass stripping | Soil Technician/ Geotechnical Engineer | |
| 3 | Stripping, aeration, and root-picking operations | During stripping | Soil Technician | |
| 4 | Compaction testing of engineered fill (95% of Standard Proctor) | During filling, tested every 2 vertical feet | Soil Technician | |
| 5 | Foundation Subgrade Compaction (95% of Modified Proctor) | During Foundation Preparation, Prior to Placement of Reinforcing Steel | Soil Technician/ Geotechnical Engineer | |
| 6 | Compaction testing of trench backfill (95% of Standard Proctor) | During backfilling, tested every 4 vertical feet for every 200 linear feet | Soil Technician | |
| 7 | Street Subgrade Inspection (95% of Standard Proctor) | Prior to placing base course | Soil Technician | |
| 8 | Base course compaction (95% of Modified Proctor) | Prior to paving, tested every 200 linear feet | Soil Technician | |
| 9 | Asphalt Compaction (92% Rice Value) | During paving, tested every 100 linear feet | Soil Technician | |
| 10 | Final Geotechnical Engineer's Report | Completion of project | Geotechnical Engineer | |

# FIGURES

GEOPACIFIC
14835 SW 72nd A˜ enue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

# SITE VICINITY MA




Base map: Dogami Haz' ( , USGS, Acces ed 04/19/2022
Date: 04/19/2022
Drawn by: ABC

North

| Project: 3 o er Subdi' $ $on Sherwood, Oregon | Project No. 22-6031 | FIGURE 1 |
|---|---|---|

GEOPACIFIC
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445

# SITE AERIAL AND EXPLORATION LOCATIONS




TP-1 Test Pit Designation and Approximate Location

(3.5') Approximate Depth to Observed Bedrock

APPROXIMATE SCALE (FEET)
100 0 100 200

Drawn by: ABC
Date: 04/19/2022

North

| Project: Moser Subdivision Sherwood, Oregon | Project No. 22-6031 | FIGURE 2 |
|---|---|---|

GEOPACIFIC
14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445

# SITE PLAN AND EXPLORATION LOCATIONS




TP-1 Test Pit Designation and Approximate Location

(3.5') Approximate Depth to Observed Bedrock

APPROXIMATE SCALE (FEET)
75 0 75 150

Drawn by: ABC
Date: 04/19/2022

North

| Project: Moser Subdivision Sherwood, Oregon | Project No. 22-6031 | FIGURE 3 |
|---|---|---|

# EXPLORATION LOGS

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-1** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ¸ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | ^˘9 | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5 i ately 6 inches (Topsoil |
| ˆ | ^˘9 | | | | | | SILT ( ¸ 1 . ith trace sand, br˘ . n to reddish br˘ . n, stiff, moist, low plasticity (= esidual Soil |
| * | ^˘·· | | | | | | |
| 7 | 7˘·· | | | | | | |
| 9 | | | | | | | BASALT, very soft to soft (=0( =+ , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| ) | | | | | | | Test pit ter inated at 6 feet bgs due to refusal on apparent bedr˘$% |
| : | | | | | | | |
| 8 | | | | | | | |
| ; | | | | | | | |
| +· | | | | | | | |

LEGEND



Bag Sample



Bucket Sample


Shelby Tube Sample


Seepage


! ater Bearing Zone


! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 244 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-2** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˛ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| | | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5 i ately 12 inches (Topsoil |
| + | ˆ˘· | | | | | | SILT ( ¸ 1 , br˘ . n to reddish br˘ . n with orange staining, medium stiff/ moist, low plasticity (= esidual Soil) |
| ˆ | ˆ˘· | | | | | | |
| * | +˘9 | | | | | | |
| 7 | ˆ˘9 | | | | | | |
| 9 | | | | | | | |
| ) | | | | | | | 3˜ ades to with some weathered r˘ ck f˜agments |
| : | | | | | | | |
| 8 | | | | | | | |
| ; | | | | | | | |
| +· | | | | | | | BASALT, very soft to soft (=0( = + , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| | | | | | | | Test pit ter inated at 10 feet bgs due to refusal on apparent bedr˘$% |
| | | | | | | | 3˜ oundwater seepage obser˝ed at 8.5 feet bgs. Seepage visually estimated at ~5 gpm. |

LEGEND

100 to 1,000 g — Bag Sample

5 Gal. Bucket — Bucket Sample

Shelby Tube Sample

Seepage

! ater Bearing Zone

! ater Level at Abandonment

Date Ex$avated: 04/18/2022

Logged By: ABC

Surface Elevation: 247 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-3** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˛ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5 i_ ately 3 inches (Topsoil<br>layey SILT (¸ 1 . ith some weathered r˘ ck f˜agments, reddish br˘ . n, stiff, moist, low plasticity (=esidual Soil)<br>BASALT, very soft to soft (=0( =+ , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| ˆ<br>*<br>7<br>9<br>)<br>:<br>8<br>;<br>+˙ | | | | | | | Test pit ter inated at 2 feet bgs due to refusal on apparent bedr˘$% |

LEGEND

100 to 1,000 g — Bag Sample
5 Gal. Bucket — Bucket Sample
Shelby Tube Sample
Seepage
! ater Bearing Zone
! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 253 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜^˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-4** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˛ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5 i_ ately 6 inches (Topsoil_ |
| | | | | | | | layey SILT (¸ 1 . ith some weathered r˘ ck f˜agments, reddish br˘ . n, stiff, moist, low plasticity (=esidual Soil) |
| ˆ | | | | | | | 3˜ ades to with yell˘ . staining |
| * | | | | | | | BASALT, very soft to soft (=0( =+ , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| 7 | | | | | | | Test pit ter inated at 3.5 feet bgs due to refusal on apparent bedr˘$% |
| 9 | | | | | | | |
| ) | | | | | | | |
| : | | | | | | | |
| 8 | | | | | | | |
| ; | | | | | | | |
| +˙ | | | | | | | |

LEGEND

Bag Sample (100 to 1,000 g) | Bucket Sample (5 Gal. Bucket) | Shelby Tube Sample | Seepage | ! ater Bearing Zone | ! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 259 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-5** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˛ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5 i _ ately 3 inches (Topsoil<br>layey SILT (¸ 1 . ith some weathered r˘ ck f˜agments, reddish br˘ . n, stiff, moist, low plasticity (= esidual Soil)<br>3˜ ades to with yell˘ . staining |
| ˆ | | | | | | | BASALT, very soft to soft (=0( = + , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| * | | | | | | | |
| 7 | | | | | | | Test pit ter inated at 3 feet bgs due to refusal on apparent bedr˘$% |
| 9 | | | | | | | |
| ) | | | | | | | |
| : | | | | | | | |
| 8 | | | | | | | |
| ; | | | | | | | |
| +˙ | | | | | | | |

LEGEND



Bag Sample



Bucket Sample


Shelby Tube Sample


Seepage


! ater Bearing Zone


! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 227 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-6** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˛ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5 i ately 18 inches (Topsoil |
| ˆ * 7 9 | | | | | | | SILT (¸ 1 . ith some weathered r˘ ck f˜agments, reddish br˘ . n, stiff, moist, l˘ . plasticity (= esidual Soil |
| ) : 8 ; +˙ | | | | | | | BASALT, very soft to soft (=0( = + , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| | | | | | | | Test pit ter inated at 6 feet bgs due to refusal on apparent bedr˘$% |

LEGEND

100 to 1,000 g — Bag Sample
5 Gal. Bucket — Bucket Sample
Shelby Tube Sample
Seepage
! ater Bearing Zone
! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 217 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-7** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˛ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | +˘9 | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5 i ately 10 inches (Topsoil |
| ˆ * 7 | | | | | | | SILT (¸ 1 . ith some weathered r˘ ck f˜agments, reddish br˘ . n, stiff, moist, l˘ . plasticity (= esidual Soil |
| 9 | | | | | | | BASALT, very soft to soft (=0( =+ , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| ) : 8 ; +˙ | | | | | | | Test pit ter inated at 5 feet bgs due to refusal on apparent bedr˘$% |

LEGEND

100 to 1,000 g — Bag Sample
5 Gal. Bucket — Bucket Sample
Shelby Tube Sample
Seepage
! ater Bearing Zone
! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 245 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)˙* 598-8445 Fax: (˝)˙* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)˙*+ | Test Pit No. **TP-8** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˛ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5i ately 6 inches (Topsoil |
| | | | | | | | SILT (¸ 1 . ith some weathered r˘ ck f˜agments, br˘ . n, stiff, moist, low plasticity (=esidual Soil |
| ˆ * 7 9 ) : 8 ; +˙ | | | | | | | Test pit ter inated at 1.5 feet bgs due to refusal on apparent bedr˘$% |

LEGEND

100 to 1,000 g — Bag Sample
5 Gal. Bucket — Bucket Sample
Shelby Tube Sample
Seepage
! ater Bearing Zone
! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 279 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-9** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˛ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | | | | | | | 0˜ ganic SILT (01( ¸ 1 , dark br˘. n, moist, low plasticity, fine roots extend to appr˘5 i ately 8 inches (Topsoil |
| ˆ | | | | | | | SILT ( ¸ 1 . ith some weathered r˘ ck f˜agments, reddish br˘ . n, soft, moist, l˘ . plasticity (= esidual Soil<br>Boulders encountered |
| * | | | | | | | |
| 7 | | | | | | | BASALT, very soft to soft (=0( = + , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| 9 | | | | | | | Test pit ter inated at 5 feet bgs due to refusal on apparent bedr˘$% |
| ) | | | | | | | |
| : | | | | | | | |
| 8 | | | | | | | |
| ; | | | | | | | |
| +˙ | | | | | | | |

LEGEND



Bag Sample



Bucket Sample


Shelby Tube Sample


Seepage


! ater Bearing Zone


! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 286 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)˙* 598-8445 Fax: (˝)˙* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)˙*+ | Test Pit No. **TP-1)** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ¸ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| | | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˜5 i ately 6 inches (Topsoil |
| + | ^˘9 | | | | | | SILT (¸ 1 with trace sand, reddish br˘ . n, medium stiff, moist, low plasticity (= esidual Soil |
| ^ | *˘˙ | | | | | | |
| * | *˘9 | | | | | | |
| 7 | 7˘˙ | | | | | | |
| 9 | | | | | | | |
| ) | | | | | | | |
| : | | | | | | | |
| 8 | | | | | | | |
| ; | | | | | | | |
| +˙ | | | | | | | BASALT, very soft to soft (=0( =+ , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt<br><br>Test pit ter inated at 11 feet bgs due to refusal on apparent bedr˘$% |

LEGEND



Bag Sample



Bucket Sample


Shelby Tube Sample


Seepage


! ater Bearing Zone


! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 263 feet

# SITE RESEARCH

Exhibit A4

# Hazards by Location

## Search Information

**Address:** 22900 SW Murdock Rd, Sherwood, OR 97140, USA

**Coordinates:** 45.35414129999999, -122.8248734

**Elevation:** 265 ft

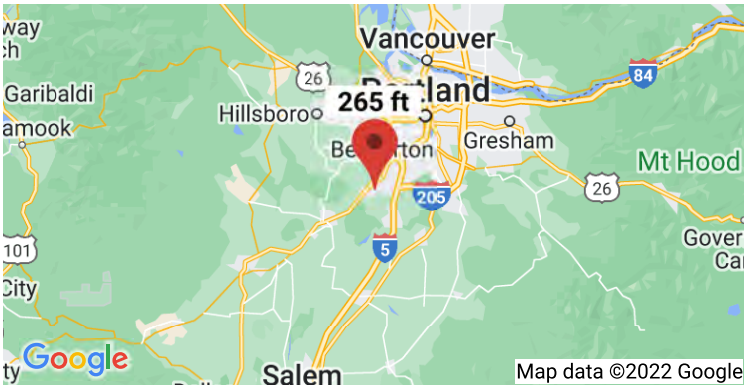
**Timestamp:** 2022-04-19T20:15:23.375Z

**Hazard Type:** Seismic

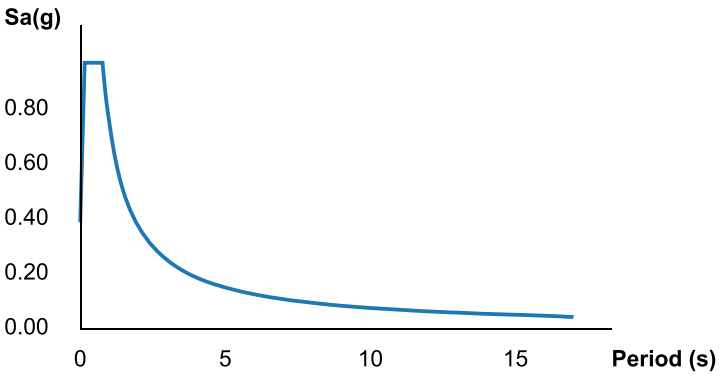
**Reference Document:** NEHRP-2015

**Risk Category:** II

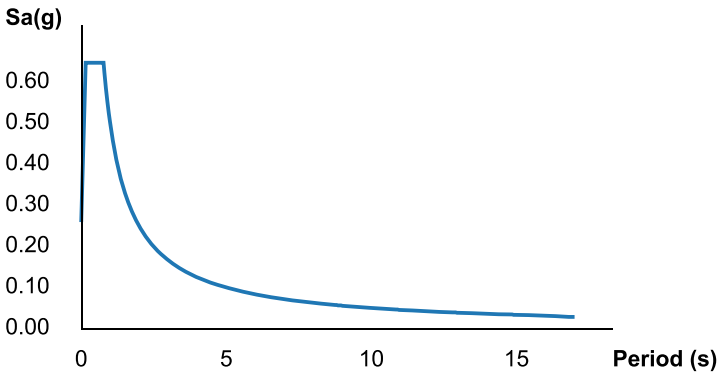
**Site Class:** D




## MCER Horizontal Response Spectrum




## Design Horizontal Response Spectrum




## Basic Parameters

| Name | Value | Description |
|---|---|---|
| $S_S$ | 0.831 | $MCE_R$ ground motion (period=0.2s) |
| $S_1$ | 0.391 | $MCE_R$ ground motion (period=1.0s) |
| $S_{MS}$ | 0.97 | Site-modified spectral acceleration value |
| $S_{M1}$ | * 0.746 | Site-modified spectral acceleration value |
| $S_{DS}$ | 0.647 | Numeric seismic design value at 0.2s SA |
| $S_{D1}$ | * 0.498 | Numeric seismic design value at 1.0s SA |

* See Section 11.4.7

## Additional Information

| Name | Value | Description |
|---|---|---|
| SDC | * D | Seismic design category |
| $F_a$ | 1.168 | Site amplification factor at 0.2s |

285

Exhibit A4

| | | |
|---|---|---|
| $F_v$ | * 1.909 | Site amplification factor at 1.0s |
| $CR_S$ | 0.884 | Coefficient of risk (0.2s) |
| $CR_1$ | 0.865 | Coefficient of risk (1.0s) |
| PGA | 0.379 | $MCE_G$ peak ground acceleration |
| $F_{PGA}$ | 1.221 | Site amplification factor at PGA |
| $PGA_M$ | 0.463 | Site modified peak ground acceleration |
| $T_L$ | 16 | Long-period transition period (s) |
| SsRT | 0.831 | Probabilistic risk-targeted ground motion (0.2s) |
| SsUH | 0.94 | Factored uniform-hazard spectral acceleration (2% probability of exceedance in 50 years) |
| SsD | 1.5 | Factored deterministic acceleration value (0.2s) |
| S1RT | 0.391 | Probabilistic risk-targeted ground motion (1.0s) |
| S1UH | 0.452 | Factored uniform-hazard spectral acceleration (2% probability of exceedance in 50 years) |
| S1D | 0.601 | Factored deterministic acceleration value (1.0s) |
| PGAd | 0.5 | Factored deterministic acceleration value (PGA) |

* See Section 11.4.7

*The results indicated here DO NOT reflect any state or local amendments to the values or any delineation lines made during the building code adoption process. Users should confirm any output obtained from this tool with the local Authority Having Jurisdiction before proceeding with design.*

## Disclaimer

Hazard loads are provided by the U.S. Geological Survey Seismic Design Web Services.

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# PHOTOGRAPHIC LOG



Test Pit TP-1 Soil Profile – Typical Soil Profile



Test Pit TP-2 Soil Profile – Groundwater Seepage



Test Pit TP-6 Soil Profile – Typical Soil Profile



Basalt Outcrop on Ground Surface

After Recording Return To:
Karna R. Gustafson
Vial Fotheringham LLP
17355 SW Boones Ferry Rd., Suite A
Lake Oswego, OR 97035

**SUPPLEMENTAL DECLARATION**

**FOR DENALI**

**ANNEXING MOSER PASS AT DENALI**

THIS SUPPLEMENTAL DECLARATION FOR DENALI ANNEXING MOSER PASS AT DENALI is made this _____ day of _____, 20___, 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 was recorded on July 21, 2021, as Instrument No. 2021-080765 in the Official Records of Washington County, Oregon. The Supplemental Declaration for Denali Annexing Denali Summit was recorded on _____, 20___, as 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. Moser Pass at Denali, the fourth phase of development of Denali, consists of Lots 1-32, Tract B and Common Area Tracts A, C and D as shown on the plat and described in Exhibit A attached hereto. Tract B, though a part of Moser Pass, is not Common Area. Moser Pass, Lots 1-32 and Tracts A, B, C and D shall be collectively referred to as the "Property".

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 in addition to being subjected to the Declaration, shall 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. To the extent provisions herein conflict with the Declaration, these provisions shall control the Property.

1. Common Area. The Common Area of Moser Pass at Denali shall consist of Tracts A, C and D. Tract A is a road frontage landscaping buffer. Tracts C and D are open space. The Common Area Tracts shall be maintained as provided in the Declaration. Tract B is not Common Area, but a water quality facility which will be conveyed to the City of Sherwood. There shall be no entrance to Tract B except by authorized maintenance personnel.

2. Home Square Footage. The square footage of a Home in Moser Pass at Denali shall not be less than twenty-five hundred (2500) square feet exclusive of decks, porches, carports and garages. The minimum square footage does not apply to Accessory Dwelling Units ("ADUs").

3. Landscaping. The builder of a Home on a Lot in Moser Pass at Denali shall install the front landscaping of Lots. The Owner shall install the landscaping in the back of their Lot within six (6) months after the sale of a Home from the builder 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. Accessory Dwelling Units. ADUs in Moser Pass at Denali may be separately rented from the main Home. The ADUs are not subject to a minimum rental period, but are subject to other restrictions in the Declaration and to the governing statutes of the City of Sherwood.

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.

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

[ACKNOWLEDGMENT ON FOLLOWING PAGE.]

STATE OF OREGON )
) ss. _____, 2022
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 on 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

# CC&R Materials

Exhibit A5

Washington County, Oregon
2019-026203
05/01/2019 09:29:53 AM
D-R/B Cnt=2 Stn=8 J CHOATE
$230.00 $5.00 $5.00 $11.00 $60.00 - Total =$311.00

02477537201900262030460461

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

AFTER RECORDING RETURN TO:
Karna R. Gustafson
Landye Bennett Blumstein LLP
1300 SW Fifth Avenue, Suite 3600
Portland, OR 97201

# 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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# DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS FOR DENALI

THIS DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR DENALI ("Declaration") is made by J. T. Roth Construction, Inc., an Oregon corporation ("Declarant").

## Recitals

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").

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 II 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 "Architectural Review Committee" or "ARC" shall refer to that committee constituted and acting pursuant to Article 6 of this Declaration.

1.2 "Articles" shall mean the Articles of Incorporation for the nonprofit corporation, Denali Homeowners Association, as filed with the Oregon Secretary of State.

1.3 "Association" shall mean and refer to Denali Homeowners Association, its successors and assigns.

1.4 "Board" shall mean the Board of Directors of the Association.

1.5 "Bylaws" shall mean and refer to the Bylaws of the Association which shall be recorded in the Washington County, Oregon, deed records.

1.6 "Common Area" shall mean and refer to Tracts A, C, D & E as shown on the recorded Plat of the Property, including any irrigation systems and improvements located thereon.

1.7 "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.

1.8 "Declaration" shall mean the covenants, conditions, restrictions, and all other provisions set forth in this Declaration.

1.9 "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 "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.

1.11 "Lot" shall mean and refer to each and any of Lots 1-7; provided, however, that "Lot" shall not include any Tracts.

1.12 "Members" shall mean and refer to the Owners of Lots in Denali.

1.13 "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.

1.14 "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.

1.15 "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.

1.16 "Plat" shall mean and refer to the Plat of Denali recorded in the Plat Records of Washington County, Oregon.

1.17 "Property" shall have the meaning attributed to such term in the Recitals of this Declaration.

1.18 "Denali" shall mean Lots 1-7 of the Property and Tracts A-E as designated on the Plat of 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 Development. The development of Denali shall consist of the Property, which shall be held, transferred, sold, conveyed and occupied subject to this Declaration. Declarant does not intend to build any Common Area improvements in Denali.

2.2 No Right to Annex Additional Property or to Withdraw Property. The Declarant reserves no right to annex additional property to or to withdraw property from Denali.

## 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.

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 A through E to any governmental body or agency. Declarant further reserves the right and power to grant an easement over Tracts A through E 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 when Tracts A through E are 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 or Unlawful Use. No Owner or Occupant shall make any improper, offensive 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. 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 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.

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 1-7. 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.

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, 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 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 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. Denali is exempt from conducting reserve studies and maintaining reserve accounts. The Declarant is not required to undertake a reserve study or maintenance plan, nor has Declarant done so. However, the Board may establish a Reserve Account in the name of the Association for any maintenance or repair items the Association is required to maintain.

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 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.

11.3 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.

11.4 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.

11.5 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.

11.6 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.

11.7 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.

11.8 Release of Right of Control. Declarant may give up its right of control in writing at any time by notice to the Association.

11.9 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.

11.10 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 30 day of April, 2019.

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 )

April 30th, 2019

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

AFTER RECORDING, RETURN TO:
Karna R. Gustafson
Landye Bennett Blumstein, LLP
1300 SW Fifth Avenue, Suite 3600
Portland, OR 97201

# BYLAWS OF
# DENALI HOMEOWNERS ASSOCIATION

## Exhibit "A" to Declaration of Protective Covenants, Conditions, and Restrictions for Denali

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# BYLAWS OF
# DENALI HOMEOWNERS ASSOCIATION

## ARTICLE 1
## PLAN OF LOT OWNERSHIP; DEFINITIONS

1.1 Bylaws Applicability. These Bylaws apply to the Lots and the Common Area in Denali, a planned community in Washington County, Oregon, that have been subjected to the Declaration of Protective Covenants, Conditions and Restrictions for Denali (the "Declaration"), as well as to the Denali Homeowners Association (the "Association") and the entire management structure thereof.

1.2 Lots; Property. The Lots and the Common Area may be collectively referred to in these Bylaws as the "Property" and the Lots individually as a "Lot" or collectively as the "Lots."

1.3 Personal Application. All present or future Owners, tenants, Occupants, and their employees, and any other person that might occupy any portion of the Property in any manner, shall be subject to the provisions set forth in these Bylaws. The acquisition, rental, or occupancy of any of the Lots shall constitute acceptance and ratification of these Bylaws and agreement to comply with all the provisions hereof.

1.4 Definitions. Capitalized terms used but not defined herein shall have meanings attributed to them in Article 1 of the Declaration.

1.5 Oregon Planned Community Act. The Property, all Lots and Owners thereof, the Association and all Members thereof, shall be subject to the Oregon Planned Community Act, ORS 94.550 et seq. (the "PCA").

## ARTICLE 2
## ASSOCIATION MEMBERSHIP, VOTING, MAJORITY OF OWNERS, QUORUM, PROXIES

2.1 Membership in the Association. Upon recordation of a conveyance or contract to convey a Lot, the grantee or purchaser named in such conveyance or contract shall automatically be and shall remain a Member of the Association until such time as such person's ownership ceases for any reason. For all purposes of the Declaration and the administration of the Property, Lot ownership shall be determined from the records maintained by the Association. The record shall be established by the Owner filing with the Association a copy of the deed to or land sale contract for such Owner's Lot, to which shall be affixed the certificate of the recording officer of the County of Washington, Oregon, showing the date and place of recording of such deed or contract. Notwithstanding the foregoing, Declarant shall be the Owner of all previously unsold Lots, although no deed or land sale contract, with respect to such Lots, has been filed with the Association.

2.2 Voting Rights. The Association shall have two (2) classes of voting Members:

2.2.1 Class A. Class A Members shall be all Owners of Lots other than Declarant, and each Class A Member shall be entitled to one (l) vote for each Lot owned with respect to all matters upon which Owners are entitled to vote.

2.2.2 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; provided, however, that Class B membership shall cease on the Termination Date, as provided in the Declaration. After termination of Class B membership, each Owner (including Declarant) shall be entitled to one (l) vote for each Lot owned with respect to all matters upon which Owners are entitled to vote, and the total number of votes shall equal the total number of Lots annexed to the Property and subjected to these Bylaws.

When more than one (l) 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. Fractionalized or split votes shall be disregarded, except for purposes of determining a quorum.

2.3 Majority of Owners. As used in these Bylaws, the term "majority" shall mean those Owners holding over fifty percent (50%) of the voting rights allocated to the Owners in accordance with the Declaration and Section 2.2 above. "Majority of Owners present" shall mean Owners holding over fifty percent (50%) of the votes present at any legal meeting.

2.4 Quorum. Except as otherwise provided in these Bylaws, the presence in person or by proxy of Owners holding fifty percent (50%) or more of the outstanding votes in the Association, as defined in Section 2.2 of this Article, shall constitute a quorum.

2.5 Voting; Proxies. Owners may cast votes in person, by written ballot, or by proxy. Proxies must be filed with the Secretary of the Association ("Secretary") before or during the appointed meeting. A proxy shall expire one (1) year after the date it was signed unless a shorter period is specified in the proxy. The proxies may require the holder to cast a vote for or against any special proposal set out in the notice calling the meeting. Unless withdrawn, a proxy given to another person to vote at a specific meeting shall also be valid at an adjourned meeting. Proxies and ballots must be retained by the Association for one (1) year from the date of the determination of the vote, except that proxies and ballots relating to an amendment must be retained by the Association for one (1) year from the date the amendment is effective.

2.6 Authority to Vote. All Owners, including those who have leased their Lot to a third party, shall be entitled to vote. An Owner's right to vote may not be revoked. A purchaser under a land sale contract entitled to immediate possession of the Lot shall be deemed the Owner thereof, unless otherwise provided in such contact.

2.7 Fiduciaries and Joint Owners. An attorney-in-fact, executor, administrator, guardian, conservator or trustee may vote, in person or by proxy, at any meeting of the Association with respect to any Lot owned or held by such person in such capacity, whether or not the same shall have been transferred to such person's name, provided that such person has satisfied the Secretary that such person is the attorney-in-fact, executor, administrator, guardian, conservator or trustee holding such Lot in such capacity. Whenever any Lot is owned by two (2)

or more persons jointly according to the records of the Association, the vote of such Lot may be exercised by any one of the Owners then present, in the absence of protest by a co-owner. In the event of such protest, no one co-owner shall be entitled to vote without the approval of all co-owners. In the event of disagreement among the co-owners, the vote of such Lot shall be disregarded for all purposes, except for determining whether a quorum is present.

## ARTICLE 3
## ADMINISTRATION

3.1 Association Responsibilities. The Owners shall constitute the Members of the Association. Except as otherwise provided in the Declaration or these Bylaws, decisions and resolutions of the Association shall require approval by a majority of the Owners present at any legal meeting. A legal meeting is one duly called pursuant to these Bylaws at which a quorum is present, in person or by proxy at a formal gathering or, if a vote is taken by written ballots, when ballots are returned representing more than fifty percent (50%) of the vote, unless a larger vote is required to approve a ballot item, in which case the quorum requirements shall be the number of votes required to approve the proposal.

3.2 Place of Meetings. Formal meetings of the Association shall be held at suitable places convenient to the Owners as may be designated by the Board of Directors of the Association.

3.3 Turnover Meeting. Declarant shall call a meeting (which shall be the initial meeting) for the purpose of turning over administrative control of the Association from Declarant to the Members within sixty (60) days of the earlier of the following dates:

3.3.1 Based on Lot Sales. The date on which eighty percent (80%) of the Lots in Denali have been sold and conveyed to third parties other than Declarant; and

3.3.2 Earliest Date. 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 these Bylaws. If Declarant does not call such meeting as required under this Section 3, any Owner may do so.

At the Turnover Meeting, Declarant shall relinquish control of the administration of the Association and the Owners shall assume such control and shall elect the Board in accordance with the provisions of Article 4 of these Bylaws and change the registered agent of the Association with the Oregon Secretary of State. Additionally, Declarant shall deliver to the Association all business and financial records, together with all Association bank accounts, funds and other assets as required by ORS 94.616. The Turnover Meeting may not be conducted by written ballot.

3.4 Annual Meetings. The Board, by a Board action, shall cause the first annual meeting of the Association to be held during the calendar year following the calendar year in which the Turnover Meeting is held. The Board, at its discretion, from time to time, may change the meeting date, provided that the meeting is held annually. At such meetings, the Owners shall

elect new members of the Board in accordance with the requirements of Section 4.7 of these Bylaws to replace those Directors whose terms have expired. The Owners also may transact such other business of the Association as may properly come before them. Annual meetings of the Association may not be conducted by written ballot.

3.5 Special Meetings. The President shall call a special meeting of the Owners if so directed by a resolution of the Board or a petition, presented to the Secretary and signed by thirty percent (30%) or more of the Owners. All meetings called because of petition of Owners shall be held at a formal gathering, and not by written ballot, notice of which shall be sent within thirty (30) days after the Secretary's receipt of the petition. The notice of any special meeting shall state the time and place of such meeting and the purpose thereof. No business other than that stated in such notice shall be transacted at a special meeting unless by consent of all the Owners of the Lots or as otherwise set out in these Bylaws.

3.6 Notice of Meetings. The Secretary shall mail by first class mail, hand deliver, or deliver via electronic communication, a notice of each annual and special meeting, stating the purpose thereof and the time and place where such meeting is to be held, to each Owner of record at least ten (10) but not more than fifty (50) days before such meeting or the date on which ballots for a ballot meeting are required to be returned. Such notices shall be mailed to the Owner's mailing or email address last given to the Secretary in writing by the Owner or such Owner's vendee. If Lot ownership is split or the Lot has been sold on a contract, notice shall be sent to a single address, of which the Secretary has been notified in writing by such parties. If no address has been given to the Secretary in writing, then mailing to the Lot shall be sufficient. The mailing or emailing of a notice in the manner provided in this Section shall be considered notice served. Provided however, an owner may decline to receive notices or ballots via electronic communication by written notice to the Secretary.

3.7 Adjourned Meetings. If any gathering of Owners is not a legal meeting because a quorum has not attended, the Owners who are present, either in person or by proxy, may adjourn the meeting to a time not less than forty-eight (48) hours or more than twenty (20) days from the time of the original meeting. The adjournment provisions of this Section do not apply to actions proposed to be taken by written ballot.

3.8 Ballot Meetings. Unless prohibited or limited by the Articles of Incorporation of the Association, any action that may be taken at any annual or special meeting of the Owners may be taken without a meeting if the Association delivers a written ballot to every Owner entitled to vote on the matter as provided in ORS 94.647. Provided, however, action by written ballot may not substitute for the Turnover Meeting, annual meeting, meeting to remove a director or special meeting called at the request of the Owners. Such ballot shall set forth each proposed action and provide an opportunity to vote for or against each proposed action. A proposed action shall be deemed to be approved by written ballot when the number of votes cast by ballot equals or exceeds any quorum required to be present at a meeting authorizing the action, and the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot. The Board must provide Owners with at least ten (10) days' notice as required by ORS 94.647 before written ballots are mailed or otherwise delivered. If, at least three (3) days before written ballots are scheduled to be mailed or otherwise distributed, at least

ten percent (10%) of the Owners petition the Board requesting secrecy procedures, a written ballot must be accompanied by a secrecy envelope, a return identification envelope to be signed by the Owner and instructions for making and returning the ballot. The Board of Directors may extend the date for counting the ballots of a ballot meeting, in one or more extensions, for up to ninety (90) days after the originally scheduled ballot return date if a quorum of ballots has not been returned and/or for matters on which a certain percentage approval is required and that vote has not been received nor have sufficient votes in opposition been received to negate such approval. Provided, however, if a secret ballot is required, secrecy ballots may not be examined or counted prior to the date certain specified in the notice or any extension thereof.

3.9 Order of Business. The order of business at all annual meetings shall be as follows:

3.9.1 Roll call;
3.9.2 Proof of notice of meeting or waiver of notice;
3.9.3 Reading of minutes of the preceding meeting;
3.9.4 Reports of officers;
3.9.5 Reports of committees;
3.9.6 Election of inspectors of election;
3.9.7 Election of Directors;
3.9.8 Unfinished business;
3.9.9 New business; and
3.9.10 Adjournment.

## ARTICLE 4
## BOARD OF DIRECTORS

4.1 Number and Qualification. The Board shall be composed of three (3) persons, all of whom must be an Owner or a co-owner of a Lot; provided, however, that if a Lot is owned by more than one (1) Owner, only one (1) co-owner of that Lot may serve on the Board of Directors at any one time. An officer or employee of a corporation, the trustee of a trust, the personal representative of an estate, or an employee of a trust or estate may serve on the Board if the corporation, trust or estate owns a Lot.

4.2 Powers and Duties. The Board shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not by law or by these Bylaws directed to be done by the Owners.

4.3 Other Duties. In addition to duties imposed by these Bylaws or by resolutions of the Association, the Board shall have authority to carry out and be responsible for the following matters:

4.3.1 Upkeep of Common Area and Commonly Maintained Property. Care, upkeep and supervision of the Common Area and the Commonly Maintained Property.

4.3.2 Reserves. Establishment and maintenance of replacement Reserve Accounts which the Board deems prudent for replacement of Common Area improvements or facilities and the Commonly Maintained Property.

4.3.3 Assessment Collection. Designation and collection of assessments from the Owners, in accordance with these Bylaws and the Declaration.

4.3.4 Budget; Voucher System. Establishment of a budget and payment of all common expenses of the Association and institution and maintenance of a voucher system for such payment, which shall require a sufficient number of signatories thereon as may be reasonably necessary to prevent any misuse of Association funds, in accordance with these Bylaws and the Declaration.

4.3.5 Insurance. Procurement and maintenance of insurance policies and payment of premiums therefor out of the common expense funds, as more specifically provided in Article 8 of these Bylaws.

4.3.6 Personnel. Designation and dismissal of the personnel necessary for the administration, maintenance and operation of Denali.

4.3.7 Financial Statements. Causing the preparation and distribution of annual financial statements of the Association to each of the Owners, as more specifically provided in the Declaration.

4.3.8 Rules. Adoption and amendment of administrative Rules and Regulations governing the details of operation and use of the Common Area and Lots and administration of the Association, including a fine schedule for violations of these Bylaws, the Declaration or any rules or regulations promulgated thereunder. Provided, however, that any such Rules and Regulations shall always be subject to rescission or amendment by the Association upon a majority vote of Owners present at any properly called meeting.

4.3.9 Copies of Documents; Bank Accounts. Causing the Association to comply with ORS 94.670 relating to maintenance within the State of Oregon of documents delivered to the Association by the Declarant, depositing all assessments in a separate federally insured account in the name of the Association, payment of all expenses of the Association from the Association's bank account, and maintenance and distribution of financial statements and to maintain copies suitable for duplication of the following: the Declaration, the Articles of Incorporation, the Bylaws, the Association rules and regulations and any amendments thereto, the most recent annual financial statement, and the current operating budget of the Association. Further, the Board of Directors shall cause to be maintained and kept current the information required to enable the Association to comply with ORS 94.670.

4.3.10 Tax Returns. Causing the Association to file the necessary tax returns of the Association.

4.3.11 Mailing Address. Establishing and maintaining a current mailing address for the Association.

4.3.12 Professional Services. Employment of legal, accounting, and other personnel or consultants for reasonable compensation to perform such services as may be required for the proper administration of the Association, and preparing and filing the required income tax returns or forms.

4.3.13 Fines. After giving written notice and an opportunity to be heard, levy reasonable fines for violations of the Declaration, Bylaws and rules and regulations of the Association, provided that fines levied are based on a schedule previously adopted by Board resolution that is mailed to the mailing address of each Lot or mailed to the mailing address designated in writing by the Owner(s).

4.4 Limited Authority. The Board shall not take any of the following actions, except with the vote or written assent of a majority of the voting power of the Owners other than Declarant:

4.4.1 Third-Party Contracts. Enter into a contract with a third party wherein the third person will furnish goods or services for the Common Area, the Commonly Maintained Property, or the Association for a term longer than one (1) year with the following exceptions:

4.4.1.1 Management contract, the provisions of which have been approved by the Federal Housing Administration, U.S. Housing and Urban Development or Veterans Administration.

4.4.1.2 A contract with a public utility company in Washington County, or a service contract if the rates charged for the materials or services are regulated by the Oregon Public Utilities Commission; provided, however, that the term of the contract shall not exceed the shortest term for which the supplier will contract at the regulated rate.

4.4.1.3 A prepaid casualty and/or liability insurance policy the term of which does not exceed three (3) years, provided that the policy permits short-rate cancellation by the insured.

4.4.2 Capital Expenditures. Incur aggregate expenditures for capital improvements (as opposed to maintenance, repair and replacement costs) to the Common Area, the Commonly Maintained Property, during any fiscal year in excess of five percent (5%) of the budgeted gross expenses of the Association for that fiscal year.

4.4.3 Compensating Board Members. Pay compensation to members of the Board or officers of the Association for services performed in the conduct of the Association's business; provided, however, that the Board may cause a member or officer to be reimbursed for expenses incurred in carrying on the business of the Association.

4.5 Management Agent. The Board may employ a management agent, to be compensated in an amount established by the Board, to perform such duties and services as the Board shall authorize, including, but not limited to, the duties listed in Section 4.3 of these Bylaws. Any such management contract must be cancelable without penalty upon ninety (90) days' written notice. Any management contract entered into by the Declarant before the Turnover Meeting may be canceled by the Board of Directors elected at the Turnover Meeting

upon thirty (30) days' written notice given not later than sixty (60) days after the Turnover Meeting.

4.6 Interim Board and Officers. Declarant hereby reserves administrative control of the Association until the Turnover Meeting. Declarant, in its sole discretion, may appoint and remove members of the Board and officers of the Association whose terms of service shall end on or before the date of the Turnover Meeting. However, at the Turnover Meeting, at least one (l) Director shall be elected by Owners other than Declarant, even if Declarant otherwise has voting power to elect all three (3) Directors.

4.7 Election and Term of Office. At the Turnover Meeting of the Association, the term of office of two (2) Directors shall be fixed for two (2) years. The term of office of one (1) Directors shall be fixed at one (l) year. Upon expiration of the initial term of office of each respective Director, such Director's successor shall be elected to serve a term of two (2) years. The Directors shall hold office until their successors have been elected and hold their first meeting. At the Turnover Meeting, upon agreement by vote of the Owners, the Owners may elect Directors by using a ballot that permits each Owner to vote for three (3) nominees. In such event, the two (2) nominees receiving the highest number of votes shall be the two (2) year Directors and the nominee receiving the next highest number of votes shall be the one (1) year Director.

4.8 Vacancies. Vacancies on the Board caused by any reason other than the removal of a Director by a vote of the Association shall be filled for the balance of the term of each directorship by vote of a majority of the remaining Directors, even though they may constitute less than a quorum. Each person so elected shall be a Director until a successor is elected upon expiration of the term for which such person was elected by the other Directors to serve.

4.9 Removal of Directors. At any legal annual or special meeting at which removal of a Director is on the agenda (not including actions proposed to be taken by written ballot without a meeting), any one (1) or more of the Directors may be removed with or without cause, by a majority vote of the Owners present in person or by proxy and a successor may be then and there elected to fill the vacancy thus created; provided, however, that the notice of meeting shall specifically indicate that the removal of one (1) or more named Directors is an agenda item for such meeting. The owners must vote on removal of each Director whose removal is proposed as a separate question. Any Director whose removal has been proposed by the Owners shall be given an opportunity to be heard at such meeting.

4.10 Organizational Meeting. The first meeting of a newly elected Board shall be held within ten (10) days of election at such place as shall be fixed by the Directors at the Association meeting at which such Directors were elected, and no notice shall be necessary to the newly elected Directors in order to hold such meeting legally, providing a majority of the newly elected Directors are present.

4.11 Regular Meetings. Regular meetings of the Board may be held at such time and place as shall be determined, from time to time, by a majority of the Directors. Notice of regular meetings of the Board may be called by the President on at least three (3) days' notice to each

Director, given personally or by mail, telephone, e-mail or facsimile, which notice shall state the time, place (as hereinabove provided) and purpose of the meeting.

4.12 Special Meetings. Special meetings of the Board may be called by the President or Secretary or on the written request of at least two (2) Directors. Special meetings of the Board may be called on at least three (3) days' notice to each Director, given personally or by mail, telephone, e-mail or facsimile, which notice shall state the time, place (as hereinabove provided) and purpose of the meeting.

4.13 Waiver of Notice to Directors. Before, at or after any meeting of the Board, any Director may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Director at any meeting of the Board shall be a waiver of notice by such Director of the time and place thereof. If all the Directors are present at any meeting of the Board, no notice to Directors shall be required and any business may be transacted at such meeting.

4.14 Board of Directors' Quorum. At all meetings of the Board, a majority of the existing Directors shall constitute a quorum for the transaction of business, and the acts of the majority of the Directors shall be the acts of the Board. If quorum requirements are not met at any meeting of the Board, the majority of those present may adjourn the meeting from time to time. At any such adjourned meeting, any business that might have been transacted at the meeting as originally called may be transacted without further notice.

4.15 Board Meetings Open to All Association Members. Except for executive sessions, all meetings of the Board shall be open to any and all Members of the Association; provided, however, that no Association Member shall have a right to participate in the Board's meetings unless such Member is also a member of the Board. The President shall have authority to exclude any Association Member who disrupts the proceedings at a meeting of the Board. At the discretion of the Board, the Board may meet in executive session closed to the unit owners to:

4.15.1 Consult with legal counsel;

4.15.2 Consider the following:

(a) Personnel matters, including salary negotiations and employee discipline;

(b) Negotiations of contracts with third parties;

(c) Collection of unpaid assessments; or

(d) Any other matters for which the Planned Community Act permits.

Except in the case of an emergency, the Board shall vote in an open meeting whether to meet in executive session. If the Board votes to meet in executive session, the presiding officer of the Board shall state the general nature of the action to be considered, as precisely as possible, when and under what circumstances the deliberations can be disclosed to

Owners. The statement, motion or decision to meet in executive session must be included in the minutes of the meeting. A contract or an action considered in executive session does not become effective unless the Board, following the executive session, reconvenes in open meeting and votes on the contract or action, which must be reasonably identified in the open meeting and included in the minutes.

4.16 Notice to Association Members of Board Meetings. For other than emergency meetings, notice of special Board meetings shall be mailed or delivered via electronic communication to each Owner at least seven (7) days before the meeting or at least three (3) days' notice by hand delivery to each Lot Owner's address or by facsimile transmission. The Board shall give Owners notice of regular Board meetings at the beginning of each year by first class mail or other reasonable means setting out the time and place of the regular meetings. For any changed time or place, the notice requirements for special meetings shall apply.

4.17 Emergency Meetings. In the event of an emergency, Board of Directors meetings may be conducted by telephonic communication or by the use of a means of communication that allows all Board members participating to hear each other simultaneously or otherwise to be able to communicate during the meeting. No notice to either Directors or Association members shall be required for such meetings of the Board of Directors to be held for any emergency action. Provided, however, that no such meeting shall occur unless at least two-thirds (2/3rds) of the Board of Directors participate in the same and after an attempt has been made to reach each Director.

4.18 Compensation of Directors. No Director shall be compensated in any manner, except for out-of-pocket expenses, unless such compensation is approved by vote of the Owners.

## ARTICLE 5
## OFFICERS

5.1 Designation. The principal officers of the Association shall be a President, a Secretary and a Treasurer, all of whom shall be elected by the Directors. The Directors may appoint an assistant treasurer and an assistant secretary, and any such other officers as in their judgment may be necessary.

5.2 Election of Officers. The officers of the Association may be elected by the Board at the organizational meeting of each new Board or any Board meeting thereafter, and shall hold office at the pleasure of the Board.

5.3 Removal of Officers. Upon an affirmative vote of a majority of the Board, any officer may be removed, either with or without cause, and such officer's successor may be elected at any regular or special meeting of the Board.

5.4 President. The President shall be the chief executive officer of the Association and shall preside at all meetings of the Association and of the Board. The President shall have all of the general powers and duties which are usually vested in the office of president of an association, including, but not limited to, the power to appoint committees from among the Owners from time to time as the President may, in the President's discretion, decide is appropriate to assist in the conduct of the affairs of the Association.

5.5 Secretary. The Secretary shall keep the minutes of all meetings of the Board and the minutes of all meetings of the Association and shall have charge of such books and papers as the Board may direct; and shall, in general, perform all the duties incident of the office of secretary.

5.6 Treasurer. The Treasurer shall have responsibility for Association funds and securities and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association. The Treasurer shall be responsible for the deposit of all monies and other valuable effects in the name, and to the credit, of the Association in such depositories as may from time to time be designated by the Board.

5.7 Directors as Officers. Any Director may be an officer of the Association.

## ARTICLE 6
## OBLIGATIONS OF THE OWNERS

6.1 Assessments. All Owners are obligated to pay assessments imposed by the Association to meet all the Association's general common expenses, as more particularly set forth in the Declaration. Assessments shall be payable on a periodic basis, not more frequently than monthly, as determined by the Board. Declarant (before turnover) and the Board (after turnover) may, but shall not be required to, impose interest or a service charge for late installment payments or allow a discount for payment of the annual assessment or any installment in advance.

6.2 Initial Assessment. The amount of the initial assessment due from Lot Owners other than the Declarant shall be determined by the Declarant.

6.3 Default. Failure by an Owner to pay any assessment of the Association shall be a default by such Owner of such Owner's obligations pursuant to these Bylaws and the Declaration. The Association shall be entitled to the remedies set forth in the Declaration.

6.4 Maintenance and Repair. Except as otherwise specifically provided in the Declaration and these Bylaws, every Owner must perform promptly all maintenance and repair work to such Owner's Lot and the exterior of the improvements thereon and keep the same in good repair and sanitary and neat condition.

6.5 Reimbursement of Association. An Owner shall reimburse the Association for any expenditures incurred in repairing or replacing any portion of the Common Area or of any Commonly Maintained Property that was damaged through such Owner's fault and that is not otherwise covered by insurance policies carried by the Owner or the Association for the Owner's and the Association's benefit. In such circumstances, the insurance obtained by the Owner shall be deemed to be the primary coverage. The Board of Directors shall have the unfettered discretion to refuse to make a claim on the Association's policy even though coverage may pertain. Such discretion is for the purpose of maintaining the Association's insurability and controlling the amount of the premiums for the Association's insurance. Such charge shall be collectible as an assessment as provided in the Declaration.

## ARTICLE 7
## RIGHT OF ENTRY; EASEMENTS FOR MAINTENANCE

7.1 Emergencies. Present and future Owners, tenants, Occupants, and any other persons that occupy any portion of the Property, by virtue of acquisition, rental, or occupancy of any of the Lots, grant to the management agent or to any other person authorized by the Board or the Association the right to enter upon such Lot in the event of an emergency originating in or threatening any Owner's Lot.

7.2 Maintenance Easements. Declarant grants an easement to the Association in and through any Lot and the Common Area providing access at reasonable times and with reasonable notice for purposes of maintenance, repair and replacement of the Common Area and Commonly Maintained Property. If, in performing such repair and maintenance, the Association needs to alter or damage any Lot, Commonly Maintained Property or Common Area, it may do so without providing compensation, provided that it promptly restores the Lot and/or Common Area to substantially its prior condition.

## ARTICLE 8
## INSURANCE

8.1 General. The Board shall obtain and maintain at all times insurance of the type and kind and in the amounts hereinafter provided and additional insurance for such other risks of a similar or dissimilar nature as are now or as shall be hereafter customarily covered by insurance obtained by other planned communities similar in construction and design. Such additional insurance shall be governed by this Article 8.

8.2 Types of Insurance Policies Maintained By the Association. For the benefit of the Association and the Owners, the Board shall obtain and maintain at all times, and shall pay for out of the common expense funds, the following insurance to the extent that it is available at reasonable cost:

8.2.1 Liability. A policy or policies insuring the Association, its Board, the Owners individually, and the manager against any liability to the public or the Owners and their invitees or tenants, incident to the ownership, supervision, control or use of the Property. Limits of liability under such insurance shall be not less than one million dollars ($1,000,000) per occurrence for bodily injuries and property damage liability. Such limit and coverage shall be reviewed at least annually by the Board, which may increase the limit of and/or coverage, in its discretion. Said policy or policies shall be issued on a commercial General Liability form and shall provide cross liability endorsements wherein the rights of the named insured under the policy or policies shall not be prejudiced as respects his, her or their action against another named insured.

8.2.2 Workers Compensation. Workers Compensation Insurance to the extent that it is necessary to comply with any applicable laws.

8.2.3 Crime; Employee Dishonesty Insurance. A crime or employee dishonesty policy that covers board members, the management company, employees of the management company and a bookkeeper, if any.

8.2.4 Directors' and Officers' Insurance. Directors' and officers' insurance insuring the directors and officers.

8.3 Fidelity Bond. For the benefit of the Association and Owners, the Board may obtain a fidelity bond naming such persons as may be designated by the Board as principals and the Association and the Owners as obligees, for the amount determined by the Board. The Board may pay for such bond out of the common expenses of the Association. In addition, the Board shall require that all officers and employees of the Association handling or responsible for Association funds to obtain adequate fidelity bonds and may pay for the premiums thereon.

8.4 Insurance Companies Authorized. All policies obtained under this Article 8 shall be written by a company licensed to do business in Oregon and holding a "Commissioner's Rating" of "B+" and a size rating of "IX," or better, by Best's Insurance Reports, or as may be otherwise acceptable to all mortgagees and Directors.

8.5 Provisions in Insurance Policies. The Board shall make every reasonable effort to secure insurance policies that will provide for the following:

8.5.1 Waiver of Subrogation. A waiver of subrogation by the insurer as to any claims against the Board, the officers, the manager, the Owners and their respective servants, agents, guests and tenants.

8.5.2 Noncancellation for Owner Conduct. A provision that the master policy on the Property cannot be canceled, invalidated or suspended on account of the conduct of any one or more individual Owners.

8.5.3 Noncancellation Without Opportunity to Cure. A provision that the master policy on the Property cannot be canceled, invalidated or suspended on account of the conduct of any officer, Board member or employee of the Board or the manager without prior demand in writing that the Board or manager cure the defect.

8.6 Home and Lot Insurance Maintained By Each Owner. The Association shall have no responsibility to procure or to assist Owners or Occupants in procuring property loss insurance or liability insurance other than as expressly stated in this Article 8. Owners and Occupants shall procure all other insurance coverage that they deem necessary or prudent for their protection, and shall be obligated to carry property insurance with extended coverage endorsements in the amount of the replacement value of such Owners' Homes and liability insurance with minimum combined limits of $100,000 per occurrence. Insurance coverage obtained and maintained by the Board of Directors may be brought into contribution with that obtained and maintained by Owners or mortgagees only in the Board of Directors' sole and unfettered discretion.

8.7 Review of Insurance Policies. At least annually, the Board shall review all insurance carried by the Association, which review shall include a consultation with a representative of the insurance carrier writing the master policy.

8.8 Deductible Provisions. The Board of Directors may negotiate the amount of the deductible in all Association insurance policies at such limits as are reasonable and customary

under the circumstances and the deductible amount may be set at different levels for different insured risks. The Board shall adopt a resolution providing the responsibility for payment of the deductible. If no such resolution has been adopted, the Association shall be responsible for the deductible.

## ARTICLE 9
## AMENDMENT

Except as otherwise provided in this Article, and the restrictions set forth elsewhere herein, these Bylaws may be amended at any time by an instrument approved by at least a majority of the total votes of each class of Members that are eligible to vote. Any amendment must be executed, recorded and certified as provided by law. Provided, however, no amendment of these Bylaws may effect an amendment of the Declaration or the Articles without compliance with the provisions of such documents and the Oregon Nonprofit Corporation Act, and no amendment deleting or affecting any right of Declarant or its successor or assignee, including, without limitation, an amendment to this Article 9, may be adopted without the prior written consent of Declarant or its successor or assignee.

## ARTICLE 10
## RECORDS AND AUDITS

10.1 General Records. The Board and the managing agent or manager, if any, shall preserve and maintain minutes of the meetings of the Association, the Board and any Board committees as required by ORS 94.670. The Board shall maintain a list of Owners entitled to vote at meetings of the Association. The minutes of the Association, the Board and Board committees, and the Association's financial records shall be reasonably available for review and copying by the Owners. A reasonable charge may be imposed by the Association for providing copies.

10.2 Assessment Roll. The Board and the managing agent or manager, if any, shall maintain the assessment roll in a set of accounting books in which there shall be an account for each Lot. Such account shall designate the name and address of the Owner or Owners, the amount of each assessment against the Owner, the dates on which and the amounts in which the assessment comes due, the amounts paid upon the account and the balance due on the assessments.

10.3 Payment of Vouchers. The Treasurer or management agent shall pay all expenses authorized by the Board. The Treasurer or management agent shall maintain and follow reasonable procedures to assure the accounts and proper records, and to assure that all expenditures are proper. Except in cases where an emergency exists (for example, a repair must be made immediately to prevent further damage), any voucher for non-budgeted items shall require the signature of the President; provided, however, that any withdrawal from Reserve Accounts shall require the approval of two Board members or one Board member and an officer of the Association who is not a Board member.

10.4 Fiscal Year. The fiscal year of the Association shall be the calendar year unless otherwise determined by the Board.

## ARTICLE 11
## COMPLIANCE WITH THE PLANNED COMMUNITY ACT; CONFLICTS

These Bylaws are intended to comply with the provisions of the PCA, the provisions of which apply to Denali. In case of any conflict among the provisions of the PCA, the Articles, the Declaration, or these Bylaws, the provisions of the PCA shall control over those of the Articles and Declaration, and the provisions of the Declaration shall be control over those of the Articles and these Bylaws.

## ARTICLE 12
## ASSESSMENT COLLECTION COSTS; SUITS AND ACTIONS

An Owner shall be obliged to pay reasonable fees and costs (including, but not limited to, attorneys' fees) and actual administrative costs incurred in connection with efforts to collect any delinquent unpaid assessments from such Owner, whether or not suit or action is filed. Assessments against Owners may include fees, late charges, fines and interest imposed by the Board, in addition to amounts owed toward operating expenses and the funding of reserves. If the Association brings against any Owner or Owners a suit or action for the collection of any amounts due pursuant to or for the enforcement of any provisions of the Declaration, the Articles or these Bylaws, such Owner or Owners, jointly and severally, shall pay, in addition to all other obligations, the costs of such suit or action, including actual administrative expenses incurred by the Association because of the matter or act which is the subject of the suit, reasonable attorneys' fees to be fixed by the trial court and, in the event of an appeal, the cost of the appeal, together with reasonable attorneys' fees in the appellate court to be fixed by such court.

## ARTICLE 13
## MISCELLANEOUS

13.1 Notices. All notices to the Association or to the Board shall be sent care of the managing agent or, if there is no managing agent, to the principal office of the Association or to such other address as the Board hereafter may designate from time to time. All notices to any Owner shall be sent to such address as may have been designated by such Owner from time to time, in writing, to the Board, or if no address has been designated, then to such Owner's Lot.

13.2 Waiver. No restriction, condition, obligation or provision contained in these Bylaws shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches thereof that may have occurred and the number of times that the pertinent restriction, condition, obligation or provision was not enforced.

13.3 Invalidity; Number; Captions. The invalidity of any part of these Bylaws shall not impair or affect in any manner the validity, enforceability or effect of the balance of these Bylaws. As used herein, the singular shall include the plural, and the plural the singular. The masculine and neuter shall each include the masculine, feminine and neuter, as the context requires. All captions used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of these Bylaws.

13.4 Enforcement. The Association, through its Board of Directors, shall have the power to enforce the covenants and restrictions in these Bylaws and in the Declaration. Owners shall also have the right to bring actions or suits regarding covenants and restrictions, but shall have no right or power to require the Association or Board of Directors to take any enforcement action.

## ARTICLE 14
## ADOPTION

It is hereby certified that these Bylaws have been adopted by J. T. Roth Construction, Inc., an Oregon corporation, Declarant of Denali, and shall be recorded in the Deed Records of Washington County, together with the Declaration for said planned community.

DATED this 30 day of April, 2019.

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 )

April 30, 2019

Personally appeared 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; and acknowledged said instrument to be its voluntary act and deed.

_____
NOTARY PUBLIC FOR OREGON

# Architectural Materials

# Moser Pass at Denali PUD

## Architectural Pattern Book

Issued To: City of Sherwood

Project Name: Moser Pass at Denali PUD

Applicant: JT Roth Construction, Inc.

Date: June 2022



12600 SW 72nd Ave, suite 200, Portland, Or. 77223 off 503 639 2639 CCB# 31700

## Description

The Moser Pass at Denali PUD development project is approx. 12.36-acre site located within the Southeast Sherwood Master Plan, east of SW Murdock Road and north of previous projects "Denali Meadows" and "Denali Summit". The development project is being submitted as a 32-lot single family detached development with minimum lot size being 10,000 sq. ft., in compliance with the current zoning overlay. The 32 lots will all be 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 Moser Pass 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 32 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)*





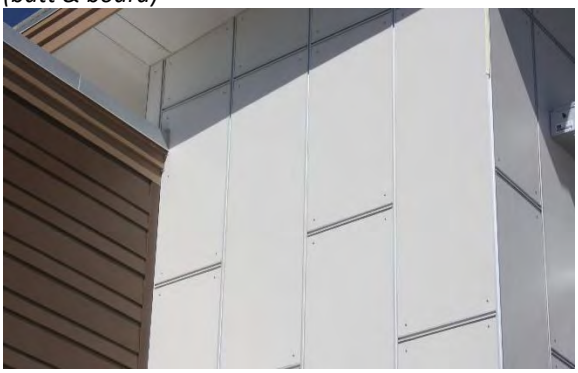
*(staggered composite siding)*



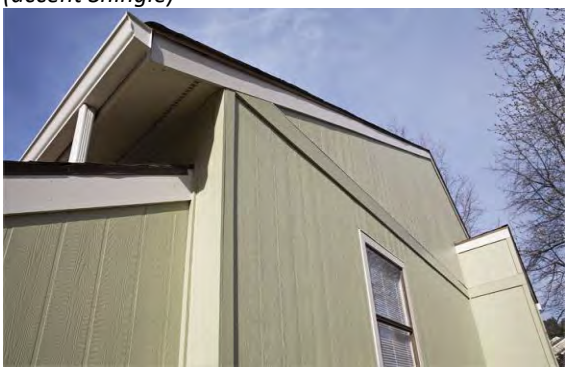
*(stained cedar lap siding)*



*(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



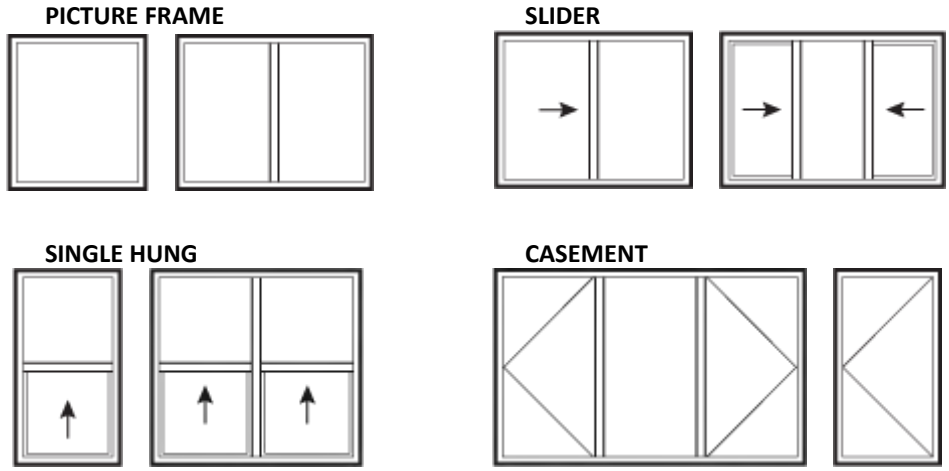




## Windows Styles (examples)

Window frames are a vinyl material. Color options are: *Almond, *Clay, *White, *Black

**Example of window types**




## 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.



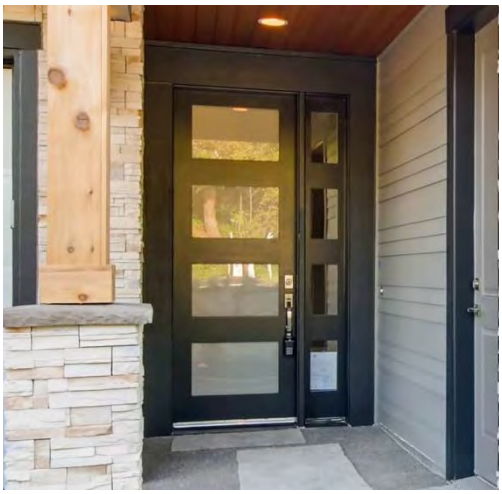





## **Entry Doors/Hardware** **(examples)**

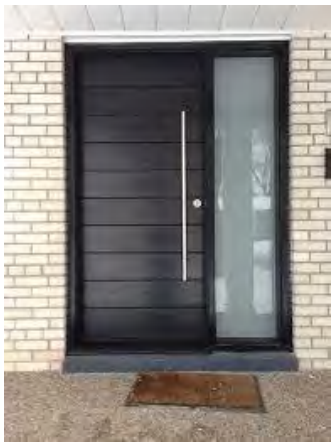
Door style













## Exterior Paint (examples)

### Sample Color Palette

There are no 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.

| | | | | |
|---|---|---|---|---|
| Bohemian Black SW 6988 | Ibis White SW 7000 | Ceiling Bright White 7007 | Eider White SW 7014 | Simple White SW 7021 |
| Domino SW 6989 | Marshmallow SW 7001 | Alabaster SW 7008 | Repose Gray SW 7015 | Alpaca SW 7022 |
| Caviar SW 6990 | Downy SW 7002 | Pearly White SW 7009 | Mindful Gray SW 7016 | Requisite Gray SW 7023 |
| Black Magic SW 6991 | Toque White SW 7003 | White Duck SW 7010 | Dorian Gray SW 7017 | Functional Gray SW 7024 |
| Inkwell SW 6992 | Snowbound SW 7004 | Natural Choize SW 7011 | Dovetail SW 7018 | Backdrop SW 7025 |
| Black Of Night SW 6993 | Pure White SW 7005 | Creamy SW 7012 | Gauntlet Gray SW 7019 | Griffin SW 7026 |
| Greenblack SW 6994 | Extra White SW 7006 | Ivory Lace SW 7013 | Black Fox SW 7020 | Well-Bred Brown SW 7027 |




**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*

____ **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. <u>Exterior Lighting</u>: *color ☐ Black ☐ Chrome ☐ Satin Nickel ☐ Bronze*
*☐ Other describe _____*

____ *5. <u>Vinyl Windows</u>: *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

In addition to the above Architectural Checklist defined in this Pattern Book, all residences are required to comply with the Residential Design Standards of SZCDC § 16.14, adopted by the city in 2021 and Housing Choices adopted in 2022. **See attached Exhibit A – Residential Design Checklist.**
A copy of the completed Residential Design Checklist shall be submitted with each building permit application to the City of Sherwood Building Department for approval.

## 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 Moser Pass at Denali PUD

Created Feb. 2022, Modified May 2022

# Residential Design Checklist

**Single Family Detached, Duplex, and Plexes**

*Townhomes and Cottage Clusters – See specific design checklist*
*Multi-Family subject to Section 16.90 design standards*

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

22560 SW Pine Street
Sherwood, OR 97140
Phone: 503.925.2308
Fax: 503-625-0629
Web: www.sherwoodoregon.gov

Planning Division Approval

**Building Permit #:**

## ADDITIONS/CONVERSIONS

**Is the internal or external conversion/addition seen from the public right-of-way?**

☐ **NO, Residential Design Checklist review not required. STOP**

☐ **YES, complete this Residential Design Checklist (starting on page 2).**

Builder or Owner: _____

Lot Address: _____

Lot Number: _____ Subdivision: _____

Residential Zoning District: _____

Is the Site in Old Town Overlay District: _____

## Lot Development Standards

See table in SZCDC Section 16.12.030.C for Standards

### Setbacks

Front Yard: _____

Face of Garage: _____

Interior Side Yard: _____

Corner Lot Street side: _____

Rear Yard: _____

Front Porch Setback (Covered): _____

### Building Height

Building Height (excludes chimney, etc.): _____

Height of Chimney, other projections: _____

**Driveway Width** _____

**Residential Garage and Residential Front-yard Landscaping standards** per Community Design Section 16.12.040. **See page 6.**



**Continued**

# Residential Design Checklist

**Entry Location and Orientation** - At least one main entrance for each residential Structure must meet the following standards.

1. Is entrance within 8 feet of the longest street-facing wall of the dwelling unit? **Yes** ☐ **No** ☐

2. Does the entrance meet any of the following? **Yes** ☐ **No** ☐
   **If yes, check the design element**
   ☐ a. Face the street; or
   ☐ b. Be at an angle of up to 45 degrees from the street; or
   ☐ c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or
   ☐ d. Open onto a porch. If the entrance opens onto a porch, the porch must:
      1) Be at least 25 square feet in area with a minimum four-foot depth;
      2) Have at least one porch entry facing the street;
      3) Have a roof that is no more than 12 feet above the floor of the porch; and
      4) Have a roof that covers at least 30% of the porch area.

**Garages and Off-Street Parking Areas** - These standards apply to single detached, duplex, triplex and quadplex development. Where one or more garages face a street, all the following standards apply:

1. The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure. **Yes** ☐ **No** ☐

2. The width of all garages on the street-facing elevation shall not exceed 60% of the total width of that elevation. The width of the garage shall be measured from the edges of the finished exterior garage wall. **Yes** ☐ **No** ☐

3. Does the garage(s) that face the street contain at least one of the following design features? **Yes** ☐ **No** ☐
   **If yes, check the design element.**
   ☐ a. Garage trellis or pergola extending at least 12 inches from the building face
   ☐ b. Windows on 15% of the garage door
   ☐ c. Natural wood finish
   ☐ d. A recess of at least three (3) feet behind the primary dwelling
   ☐ e. Use of multiple materials, finish or colors

**Windows & Doors** – A minimum of **15 percent** of the area of the **primary building elevation** adjacent to a public right-of-way must include windows or entrance doors. For **side building elevation**, adjacent to a public right-of-way or public accessway, a minimum of **10 percent** of area is required.

- Elevations separated from the street property line by a dwelling are exempt from meeting this standard.
- Percentage calculation can include window trims and shutters.
- First floor roof elevations are excluded from the calculations.

Primary Building Elevation: Windows and entrance doors percentage? _____
Side Building Elevation: Windows and Doors percentage? _____



Continued

**Standard met? Yes ☐ No ☐**

**At least <u>one</u> element shall be incorporated from each of Subsection a, b and c below.**

a. Porches, entries and other offsets:

- ☐ i. Covered porch at least 36 square feet with a depth not less than six (6) feet as measured perpendicular from the face of the main building façade to the edge of the porch.
- ☐ ii. Recessed entry area at least two (2) feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide.
- ☐ iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other.
- ☐ iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and accessible from an interior room.

**Standard met? Yes ☐ No ☐**

b. Roof elements:

- ☐ i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
- ☐ ii. Roof line offsets of at least two (2) feet from the top surface of one roof to the top surface of the other.
- ☐ iii. Any roofing materials other than asphalt shingles.
- ☐ iv. Gable roof, hip roof, shed roof, or gambrel roof design.
- ☐ v. Dormer that is at least four (4) feet wide.
- ☐ vi. Decorative eave braces.

**Standard met? Yes ☐ No ☐**

c. Window elements:

- ☐ i. Window trim around all windows at least three (3) inches wide and five-eighths (5/8) inches deep.
- ☐ ii. Window recesses, in all windows, of at least three (3) inches as measured horizontally from the face of the building façade.
- ☐ iii. Bay window at least one (1) foot deep and three (3) feet wide.
- ☐ iv. Shutters on the exterior of ground floor windows.
- ☐ v. Window Grids.

**Standard met? Yes ☐ No ☐**

**Additional Design Elements – Primary Façade minimum of <u>two</u> elements from the list below.**

**Standard met? Yes ☐ No ☐**

Indicate the detailed design element options selected for each applicable façade from the list below. On the submitted façade/elevation drawings call out design elements. Where a design feature includes more than one element, it is counted as only one of the required elements:

a. Porches, entries and other offsets:

- ☐ i. Covered porch at least 36 square feet with a depth not less than six (6) feet as measured perpendicular from the face of the main building façade to the edge of the porch.
- ☐ ii. Recessed entry area at least two (2) feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide.
- ☐ iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other.

- ☐ iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and accessible from an interior room.

b. Roof elements:

- ☐ i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
- ☐ ii. Roof line offsets of at least two (2) feet from the top surface of one roof to the top surface of the other.
- ☐ iii. Any roofing materials other than asphalt shingle.
- ☐ iv. Gable roof, hip roof, shed roof, or gambrel roof design.
- ☐ v. Dormer that is at least four (4) feet wide.
- ☐ vi. Decorative eave braces

c. Window elements:

- ☐ i. Window trim around all windows at least three (3) inches wide and five-eighths (5/8) inches deep.
- ☐ ii. Window recesses, in all windows, of at least three (3) inches as measured horizontally from the face of the building façade.
- ☐ iii. Bay window at least one (1) foot deep and three (3) feet wide.
- ☐ iv. Shutters on the exterior of ground floor windows.
- ☐ v. Window Grids.

d. Garage elements:

- ☐ i. Attached garage width, as measured between the edges of the exterior finished garage wall, of 30 percent or less of the total width of that elevation.
- ☐ ii. A balcony that extends out over the garage and includes columns.
- ☐ iii. Two separate doors for two car garages instead of one large door.
- ☐ iv. Decorative windows on the garage door.
- ☐ v. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail.

e. Building materials:

- ☐ i. Horizontal lap siding between three (3) to eight (8) inches wide (the visible portion once installed).
- ☐ ii. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade.
- ☐ iii. Vertical board and batting siding three (3) to eight (8) inches wide (the visible portion once installed).
- ☐ iv. Belly band trim
- ☐ v. Four (4) Paint Color Scheme

**Building Materials -** Prohibited building materials include: 1. Aluminum 2. Vinyl 3. T-111 siding
**Standard met? Yes** ☐ **No** ☐

**Limitation on parking -** Off-street parking is not allowed within the front yard of a dwelling except within a designated driveway or garage or per the provisions of 16.14.020 and 16.14.030.
**Standard met? Yes** ☐ **No** ☐

**House Plan Variety (Any NEW Subdivision) - This standard applies to new detached single dwelling developments only.**

1. No two directly adjacent or opposite dwellings in a single dwelling detached development of more than four units may have the same front or street-facing facade. This standard is met when front or street-facing facades differ from one another by at least three of the elements listed in subsections (3) through (8) below. Where facades repeat on the same block face, they must have at least three intervening lots between them that meet this standard.
2. Materials. The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another.
3. Articulation. The plans have different offsets, recesses, or projections; or the front building elevations break in different places. For example, a plan that has a stoop entry (recess) varies from one that has an entry under a front porch (projection). For this standard to apply, a recess must have a minimum depth of four (4) feet and a projection or offset must be at least four (4) feet in depth.
4. Variation in roof elevation. The plans have different roof forms (e.g., gable versus gambrel or hip), different roof height (by at least 10 percent), different orientation (e.g., front-facing versus side-facing gable), different roof projections (e.g., with and without dormer or shed, or different type of dormer or shed), or different roof pitch by more than 2 feet of vertical rise to 12 feet of horizontal run.
5. Entry or porch. The plans have different configuration or detailing of the front porch or covered entrance.
6. Fenestration. The plans have different placement, shape, or orientation of windows or different placement of doors.
7. Height. The elevation of the primary roofline (along the axis of the longest roofline) changes by not less than four (4) feet from building to building, or from dwelling unit to dwelling unit, on abutting lots, as applicable. Changes in finished grade of eight (8) feet or more from one lot to the adjacent lot are counted toward change in height for purposes of evaluating facade variation.

**STANDARDS MET? Yes ☐ No ☐**

**Staff Notes/Comments – All required Standards are met? YES ☐ or NO ☐**

_____

_____

_____

_____

_____

## Section 16.12.040 - Community Design

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

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

**STANDARDS MET? Yes ☐ No ☐**

B. **The vehicle parking area(s)** shall be functional based on the minimum design standards listed on the table above, 16.12.040.A. Furnaces, stairs, etc. shall not be located within the garage designated parking areas.

**STANDARDS MET? Yes ☐ No ☐**

C. **Residential Front-Yard Landscaping -**the front-yard area of a lot shall be fully landscaped excluding paved off- street parking areas, paved pedestrian paths, and utility areas. Landscaping materials shall meet standards identified in Section 16.92.020 Landscaping Materials.

**STANDARDS MET? Yes ☐ No ☐**

**END**

# Landscape & Tree Materials

## Tract C' Tree Density Calculations

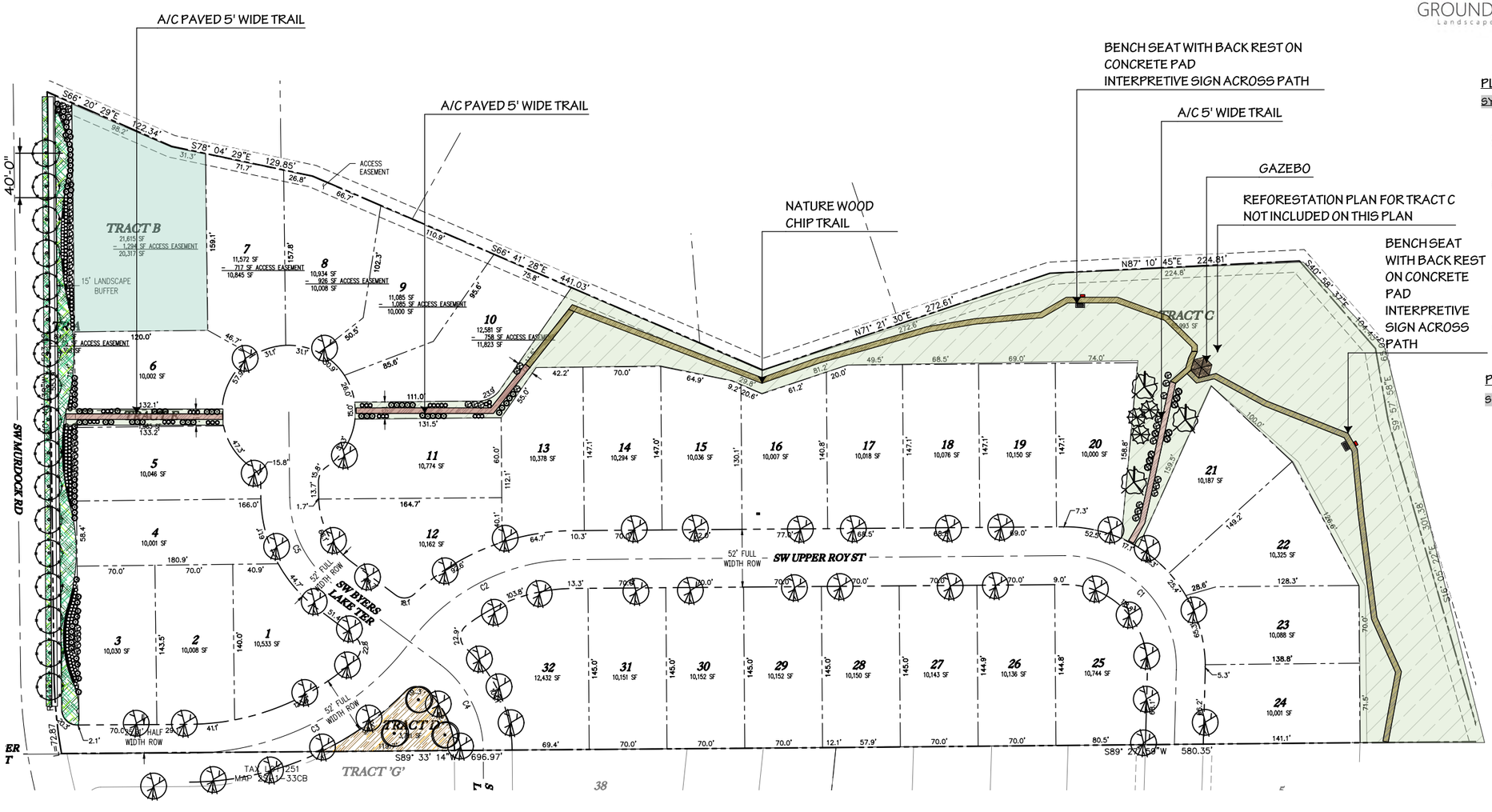
| ***Scientific Name*** **/ Common Name** | **QTY** | **Mature Spread** | **Canopy Area (SF)** | **Canopy Coverage (SF)** |
|---|---|---|---|---|
| *Acer macrophyllum* / Big Leaf Maple | 10 | 50 | 1963 | 19625 |
| *Amelanchier alnifolia* / Western Serviceberry | 500 | 10 | 79 | 39250 |
| *Calocedrus decurrens* / Incense Cedar | 250 | 15 | 177 | 44156 |
| *Pinus ponderosa* / Ponderosa Pine | 25 | 40 | 1256 | 31400 |
| *Quercus garryana* / Oregon White Oak | 40 | 60 | 2826 | 113040 |
| *Rhamnus purshiana* / Cascara | 250 | 15 | 177 | 44156 |
| | | **Total Canopy Coverage:** | | 291628 |
| | | **Total Site Area:** | | 335896 |
| | | **Percent Canopy Coverage:** | | 86.82% |

| Moser Pass Plant Tables | | | | |
|---|---|---|---|---|
| | | | | |
| **Rescued Plants / Containerized Trees** | | | | |
| **Scientific Name** | **Common Name** | **Type** | **Number** | **Notes** |
| Acer macrophyllum | Big Leaf Maple | Rescued / Ball and Burlap | 10 | plant nursery |
| Pinus ponderosa | Ponderosa Pine | 5-10 Gallon Container | 25 | |
| Quercus garryana | Oregon White Oak | 5-10 Gallon Container | 25 | |
| Quercus garryana | Oregon White Oak | Rescued / Ball and Burlap | 15 | plant nursery |
| **Bare-Root Plants** | | | | |
| **Scientific Name** | **Common Name** | **Type** | **Number** | **Notes** |
| *Amelanchier alnifolia* | Western Serviceberry | Bare-Root | 500 | |
| *Calocedrus decurrens* | Incense Cedar | Bare-Root | 250 | |
| *Ceanothus sanguineus* | Red Stem Ceanothus | Bare-Root | 500 | |
| *Holodiscus discolor* | Oceanspray | Bare-Root | 500 | |
| *Mahonia aquifolium* | Tall Oregon Grape | Bare-Root | 500 | |
| *Philadelphus lewisii* | Mock Orange | Bare-Root | 500 | |
| *Rhamnus purshiana* | Cascara | Bare-Root | 250 | |
| *Ribes sanguinium* | Red Flowering Currant | Bare-Root | 500 | |
| *Symphoricarpos albus* | Snowberry | Bare-Root | 500 | |
| **Seed Mix** | | | | |
| **Scientific Name** | **Common Name** | **Type** | **Percent** | **Notes** |
| Achillea millefolium | Western Yarrow | Seed | 5% | |
| Aquilegia formosa | Western Columbine | Seed | 2% | |
| Arbutus menziesii | Pacific Madrone | Seed | 1% | |
| Bromus sitchensis | Sitka Brome | Seed | 25% | |
| Camassia quamash | Common Camas | Seed | 1% | |
| Clarkia amoena | Farewell to Spring | Seed | 1% | |
| Elymus glaucus | Blue Wildrye | Seed | 25% | |
| Eriophullum lanatum | Oregon Sunshine | Seed | 2% | |
| Fetsuca roemeri | Roamer's Fescue | Seed | 25% | |
| Geum macrophyllum | Large-leaved Avens | Seed | 1% | |
| Grindelia integrifolia | Gumweed | Seed | 2% | |
| Lupinus latifolius | Broadleaf Lupine | Seed | 5% | |
| Sidalcea virgata | Rose Checkermallow | Seed | 5% | |

Exhibit A7

GROUND ROOTS
Landscape Design

| MOSER PASS | | PROJECT 22012 |
|---|---|---|
| TAX LOT 1700 SHERWOOD, OR | | |
| DESIGNER | DATE | VERSION |
| GROUND ROOTS LD - JANE ELRICK | 9/7/2022 | 4 |
| LANDSCAPE PLAN | | 1/1 |




## PLANT LIST - TREES

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 3 | ACER RUBRUM 'FRANKS RED'<br>Red Sunset Maple | 2" cal | AS SHOWN |
| | 13 | CARPINUS BELTULUS PYRAMIDALIS<br>European Hornbeam | 2" cal | AS SHOWN |
| | 3 | GINKGO BILOBA 'GOLDSPIRE'<br>Goldspire Ginkgo | 6-8' ht. | AS SHOWN |
| | 3 | PINUS FLEXIUS 'VANDERWOLF PINE'<br>Limber Pine | 5' ht | AS SHOWN |
| | 48 | ZELKOVA SERRATA 'VILLAGE GREEN'<br>Village Green Zelkova | 2" cal | AS SHOWN |

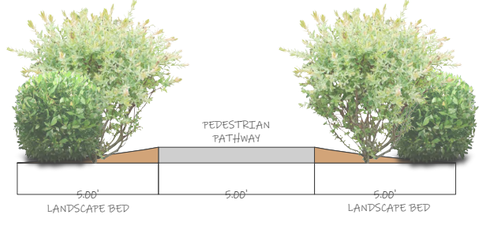
## PLANT LIST - SHRUBS & GROUND COVER

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 9 | MYRICA CALIFORNICA<br>Pacific Wax Myrtle | 5 gal | 6' oc |
| | 45 | VACCINIUM OVATUM<br>Evergreen Huckleberry | 2 gal | 4' oc |
| | 87 | CARYOPTERIS X CLANDONENSIS<br>Blue Mist Bluebeard | 2 gal | 4' oc |
| | 88 | ILEX GLABRA 'SHAMROCK'<br>Shamrock Inkberry | 2 gal | 4' oc |
| | 97 | PENNISETUM ALOPECURIOIDS 'HAMELN'<br>Hameln Dwarf Fountain Grass | 1 gal | 3' oc |
| | 96 | VIBURNUM TINUS 'COMPACTUM'<br>Spring Bouquet Laurustinus | 2 gal | 4' oc |

## SEEDED AREAS

| | | | |
|---|---|---|---|
| | PT LAWN SEED<br>PT 769 R & R ECO-TURF MIX | SEED | 5-7 lbs / 1000 sqft |
| | PT 705 XERISCAPE LAWN ALTERNATIVE | SEED | 2 lbs / 1000 sqft |
| | (2) 6' BENCH WITH BACK REST ON CONCRETE PAD | | |
| | INTERPRETIVE SIGN | | |

## PEDESTRIAN WALKWAY CROSS-SECTION




## TREE DENSITY CALCULATIONS*

*DOES NOT INCLUDE REFORESTATION OF TRACT C

| TREE NAME | QTY | MATURE SPREAD | CANOPY AREA (SF) | CANOPY COVERAGE (SF) |
|---|---|---|---|---|
| **PROPOSED NEW TREES:** | | | | |
| ACER RUBRUM 'FRANKSRED' | 3 | 40 | 1257 | 3771 |
| CARPINUS BETULUS PYRAMIDALIS | 13 | 35 | 962 | 12506 |
| GINKGO BILOBA 'GOLDSPIRE' | 3 | 6 | 28 | 84 |
| PINUS FLEXILIS VANDERWOLF PYRAMID' | 3 | 30 | 707 | 2121 |
| ZELKOVA SERRATA 'VILLAGE GREEN' | 48 | 36 | 1018 | 48864 |
| | | **TOTAL CANOPY COVERAGE** | | 67346 |
| | | **TOTAL SITE AREA** | | 335,896 |
| | | **PERCENT CANOPY COVER** | | 20% |

0 100 200 300 FT

SCALE: 1" = 50'

N

WINTER SUN

SUMMER SUN

EXISTING PLANTS-LOCATION APPROXIMATE
UNLESS SPECIFIED, ALL PLANT SYMBOLS ARE PLACEHOLDERS TBD BASED ON AVAILABILITY

NOTE:
THE EXISTING PROPERTY CONDITIONS, INCLUDING PROPERTY LINE LOCATIONS SHOWN ON THE PLAN, ARE APPROXIMATE AND DO NOT REPRESENT A FIELD-SURVEYED CONDITION. OWNER SHALL VERIFY ALL PROPERTY LINES, DIMENSIONS, EASEMENTS, AND EXISTING UNDERGROUND UTILITY AND IRRIGATION LOCATIONS PRIOR TO ANY CONSTRUCTION. SERVICES AND ADVICE ARE LIMITED TO PLANNING AND CONCEPTUAL DESIGN OF EXTERIOR SPACES AND HORTICULTURE CONSULTATION AND DO NOT INCLUDE ANY ENGINEERING SERVICES, STRUCTURAL ANALYSIS, OR CONSTRUCTION DETAILS WHICH MAY REQUIRE THE SERVICES OF LICENSED PROFESSIONAL AS REQUIRED BY LAW. CONSTRUCTION DETAILS GIVEN ARE CONCEPTUAL IN NATURE AND SHOULD BE CONFIRMED BY A LICENSED ARCHITECT OR CONTRACTOR. IMAGES SHOWN ARE FOR INSPIRATION AND SOME REFERENCES MAY NOT BE THE WORK OF GROUND ROOTS LANDSCAPE DESIGN. SOURCES AVAILABLE UPON REQUEST.

# Moser Pass at Denali
# Vegetated Corridor Master Plan

## Background

Moser Pass at Denali is a new home development being proposed in Sherwood, Oregon. The site is located west of Rock Creek, east of Murdock Rd, and north of Ironwood Ln. The site was owned by the Moser family who logged the site years prior to the sale of it to J.T. Roth Construction (J.T. Roth). After logging, the site was left unplanted, resulting in natural recruitment of *Quercus garryana* (Oregon White Oak), *Arbutus menziesii* (Pacific Madrone), and *Acer macrophyllum* (Big Leaf Maple) in the canopy and *Mahonia aquifolium* (Tall Oregon Grape), *Holodiscus discolor* (Oceanspray), and *Lonicera hispidula* (Hairy Honeysuckle). Prior to European influence, this species mix occupied many Oak Woodland environments but has since been replaced with farms and *Pseudotsuga menziesii* (Douglas Fir) monocultures. In the Willamette Valley, there is less than 5% of Oak Woodland habitat remaining ("Oak Woodlands – Oregon Conservation Strategy"). Additionally, invasive *Crataegus monogyna* (English Hawthorn) has colonized sections of this site.

## Purpose

This plan is designed to recommend habitat improvement plans along the open space, tract c, in association with the construction of Moser Pass at Denali development. Given the regional habitat depletion and the site's natural tendency towards Oak

Woodland/Oak Forest habitat, it is recommended that all actions taken within the open space are to promote improvement of the existing habitat conditions. This site sits along a trail system already established by J.T. Roth. Expansion of the nature trail along the open space with interpretive signage allows for community education as well as outdoor public benefit spaces.

According to the report compiled by SavATree Consulting Group, LLC (SavATree), the majority of the Pacific Madrone show signs of Madrone canker caused by Fusicoccum aesculi, and could result in the death of nearly all Madrone on site (van Oss 3). As such, this plan will also address increasing some diversity to the tree canopy cover while still maintaining the integrity of the Oak Forest ecosystem. Oak Forests typically have greater than 40 young trees per acre (Altman and Stephens 9).

**Opportunity Areas**

This plan will focus on the nearly 2 acre open space that will sit in the northwest corner of the development, behind lots 13 to 24. It directly borders a neighboring tax lot which currently contains many healthy Oregon White Oak and Big Leaf Maples, as well as some less healthy Douglas Fir (see map 1).

**Implementation Plan**

With construction on the site removing the majority of the vegetation, the primary objectives will be to quickly establish canopy, remove unwanted invasive species, establish healthy understory, and create an educational pollinator pathway which meanders along the outer edge of the site giving community members a chance to be immersed in wildlife while leaving the core natural area intact with little human interaction. It will take a minimum of three years from site prep through maintenance to fully push the site into passive stewardship as it will take time to restore the canopy and understory which will be necessary to prevent colonization of invasive species by nearby seed sources.

Site Preparation:

Prior to construction breaking ground, crews should harvest as many Big Leaf Maple and Oregon White Oak, that are between 2'-8' tall and no greater than 2.5" dbh, as possible to be replanted back on site. Due to the importing of nearly 8' of soil, there is minimal invasive species site prep which will be needed on site. However, if it rains prior to any native plant establishment, it is likely that invasive species either brought in through the soil importation process or by local seed sources will begin to colonize the bare site. It is essential to tackle these species early as it will minimize the long term maintenance treatments needed. With a mixture of 2% Garlon 3a, 2% Rodeo, and 1% Competitor, use backpack sprayers to treat all invasive species on site at least two weeks prior to seeding.

Planting:

After the site has been graded, hydroseed across all graded areas in order to prevent erosion (see Seed Table 1) and to establish a healthy herbaceous understory. Incorporate collected Pacific Madrone into seed mix to help with additional stabilization.

Between October 15th and November 30th, plant all harvested large trees back on site and plant established tree containers across site (see Container Table 1). Space all trees a minimum of 20' apart. Between January 1st and April 15th, plant bare-root native understory plants across the site (see Bare-Root Table 1). Pocket plant to create dense woody pollinator hedgerows and allow for large grassy understory which is preferred for wildlife grazing. Along the pathway, plant a native pollinator hedgerow with visual breaks to make passive habitat viewing areas.

Monitor site after year 1 assess survival. If tree survival dips below 40 stems per acre, add additional plants to meet this metric. The understory should remain largely dominated by grasses and forbs, however, should the pollinator hedgerow drop below 60% survival, interplant with native container plants to establish the trail and natural habitat area buffer.

Maintenance:

In the two years following planting, seasonal maintenance should take place in order to promote healthy native species establishment without disruption from invasive species. Herbicide applications should take place in Spring and Fall. Mowing and/or hand pulling should take place during the Summer and Winter months. It is recommended that after the maintenance period, twice a year treatments take place until the canopy is fully established. Should any invasive tree species return, it will be necessary to stump-cut them in order to kill off all root systems.

Container Table 1

| **Rescued Plants / Containerized Trees** | | | | |
|---|---|---|---|---|
| **Scientific Name** | **Common Name** | **Type** | **Number** | **Notes** |
| Acer macrophyllum | Big Leaf Maple | Rescued / Ball and Burlap | 10 | Rescue from site or purchase from rescued plant nursery |
| Pinus ponderosa | Ponderosa Pine | 5-10 Gallon Container | 25 | |
| Quercus garryana | Oregon White Oak | 5-10 Gallon Container | 25 | |
| Quercus garryana | Oregon White Oak | Rescued / Ball and Burlap | 15 | Rescue from site or purchase from rescued plant nursery |

Bare-Root Table 1

| **Bare-Root Plants** | | | | |
|---|---|---|---|---|
| **Scientific Name** | **Common Name** | **Type** | **Number** | **Notes** |
| *Amelanchier alnifolia* | Western Serviceberry | Bare-Root | 500 | |
| *Calocedrus decurrens* | Incense Cedar | Bare-Root | 250 | |
| *Ceanothus sanguineus* | Red Stem Ceanothus | Bare-Root | 500 | |
| *Holodiscus discolor* | Oceanspray | Bare-Root | 500 | |
| *Mahonia aquifolium* | Tall Oregon Grape | Bare-Root | 500 | |
| *Philadelphus lewisii* | Mock Orange | Bare-Root | 500 | |

| | | | | |
|---|---|---|---|---|
| *Rhamnus purshiana* | Cascara | Bare-Root | 250 | |
| *Ribes sanguinium* | Red Flowering Currant | Bare-Root | 500 | |
| *Symphoricarpos albus* | Snowberry | Bare-Root | 500 | |

Seed Table 1

| **Seed Mix** | | | | |
|---|---|---|---|---|
| **Scientific Name** | **Common Name** | **Type** | **Percent** | **Notes** |
| Achillea millefolium | Western Yarrow | Seed | 5% | |
| Aquilegia formosa | Western Columbine | Seed | 2% | |
| Arbutus menziesii | Pacific Madrone | Seed | 1% | |
| Bromus sitchensis | Sitka Brome | Seed | 25% | |
| Camassia quamash | Common Camas | Seed | 1% | |
| Clarkia amoena | Farewell to Spring | Seed | 1% | |
| Elymus glaucus | Blue Wildrye | Seed | 25% | |
| Eriophullum lanatum | Oregon Sunshine | Seed | 2% | |
| Fetsuca roemeri | Roamer's Fescue | Seed | 25% | |
| Geum macrophyllum | Large-leaved Avens | Seed | 1% | |
| Grindelia integrifolia | Gumweed | Seed | 2% | |
| Lupinus latifolius | Broadleaf Lupine | Seed | 5% | |
| Sidalcea virgata | Rose Checkermallow | Seed | 5% | |

**Terms / Definitions**

Bare-Root Plant
A plant used for planting that is generally harvested in winter after dormancy where the root system has been separated from the soil. Plants may be herbaceous or woody. General planting of bare-roots occurs between January and April.

Broadcast Spray
Application of herbicide sprayed across site using either backpack spray or UTV. Generally used in foliar applications when vegetation exists on the ground. Spray is generally more general than a spot spray with greater coverage.

Buck / Bucking
Cutting already downed wood into smaller pieces in order to make it more manageable or to encourage quicker decomposition.

Bulb
A modified stem that is the resting state of a seed which can be harvested and planted.

Chip / Chipping
Using a machine to produce bark chips from wood.

Container Plant
A plant that is contained in some form of container. These plants are generally measured by the size of the container in gallons. Containers are to be removed prior to planting. General planting seasons for container plants are February through May and September through November.

Fascine Bundle
A bundle of living plant cuttings tied together with compostable twine. Often used in erosion control. These fascines are to be planted horizontally with as much of 50% buried into the dirt.


(Fascine Bundle recently planted)

Fell / Felling
To bring down a tree or large shrub.

Maintenance
The period of time on a restoration site between planting and stewardship. This period is marked by regular site entries in order to ensure long term desired outcomes are met.

Mow / Mowing / Cut / Cutting
Using machinery like a hedgetrimmer, brushcutter, or billygoat mower to cut down herbaceous plants and small shrubs. Can be used to reduce fire risk, promote growth, or remove unwanted plants.

Plug Plant
A small containerized plant that is contained in a cell no greater than 2”x9”. General cell size is 1”x6”.

Pole Cutting
Similar to a Stake Cutting, but larger, a living section of tree or shrub with its branches removed which can be planted. Pole cutting should be between 5’-10’. When planted, pole cuttings must be placed a minimum of 3’ in the ground. General Pole Cutting and Planting season is from January to May and October to December.


(Pole Cutting after 6 months growth)

Site Preparation
The first phase of a restoration project where the goal is to prepare the ground for future planting. This phase generally involves removing invasive species and/or other obstacles which could be a detriment to future ecological function and plant growth.

Spot Spray
Application of herbicide using a backpack sprayer on select species. Generally used in foliar applications.

Stake Cutting
A section of living plant material between 1’-5’ long which can be planted and form a viable plant. When planted, stake cuttings must be placed a minimum of ½ of total cutting length in the ground. General Stake Cutting and Planting season is from January to May and October to December.

Stewardship
The final phase of a restoration project, when general ecological function has been restored. This period involves monitoring sites and reacting to changes as necessary.

Stump-Cut
Felling a tree or shrub and then applying a concentrated herbicide on the cut in order to prevent root suckers and/or regrowth from occurring.

## Maps




All work in this plan refers to “Tract C”.

## Moser Pass at Denali




7/18/2022

Moser Pass at Delani - Field Notes (Points)
Viewing Platform
Interpretive Signs

Moser Pass at Delani - Field Notes (Lines)
Approximate Trail

Moser Pass at Delani - Field Notes (Areas)
Approximate Site Boundaries

World Imagery

1:2,257

0 0.01 0.03 0.05 mi
0 0.02 0.04 0.08 km

Esri Community Maps Contributors, Oregon Metro, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

References

Altman, Bob, and Jaime L. Stephens. “Bird Habitat and Populations in Oak Ecosystems of the Pacific Northwest.” https://abcbirds.org/wp-content/uploads/2015/05/QuercusGuidePart1.pdf. Accessed 13 July 2022.

“Oak Woodlands – Oregon Conservation Strategy.” *Oregon Conservation Strategy*, https://oregonconservationstrategy.org/strategy-habitat/oak-woodlands/. Accessed 12 July 2022.

van Oss, Peter. *Tree Plan for J.T Roth Construction*. For Service At 22900 SW Murdock Street, Sherwood, OR. 4 April 2022.

## NOTES

1) THE FIELD SURVEY FOR THIS MAP WAS COMPLETED ON FEBRUARY 28, 2022.

2) ELEVATIONS AND CONTOURS ARE BASED ON WASHINGTON COUNTY BENCHMARK NUMBER 111. THE BENCHMARK IS A BRASS DISK LOCATED IN THE CURB NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF SUNSET COURT AND SHERWOOD BOULEVARD, IT HAS AN ELEVATION OF 213.55 FEET ON THE NGVD 1929 DATUM.

3) THE BASIS OF BEARINGS FOR THIS SURVEY IS ALONG THE WESTERLY PORTION OF THE SOUTHERLY BOUNDARY HOLDING THE RECORD BEARING PER SURVEY NUMBER 30340, WASHINGTON COUNTY SURVEY RECORDS.

4) THE RIGHT-OF-WAY WIDTHS WERE ESTABLISHED USING INFORMATION FROM RECORD SURVEYS AND THE COUNTY TAX ASSESSOR'S MAP.

5) THE EASEMENT SHOWN ON THIS MAP IS BASED ON THE TITLE REPORT, PREPARED BY FIDELITY NATIONAL TITLE COMPANY OF OREGON, WITH ORDER NUMBER 45142127388 AND WITH AN EFFECTIVE DATE OF SEPTEMBER 27, 2021 AT 8:00 AM.

6) THE UNDERGROUND UTILITIES ARE BASED ON THE MARKINGS PER LOCATE TICKET NUMBERS 22014261, 22027040, 22027041, 22027042 AND 22027044.

7) THE MAJORITY OF THE PROPERTY EAST OF HOUSE IS COVERED WITH DENSE BRUSH. IT WAS NOT POSSIBLE TO DEFINE ALL OF THE SLOPE BREAKS IN THESE AREAS AND THE CONTOURS ARE APPROXIMATE.

## UTILITY STATEMENT

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

## STORM SEWER INFORMATION

SD12 CONCRETE CULVERT INLET
12" I.E. = 252.04'

SD13 CONCRETE CULVERT OUTFALL
12" I.E. = 251.71'

SD14 CATCH BASIN
RIM = 240.81'
12" I.E. OUT (W) = 236.3'

SD15 CONCRETE CULVERT INLET
12" I.E. = 237.26'

SD16 MANHOLE
RIM = 231.99'
12" I.E. IN (S) = 227.8'
12" I.E. IN (NE) = 227.7'
PLUGGED 12" I.E. IN (W) = 227.8'
12" I.E. OUT (N) = 227.6'

SD17 CATCH BASIN
RIM = 231.36'
12" I.E. OUT (SW) = 228.1'

SCALE 1" = 30 FEET

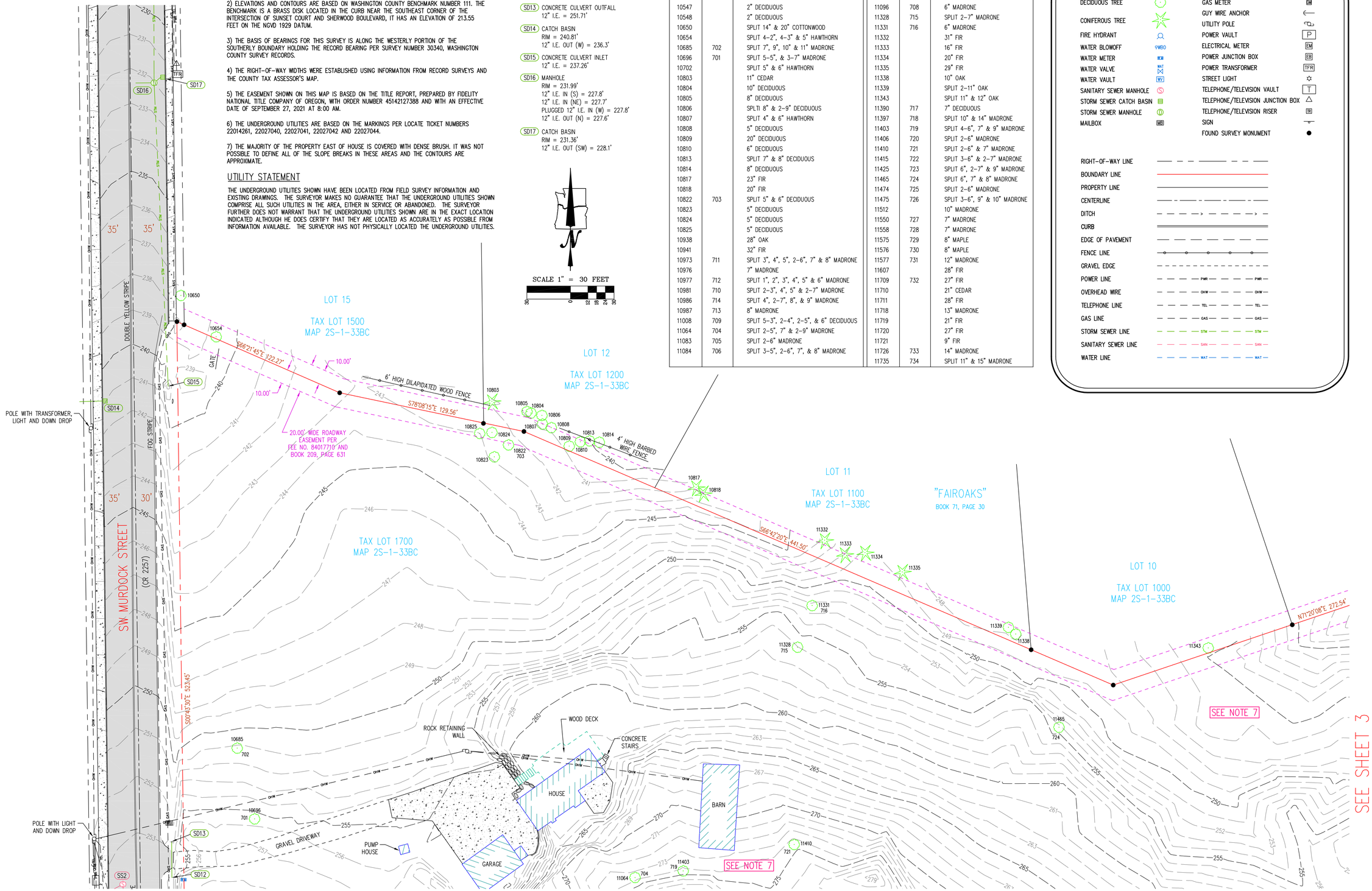
## TREE INFORMATION

| TREE # | TAG # | DESCRIPTION |
|---|---|---|
| 10546 | | 2" DECIDUOUS |
| 10547 | | 2" DECIDUOUS |
| 10548 | | 2" DECIDUOUS |
| 10650 | | SPLIT 14" & 20" COTTONWOOD |
| 10654 | | SPLIT 4-2", 4-3" & 5" HAWTHORN |
| 10685 | 702 | SPLIT 7", 9", 10" & 11" MADRONE |
| 10696 | 701 | SPLIT 5-5", & 3-7" MADRONE |
| 10702 | | SPLIT 5" & 6" HAWTHORN |
| 10803 | | 11" CEDAR |
| 10804 | | 10" DECIDUOUS |
| 10805 | | 8" DECIDUOUS |
| 10806 | | SPLTI 8" & 2-9" DECIDUOUS |
| 10807 | | SPLIT 4" & 6" HAWTHORN |
| 10808 | | 5" DECIDUOUS |
| 10809 | | 20" DECIDUOUS |
| 10810 | | 6" DECIDUOUS |
| 10813 | | SPLIT 7" & 8" DECIDUOUS |
| 10814 | | 8" DECIDUOUS |
| 10817 | | 23" FIR |
| 10818 | | 20" FIR |
| 10822 | 703 | SPLIT 5" & 6" DECIDUOUS |
| 10823 | | 5" DECIDUOUS |
| 10824 | | 5" DECIDUOUS |
| 10825 | | 5" DECIDUOUS |
| 10938 | | 28" OAK |
| 10941 | | 32" FIR |
| 10973 | 711 | SPLIT 3", 4", 5", 2-6", 7" & 8" MADRONE |
| 10976 | | 7" MADRONE |
| 10977 | 712 | SPLIT 1", 2", 3", 4", 5" & 6" MADRONE |
| 10981 | 710 | SPLIT 2-3", 4", 5" & 2-7" MADRONE |
| 10986 | 714 | SPLIT 4", 2-7", 8", & 9" MADRONE |
| 10987 | 713 | 8" MADRONE |
| 11008 | 709 | SPLIT 5-3", 2-4", 2-5", & 6" DECIDUOUS |
| 11064 | 704 | SPLIT 2-5", 7" & 2-9" MADRONE |
| 11083 | 705 | SPLIT 2-6" MADRONE |
| 11084 | 706 | SPLIT 3-5", 2-6", 7", & 8" MADRONE |
| 11091 | 707 | SPLIT 2-3"& 6" MADRONE |
| 11096 | 708 | 6" MADRONE |
| 11328 | 715 | SPLIT 2-7" MADRONE |
| 11331 | 716 | 6" MADRONE |
| 11332 | | 31" FIR |
| 11333 | | 16" FIR |
| 11334 | | 20" FIR |
| 11335 | | 29" FIR |
| 11338 | | 10" OAK |
| 11339 | | SPLIT 2-11" OAK |
| 11343 | | SPLIT 11" & 12" OAK |
| 11390 | 717 | 7" DECIDUOUS |
| 11397 | 718 | SPLIT 10" & 14" MADRONE |
| 11403 | 719 | SPLIT 4-6", 7" & 9" MADRONE |
| 11406 | 720 | SPLIT 2-6" MADRONE |
| 11410 | 721 | SPLIT 2-6" & 7" MADRONE |
| 11415 | 722 | SPLIT 3-6" & 2-7" MADRONE |
| 11425 | 723 | SPLIT 6", 2-7" & 9" MADRONE |
| 11465 | 724 | SPLIT 6", 7" & 8" MADRONE |
| 11474 | 725 | SPLIT 2-6" MADRONE |
| 11475 | 726 | SPLIT 3-6", 9" & 10" MADRONE |
| 11512 | | 10" MADRONE |
| 11550 | 727 | 7" MADRONE |
| 11558 | 728 | 7" MADRONE |
| 11575 | 729 | 8" MAPLE |
| 11576 | 730 | 8" MAPLE |
| 11577 | 731 | 12" MADRONE |
| 11607 | | 28" FIR |
| 11709 | 732 | 27" FIR |
| 11710 | | 21" CEDAR |
| 11711 | | 28" FIR |
| 11718 | | 13" MADRONE |
| 11719 | | 21" FIR |
| 11720 | | 27" FIR |
| 11721 | | 9" FIR |
| 11726 | 733 | 14" MADRONE |
| 11735 | 734 | SPLIT 11" & 15" MADRONE |

## LEGEND

DECIDUOUS TREE
CONIFEROUS TREE
FIRE HYDRANT
WATER BLOWOFF (WBO)
WATER METER (WM)
WATER VALVE (WV)
WATER VAULT (WV)
SANITARY SEWER MANHOLE (S)
STORM SEWER CATCH BASIN
STORM SEWER MANHOLE
MAILBOX (MB)
GAS METER (GM)
GUY WIRE ANCHOR
UTILITY POLE
POWER VAULT (P)
ELECTRICAL METER (EM)
POWER JUNCTION BOX (EB)
POWER TRANSFORMER (TFR)
STREET LIGHT
TELEPHONE/TELEVISION VAULT (T)
TELEPHONE/TELEVISION JUNCTION BOX
TELEPHONE/TELEVISION RISER (TB)
SIGN
FOUND SURVEY MONUMENT

RIGHT-OF-WAY LINE
BOUNDARY LINE
PROPERTY LINE
CENTERLINE
DITCH
CURB
EDGE OF PAVEMENT
FENCE LINE
GRAVEL EDGE
POWER LINE (PWR)
OVERHEAD WIRE (OHW)
TELEPHONE LINE (TEL)
GAS LINE (GAS)
STORM SEWER LINE (STM)
SANITARY SEWER LINE (SAN)
WATER LINE (WAT)




NORTHWEST SURVEYING, INC.
1815 NW 169th PLACE, SUITE 2090
BEAVERTON, OR 97006
PH: (503) 848-2127 FAX: (503) 848-2179
EMAIL: nwsurveying@nwsrvy.com

LOCATED IN THE NW 1/4 OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M., CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

# TOPOGRAPHIC SURVEY
## 22900 SW MURDOCK STREET
## SHERWOOD, OREGON
TAX LOT 1700 — TAX MAP 2S-1-33BC

DRAWING NO.: 2400 TOPO
SCALE: AS NOTED
DRAWING GENERATED BY LD2004
DRAWN BY: CDW
CHECKED BY: CHS

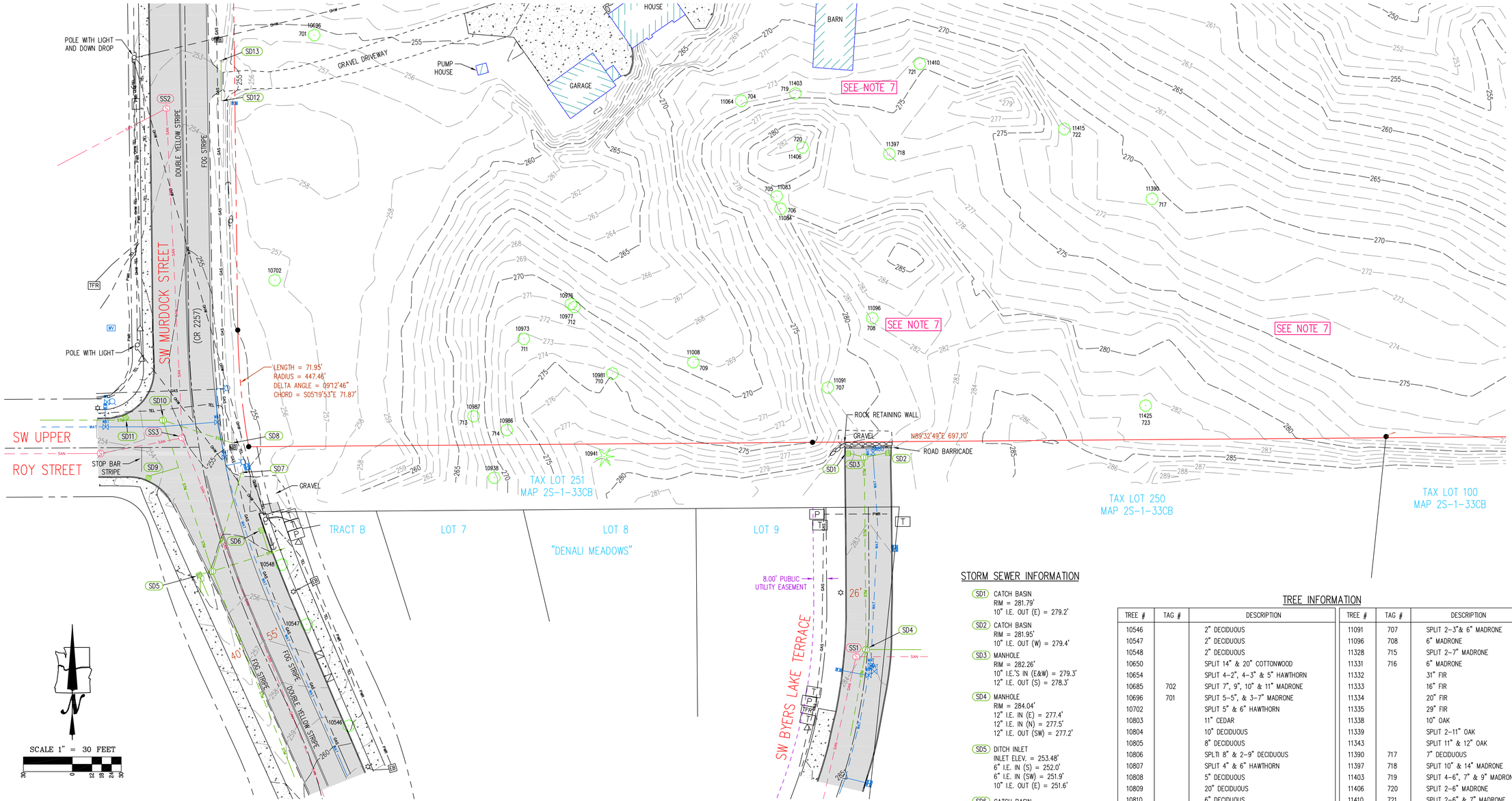
**PREPARED FOR:**
J.T. ROTH CONSTRUCTION
12600 SW 72ND AVENUE,
SUITE 200
PORTLAND, OR 97223

REVISIONS:
INITIAL RELEASE: MAR. 7, 2022

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS
RENEWS: 06/30/22

JOB NUMBER
2400

SHEET
1 OF 3




## LEGEND

| | | | |
|---|---|---|---|
| DECIDUOUS TREE | GAS METER | RIGHT-OF-WAY LINE | TELEPHONE LINE |
| CONIFEROUS TREE | GUY WIRE ANCHOR | BOUNDARY LINE | GAS LINE |
| FIRE HYDRANT | UTILITY POLE | PROPERTY LINE | STORM SEWER LINE |
| WATER BLOWOFF | POWER VAULT | CENTERLINE | SANITARY SEWER LINE |
| WATER METER | ELECTRICAL METER | DITCH | WATER LINE |
| WATER VALVE | POWER JUNCTION BOX | CURB | |
| WATER VAULT | POWER TRANSFORMER | EDGE OF PAVEMENT | |
| SANITARY SEWER MANHOLE | STREET LIGHT | FENCE LINE | |
| STORM SEWER CATCH BASIN | TELEPHONE/TELEVISION VAULT | GRAVEL EDGE | |
| STORM SEWER MANHOLE | TELEPHONE/TELEVISION JUNCTION BOX | POWER LINE | |
| MAILBOX | TELEPHONE/TELEVISION RISER | OVERHEAD WIRE | |
| | SIGN | | |
| | FOUND SURVEY MONUMENT | | |

## STORM SEWER INFORMATION

- SD1 CATCH BASIN
  RIM = 281.79'
  10" I.E. OUT (E) = 279.2'
- SD2 CATCH BASIN
  RIM = 281.95'
  10" I.E. OUT (W) = 279.4'
- SD3 MANHOLE
  RIM = 282.26'
  10" I.E.'S IN (E&W) = 279.3'
  12" I.E. OUT (S) = 278.3'
- SD4 MANHOLE
  RIM = 284.04'
  12" I.E. IN (E) = 277.4'
  12" I.E. IN (N) = 277.5'
  12" I.E. OUT (SW) = 277.2'
- SD5 DITCH INLET
  INLET ELEV. = 253.48'
  6" I.E. IN (S) = 252.0'
  6" I.E. IN (SW) = 251.9'
  10" I.E. OUT (E) = 251.6'
- SD6 CATCH BASIN
  RIM = 254.64'
  10" I.E. OUT (S) = 252.7'
- SD7 CONCRETE CULVERT INLET
  PLUGGED 12" I.E. = 253.00'
- SD8 CONCRETE CULVERT INLET
  12" I.E. = 252.64'
- SD9 CATCH BASIN
  RIM = 253.22'
  10" I.E. OUT (E) = 251.6'
- SD10 MANHOLE
  RIM = 254.64'
  12" I.E. IN (E) = 250.9'
  12" I.E. IN (S) = 250.8'
  12" I.E. OUT (W) = 250.6'
- SD11 CATCH BASIN
  RIM = 253.49'
  12" I.E. OUT (S) = 251.1'
- SD12 CONCRETE CULVERT INLET
  12" I.E. = 252.04'
- SD13 CONCRETE CULVERT OUTFALL
  12" I.E. = 251.71'

## SANITARY SEWER INFORMATION

- SS1 MANHOLE
  RIM = 283.95'
  8" I.E. IN (E) = 275.9'
  8" I.E. OUT (SW) = 275.8'
- SS2 MANHOLE
  RIM = 253.51'
  8" I.E. IN (S) = 245.7'
  8" I.E. OUT (SW) = 245.5'
- SS3 MANHOLE
  RIM = 254.98'
  8" I.E. IN (SE) = 248.1'
  8" I.E. IN (W) = 248.1'
  8" I.E. OUT (N) = 247.9'

## TREE INFORMATION

| TREE # | TAG # | DESCRIPTION | TREE # | TAG # | DESCRIPTION |
|---|---|---|---|---|---|
| 10546 | | 2" DECIDUOUS | 11091 | 707 | SPLIT 2-3"& 6" MADRONE |
| 10547 | | 2" DECIDUOUS | 11096 | 708 | 6" MADRONE |
| 10548 | | 2" DECIDUOUS | 11328 | 715 | SPLIT 2-7" MADRONE |
| 10650 | | SPLIT 14" & 20" COTTONWOOD | 11331 | 716 | 6" MADRONE |
| 10654 | | SPLIT 4-2", 4-3" & 5" HAWTHORN | 11332 | | 31" FIR |
| 10685 | 702 | SPLIT 7", 9", 10" & 11" MADRONE | 11333 | | 16" FIR |
| 10696 | 701 | SPLIT 5-5", & 3-7" MADRONE | 11334 | | 20" FIR |
| 10702 | | SPLIT 5" & 6" HAWTHORN | 11335 | | 29" FIR |
| 10803 | | 11" CEDAR | 11338 | | 10" OAK |
| 10804 | | 10" DECIDUOUS | 11339 | | SPLIT 2-11" OAK |
| 10805 | | 8" DECIDUOUS | 11343 | | SPLIT 11" & 12" OAK |
| 10806 | | SPLTI 8" & 2-9" DECIDUOUS | 11390 | 717 | 7" DECIDUOUS |
| 10807 | | SPLIT 4" & 6" HAWTHORN | 11397 | 718 | SPLIT 10" & 14" MADRONE |
| 10808 | | 5" DECIDUOUS | 11403 | 719 | SPLIT 4-6", 7" & 9" MADRONE |
| 10809 | | 20" DECIDUOUS | 11406 | 720 | SPLIT 2-6" MADRONE |
| 10810 | | 6" DECIDUOUS | 11410 | 721 | SPLIT 2-6" & 7" MADRONE |
| 10813 | | SPLIT 7" & 8" DECIDUOUS | 11415 | 722 | SPLIT 3-6" & 2-7" MADRONE |
| 10814 | | 8" DECIDUOUS | 11425 | 723 | SPLIT 6", 2-7" & 9" MADRONE |
| 10817 | | 23" FIR | 11465 | 724 | SPLIT 6", 7" & 8" MADRONE |
| 10818 | | 20" FIR | 11474 | 725 | SPLIT 2-6" MADRONE |
| 10822 | 703 | SPLIT 5" & 6" DECIDUOUS | 11475 | 726 | SPLIT 3-6", 9" & 10" MADRONE |
| 10823 | | 5" DECIDUOUS | 11512 | | 10" MADRONE |
| 10824 | | 5" DECIDUOUS | 11550 | 727 | 7" MADRONE |
| 10825 | | 5" DECIDUOUS | 11558 | 728 | 7" MADRONE |
| 10938 | | 28" OAK | 11575 | 729 | 8" MAPLE |
| 10941 | | 32" FIR | 11576 | 730 | 8" MAPLE |
| 10973 | 711 | SPLIT 3", 4", 5", 2-6", 7" & 8" MADRONE | 11577 | 731 | 12" MADRONE |
| 10976 | | 7" MADRONE | 11607 | | 28" FIR |
| 10977 | 712 | SPLIT 1", 2", 3", 4", 5" & 6" MADRONE | 11709 | 732 | 27" FIR |
| 10981 | 710 | SPLIT 2-3", 4", 5" & 2-7" MADRONE | 11710 | | 21" CEDAR |
| 10986 | 714 | SPLIT 4", 2-7", 8", & 9" MADRONE | 11711 | | 28" FIR |
| 10987 | 713 | 8" MADRONE | 11718 | | 13" MADRONE |
| 11008 | 709 | SPLIT 5-3", 2-4", 2-5", & 6" DECIDUOUS | 11719 | | 21" FIR |
| 11064 | 704 | SPLIT 2-5", 7" & 2-9" MADRONE | 11720 | | 27" FIR |
| 11083 | 705 | SPLIT 2-6" MADRONE | 11721 | | 9" FIR |
| 11084 | 706 | SPLIT 3-5", 2-6", 7", & 8" MADRONE | 11726 | 733 | 14" MADRONE |
| | | | 11735 | 734 | SPLIT 11" & 15" MADRONE |

# TOPOGRAPHIC SURVEY
## 22900 SW MURDOCK STREET
## SHERWOOD, OREGON
TAX MAP 2S-1-33BC
TAX LOT 1700

NORTHWEST SURVEYING, INC.
1815 NW 169th PLACE, SUITE 2090
BEAVERTON, OR 97006
PH: (503) 848-2127 FAX: (503) 848-2179
EMAIL: nwsurveying@nwsrvy.com

LOCATED IN THE NW 1/4 OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M., CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

DRAWING NO.: 2400 TOPO
SCALE: AS NOTED
DRAWING GENERATED BY LD2004
DRAWN BY: CDW
CHECKED BY: CHS

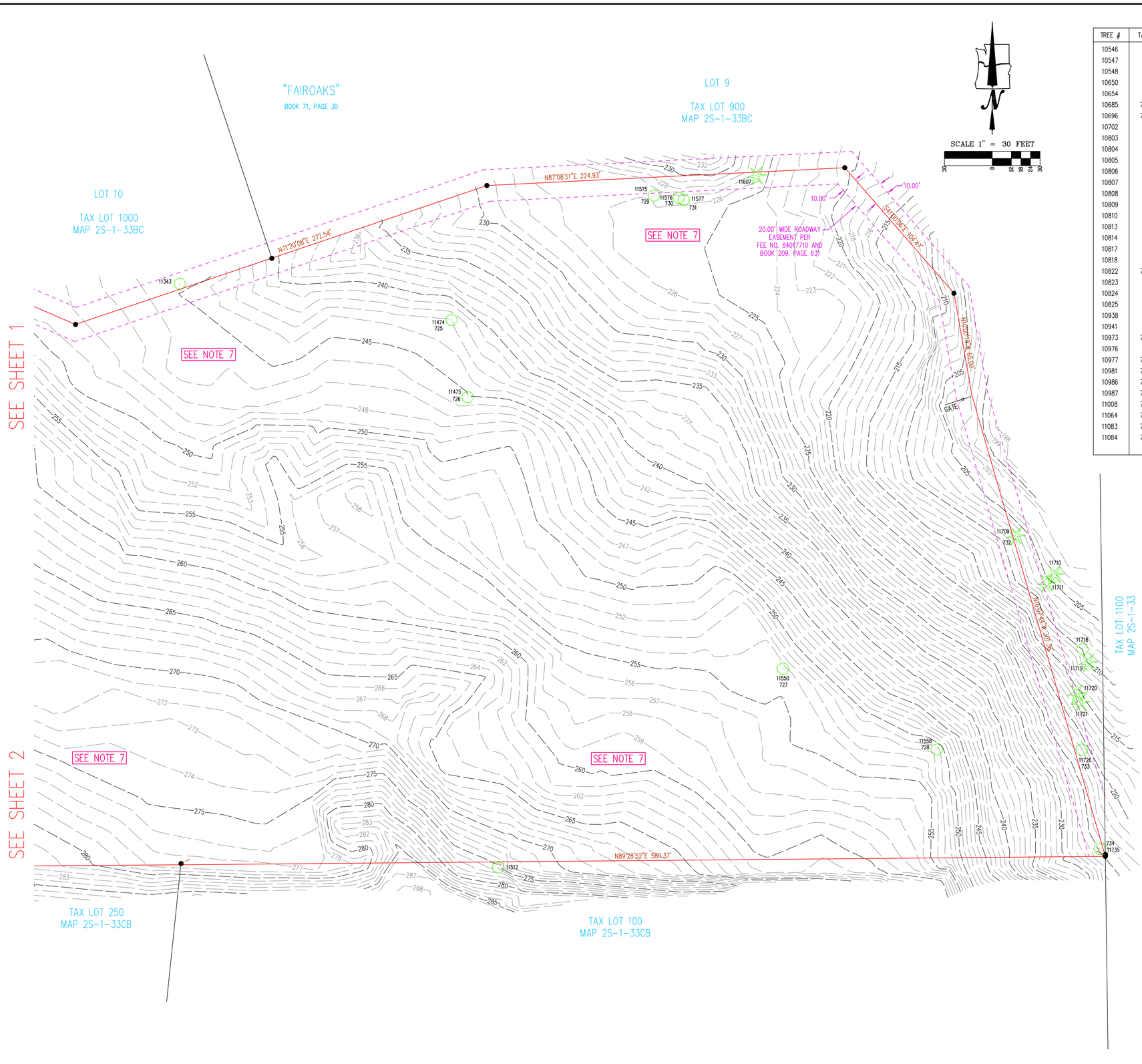
**PREPARED FOR:**
J.T. ROTH CONSTRUCTION
12600 SW 72ND AVENUE,
SUITE 200
PORTLAND, OR 97223

REVISIONS:
INITIAL RELEASE: MAR. 7, 2022

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS
RENEWS: 06/30/22

JOB NUMBER
2400

SHEET
2 OF 3




## TREE INFORMATION

| TREE # | TAG # | DESCRIPTION |
|---|---|---|
| 10546 | | 2" DECIDUOUS |
| 10547 | | 2" DECIDUOUS |
| 10548 | | 2" DECIDUOUS |
| 10650 | | SPLIT 14" & 20" COTTONWOOD |
| 10654 | | SPLIT 4-2", 4-3" & 5" HAWTHORN |
| 10685 | 702 | SPLIT 7", 9", 10" & 11" MADRONE |
| 10696 | 701 | SPLIT 5-5", & 3-7" MADRONE |
| 10702 | | SPLIT 5" & 6" HAWTHORN |
| 10803 | | 11" CEDAR |
| 10804 | | 10" DECIDUOUS |
| 10805 | | 8" DECIDUOUS |
| 10806 | | SPLTI 8" & 2-9" DECIDUOUS |
| 10807 | | SPLIT 4" & 6" HAWTHORN |
| 10808 | | 5" DECIDUOUS |
| 10809 | | 20" DECIDUOUS |
| 10810 | | 6" DECIDUOUS |
| 10813 | | SPLIT 7" & 8" DECIDUOUS |
| 10814 | | 8" DECIDUOUS |
| 10817 | | 23" FIR |
| 10818 | | 20" FIR |
| 10822 | 703 | SPLIT 5" & 6" DECIDUOUS |
| 10823 | | 5" DECIDUOUS |
| 10824 | | 5" DECIDUOUS |
| 10825 | | 5" DECIDUOUS |
| 10938 | | 28" OAK |
| 10941 | | 32" FIR |
| 10973 | 711 | SPLIT 3", 4", 5", 2-6", 7" & 8" MADRONE |
| 10976 | | 7" MADRONE |
| 10977 | 712 | SPLIT 1", 2", 3", 4", 5" & 6" MADRONE |
| 10981 | 710 | SPLIT 2-3", 4", 5" & 2-7" MADRONE |
| 10986 | 714 | SPLIT 4", 2-7", 8", & 9" MADRONE |
| 10987 | 713 | 8" MADRONE |
| 11008 | 709 | SPLIT 5-3", 2-4", 2-5", & 6" DECIDUOUS |
| 11064 | 704 | SPLIT 2-5", 7" & 2-9" MADRONE |
| 11083 | 705 | SPLIT 2-6" MADRONE |
| 11084 | 706 | SPLIT 3-5", 2-6", 7", & 8" MADRONE |
| 11091 | 707 | SPLIT 2-3"& 6" MADRONE |
| 11096 | 708 | 6" MADRONE |
| 11328 | 715 | SPLIT 2-7" MADRONE |
| 11331 | 716 | 6" MADRONE |
| 11332 | | 31" FIR |
| 11333 | | 16" FIR |
| 11334 | | 20" FIR |
| 11335 | | 29" FIR |
| 11338 | | 10" OAK |
| 11339 | | SPLIT 2-11" OAK |
| 11343 | | SPLIT 11" & 12" OAK |
| 11390 | 717 | 7" DECIDUOUS |
| 11397 | 718 | SPLIT 10" & 14" MADRONE |
| 11403 | 719 | SPLIT 4-6", 7" & 9" MADRONE |
| 11406 | 720 | SPLIT 2-6" MADRONE |
| 11410 | 721 | SPLIT 2-6" & 7" MADRONE |
| 11415 | 722 | SPLIT 3-6" & 2-7" MADRONE |
| 11425 | 723 | SPLIT 6", 2-7" & 9" MADRONE |
| 11465 | 724 | SPLIT 6", 7" & 8" MADRONE |
| 11474 | 725 | SPLIT 2-6" MADRONE |
| 11475 | 726 | SPLIT 3-6", 9" & 10" MADRONE |
| 11512 | | 10" MADRONE |
| 11550 | 727 | 7" MADRONE |
| 11558 | 728 | 7" MADRONE |
| 11575 | 729 | 8" MAPLE |
| 11576 | 730 | 8" MAPLE |
| 11577 | 731 | 12" MADRONE |
| 11607 | | 28" FIR |
| 11709 | 732 | 27" FIR |
| 11710 | | 21" CEDAR |
| 11711 | | 28" FIR |
| 11718 | | 13" MADRONE |
| 11719 | | 21" FIR |
| 11720 | | 27" FIR |
| 11721 | | 9" FIR |
| 11726 | 733 | 14" MADRONE |
| 11735 | 734 | SPLIT 11" & 15" MADRONE |

## LEGEND

| | | | |
|---|---|---|---|
| DECIDUOUS TREE | | GAS METER | GM |
| CONIFEROUS TREE | | GUY WIRE ANCHOR | |
| FIRE HYDRANT | | UTILITY POLE | |
| WATER BLOWOFF | WBO | POWER VAULT | P |
| WATER METER | WM | ELECTRICAL METER | EM |
| WATER VALVE | WAT | POWER JUNCTION BOX | EB |
| WATER VAULT | WV | POWER TRANSFORMER | TFR |
| SANITARY SEWER MANHOLE | S | STREET LIGHT | |
| STORM SEWER CATCH BASIN | | TELEPHONE/TELEVISION VAULT | T |
| STORM SEWER MANHOLE | | TELEPHONE/TELEVISION JUNCTION BOX | |
| MAILBOX | MB | TELEPHONE/TELEVISION RISER | TR |
| | | SIGN | |
| | | FOUND SURVEY MONUMENT | |

RIGHT-OF-WAY LINE
BOUNDARY LINE
PROPERTY LINE
CENTERLINE
DITCH
CURB
EDGE OF PAVEMENT
FENCE LINE
GRAVEL EDGE
POWER LINE — PWR —
OVERHEAD WIRE — OHW —
TELEPHONE LINE — TEL —
GAS LINE — GAS —
STORM SEWER LINE — STM —
SANITARY SEWER LINE — SAN —
WATER LINE — WAT —

NORTHWEST SURVEYING, INC.
1815 NW 169th PLACE, SUITE 2090
BEAVERTON, OR 97006
PH: (503) 848-2127 FAX: (503) 848-2179
EMAIL: nwsurveying@nwsrvy.com

LOCATED IN THE NW 1/4 OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M., CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

# TOPOGRAPHIC SURVEY
22900 SW MURDOCK STREET
SHERWOOD, OREGON
TAX LOT 1700
TAX MAP 2S-1-33BC

DRAWING NO.: 2400 TOPO
SCALE: AS NOTED
DRAWING GENERATED BY LD2004
DRAWN BY: CDW
CHECKED BY: CHS

**PREPARED FOR:**
J.T. ROTH CONSTRUCTION
12600 SW 72ND AVENUE,
SUITE 200
PORTLAND, OR 97223

REVISIONS:
INITIAL RELEASE: MAR. 7, 2022

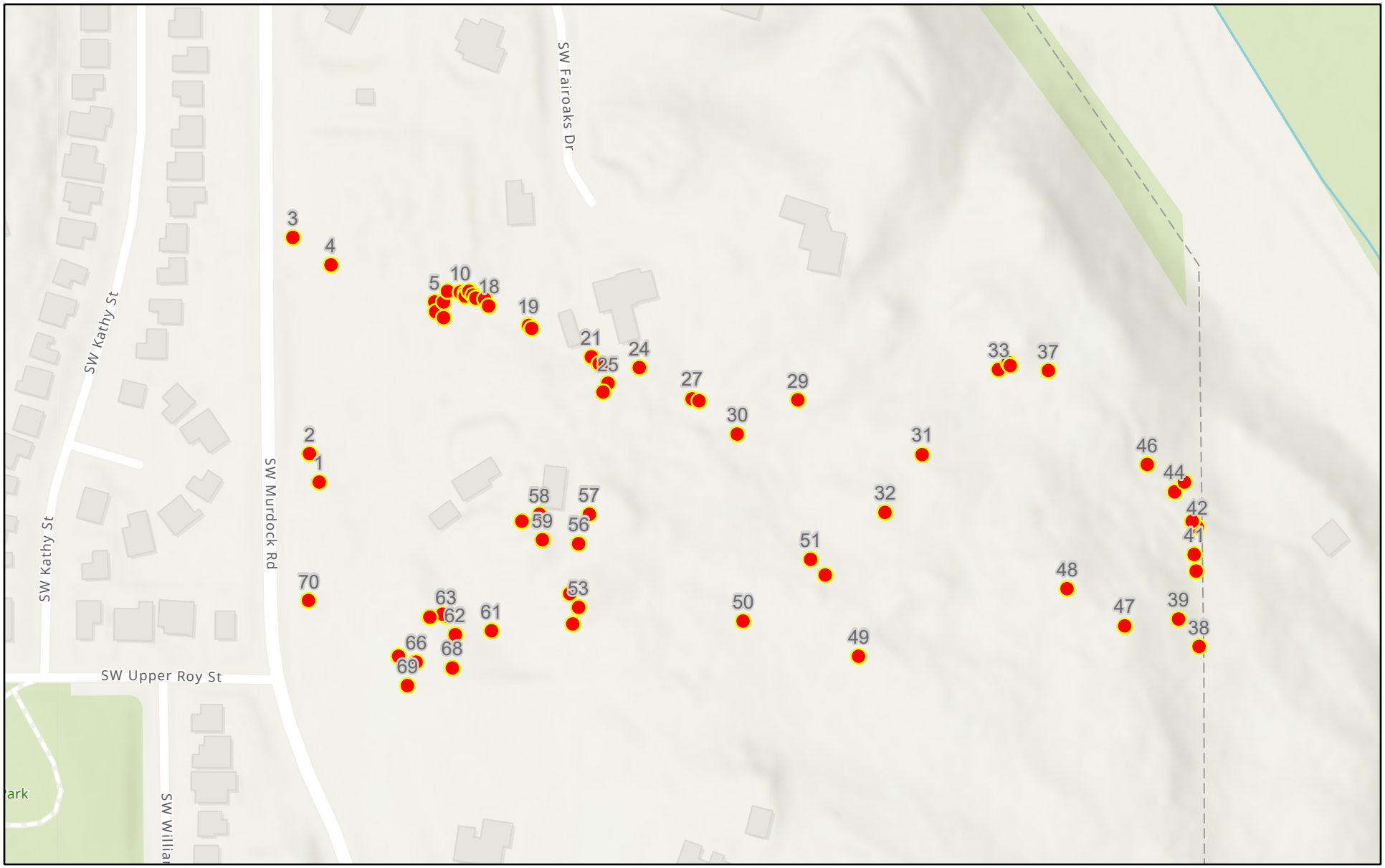
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS
RENEWS: 06/30/22

JOB NUMBER
2400

SHEET
3 OF 3

# 22900 SW Murdock DR

Exhibit A8




3/22/2022

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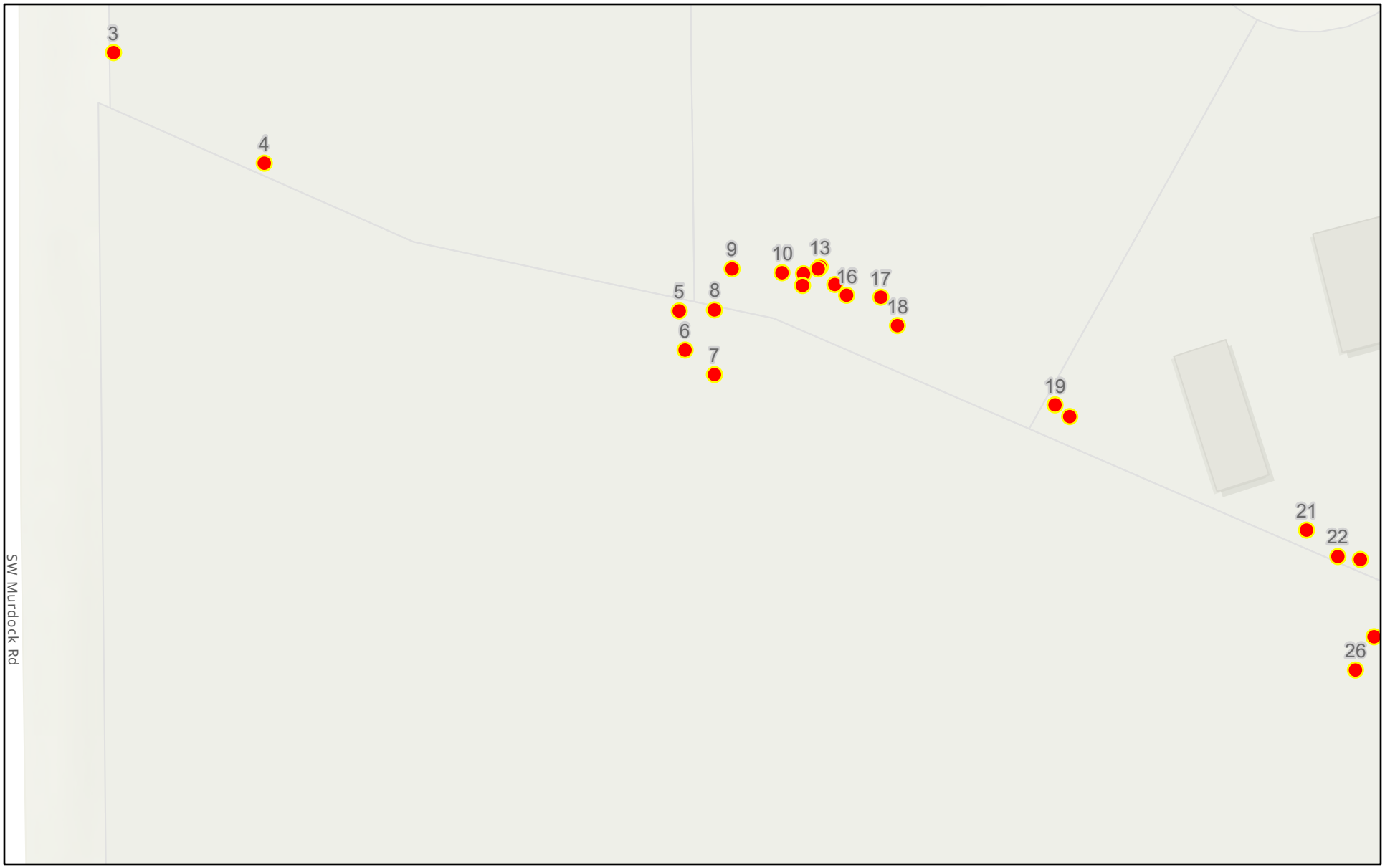
0 0.02 0.04 0.07 mi

0 0.03 0.06 0.12 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS,

# 22900 SW Murdock DR

Exhibit A8




3/22/2022

1:827

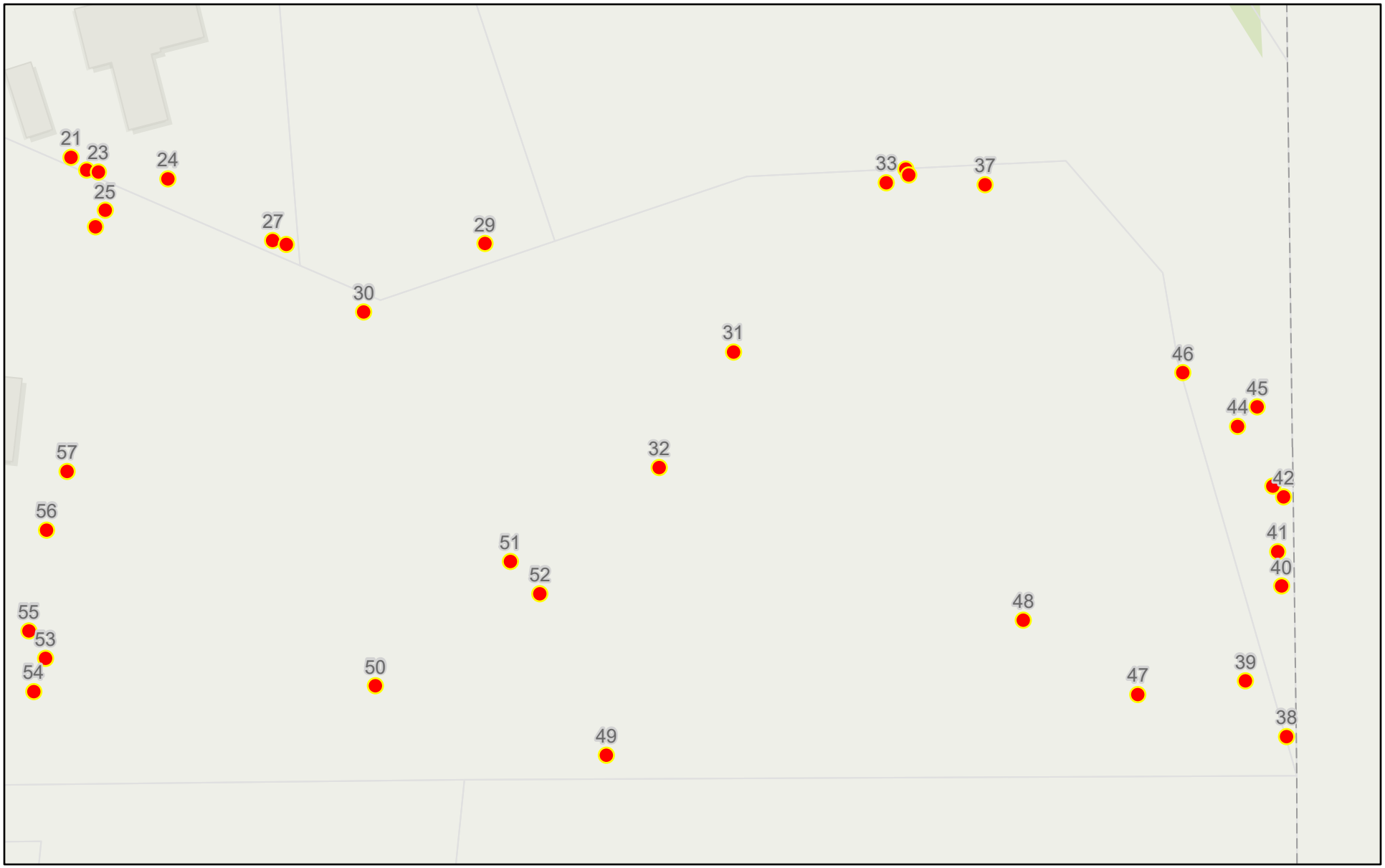
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0 0.01 0.01 0.03 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS,

Exhibit A8

# 22900 SW Murdock DR




3/22/2022

1:1,653

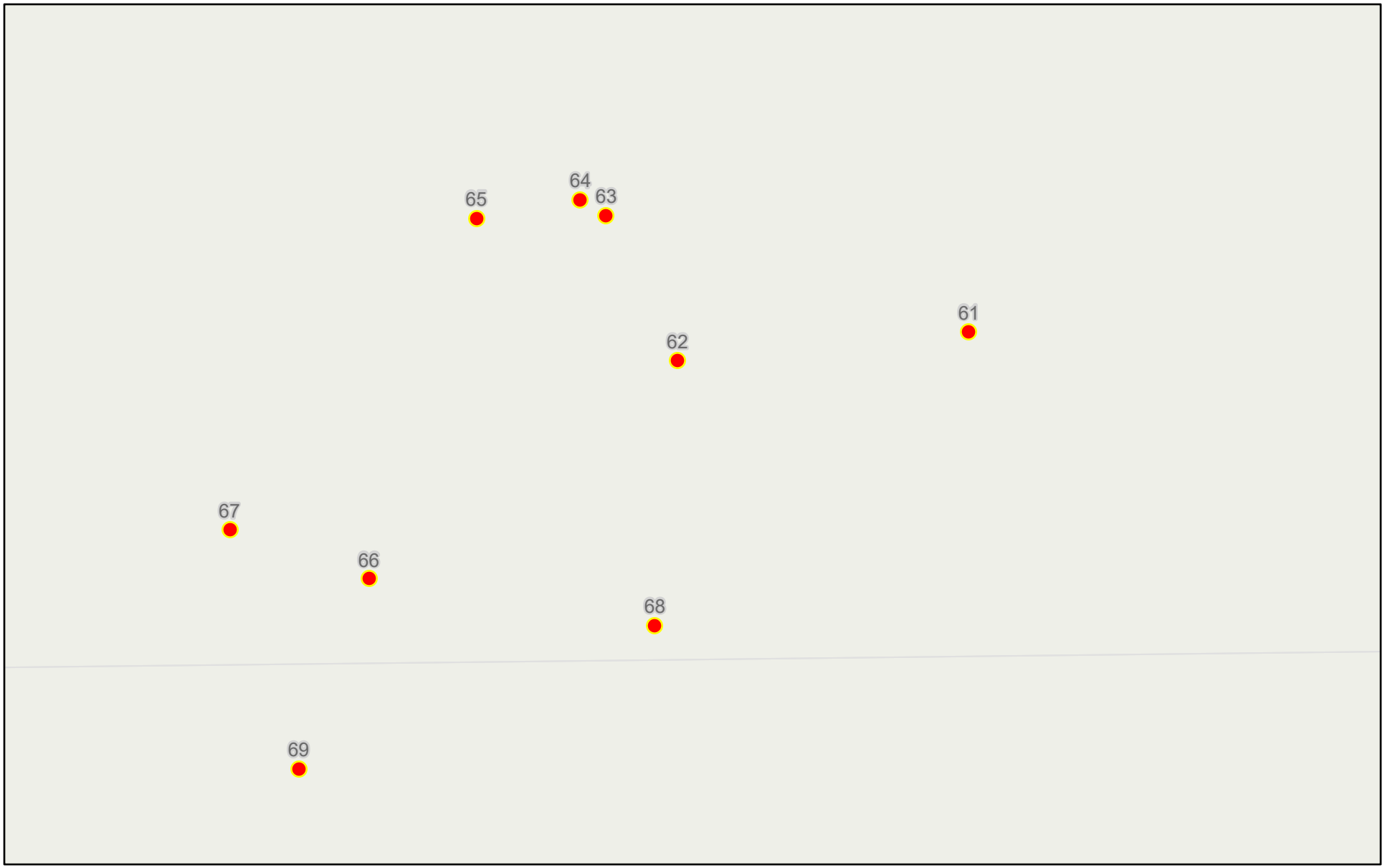
0 0.01 0.01 0.03 mi

0 0.01 0.03 0.06 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS,

Exhibit A8

# 22900 SW Murdock DR




3/22/2022

1:413

0 0 0 0.01 mi

0 0 0.01 0.01 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS,

| ObjectID | Survey # | Common Name | Scientific Name | DBH | Condition Health | Condition Structure | Canopy Diameter | Tree Height | Field Notes |
|---|---|---|---|---|---|---|---|---|---|
| 3 | 10650 | Cottonwood | Populus trichocarpa | 27.2 | Fair | Fair | 40 | 75 | Fungus |
| 4 | 10654 | English Hawthorne | Crataegus monogina | 7 | Good | Fair | 15 | 25 | |
| 2 | 10685 | Pacific Madrone | Arbutus menziesii | 20.9 | Fair | Fair | 30 | 35 | Fungus |
| 1 | 10696 | Pacific Madrone | Arbutus menziesii | 13.5 | Poor | Fair | 25 | 30 | Fungus |
| 70 | 10702 | Oregon White Oak | Quercus garryana | 9 | Good | Poor | 15 | 15 | |
| 9 | 10803 | Incense Cedar | Calocedrus decurrens | 10 | Good | Good | 15 | 30 | |
| 11 | 10804 | Sweet Cherry | Prunus avium | 17.3 | Fair | Fair | 25 | 35 | |
| 10 | 10805 | Sweet Cherry | Prunus avium | 10 | Good | Fair | 20 | 30 | |
| 13 | 10806 | Sweet Cherry | Prunus avium | 6 | Fair | Fair | 15 | 35 | |
| 12 | 10807 | English Hawthorne | Crataegus monogina | 9 | Fair | Fair | 15 | 35 | |
| 14 | 10808 | Sweet Cherry | Prunus avium | 5 | Fair | Fair | 15 | 35 | |
| 15 | 10809 | Sweet Cherry | Prunus avium | 24 | Poor | Fair | 35 | 65 | |
| 16 | 10810 | Sweet Cherry | Prunus avium | 5 | Poor | Fair | 7 | 20 | |
| 17 | 10813 | Sweet Cherry | Prunus avium | 5 | Poor | Fair | 7 | 20 | |
| 18 | 10814 | Sweet Cherry | Prunus avium | 11.8 | Poor | Fair | 25 | 35 | |
| 19 | 10817 | Douglas Fir | Pseudotsuga menziesii | 22 | Poor | Very_Poor | 30 | 75 | Dying large amount of crown die-back |
| 20 | 10818 | Douglas Fir | Pseudotsuga menziesii | 17 | Fair | Fair | 30 | 75 | |
| 7 | 10822 | Sweet Cherry | Prunus avium | 7.8 | Good | Good | 17 | 25 | |
| 6 | 10823 | Sweet Cherry | Prunus avium | 5 | Good | Good | 12 | 25 | |
| 8 | 10824 | Sweet Cherry | Prunus avium | 5.6 | Good | Good | 17 | 25 | |
| 5 | 10825 | Sweet Cherry | Prunus avium | 5 | Good | Good | 12 | 25 | |
| 69 | 10938 | Oregon White Oak | Quercus garryana | 29 | Good | Good | 45 | 95 | |
| 68 | 10941 | Douglas Fir | Pseudotsuga menziesii | 35 | Good | Fair | 35 | 95 | |
| 65 | 10973 | Pacific Madrone | Arbutus menziesii | 15 | Poor | Poor | 25 | 18 | Fungus |
| 64 | 10976 | Pacific Madrone | Arbutus menziesii | 11 | Dead | Poor | 25 | 18 | Fungus |
| 63 | 10977 | Pacific Madrone | Arbutus menziesii | 17 | Fair | Poor | 25 | 18 | Fungus |
| 62 | 10981 | Pacific Madrone | Arbutus menziesii | 12 | Fair | Poor | 25 | 18 | Fungus |
| 66 | 10986 | Pacific Madrone | Arbutus menziesii | 17.8 | Fair | Poor | 25 | 18 | Fungus |
| 67 | 10987 | Pacific Madrone | Arbutus menziesii | 17.8 | Poor | Very_Poor | 25 | 18 | Fungus >50% Dead |
| 61 | 11008 | Dec. | | 12 | Fair | Poor | 25 | 18 | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 60 | 11064 | Pacific Madrone | Arbutus menziesii | 15 | Good | Fair | 35 | 18 | Fungus |
| 55 | 11084 | Pacific Madrone | Arbutus menziesii | 11 | Good | Fair | 18 | 18 | Fungus |
| 54 | 11091 | Pacific Madrone | Arbutus menziesii | 7 | Good | Fair | 23 | 18 | Fungus |
| 53 | 11096 | Pacific Madrone | Arbutus menziesii | 9 | Good | Fair | 23 | 18 | Fungus |
| 26 | 11328 | Pacific Madrone | Arbutus menziesii | 12 | Good | Fair | 35 | 20 | Fungus |
| 25 | 11331 | Pacific Madrone | Arbutus menziesii | 12 | Fair | Good | 35 | 20 | |
| 21 | 11332 | Douglas Fir | Pseudotsuga menziesii | 36 | Good | Fair | 40 | 95 | |
| 22 | 11333 | Douglas Fir | Pseudotsuga menziesii | 16 | Good | Fair | 18 | 95 | |
| 23 | 11334 | Douglas Fir | Pseudotsuga menziesii | 21 | Good | Fair | 35 | 95 | |
| 24 | 11335 | Douglas Fir | Pseudotsuga menziesii | 32 | Poor | Poor | 35 | 95 | |
| 28 | 11338 | Oregon White Oak | Quercus garryana | 10 | Good | Fair | 35 | 55 | |
| 27 | 11339 | Oregon White Oak | Quercus garryana | 15.6 | Good | Fair | 35 | 55 | |
| 29 | 11343 | Oregon White Oak | Quercus garryana | 10 | Good | Fair | 35 | 55 | |
| 52 | 11390 | English Hawthorne | Crataegus monogina | 10 | Fair | Fair | 15 | 35 | |
| 56 | 11397 | Pacific Madrone | Arbutus menziesii | 22 | Good | Fair | 35 | 18 | Fungus |
| 58 | 11403 | Pacific Madrone | Arbutus menziesii | 18.7 | Good | Fair | 35 | 18 | Fungus |
| 59 | 11406 | Pacific Madrone | Arbutus menziesii | 15 | Good | | 35 | 18 | Fungus |
| 57 | 11410 | Pacific Madrone | Arbutus menziesii | 15 | Good | Fair | 35 | 18 | |
| 51 | 11415 | Pacific Madrone | Arbutus menziesii | 10 | Fair | Good | 30 | 35 | Fungus |
| 50 | 11425 | Pacific Madrone | Arbutus menziesii | 12 | Fair | Good | 30 | 35 | |
| 30 | 11465 | Pacific Madrone | Arbutus menziesii | 15 | Good | Fair | 35 | 25 | Fungus |
| 31 | 11474 | Pacific Madrone | Arbutus menziesii | 16.5 | Poor | Poor | 35 | 25 | |
| 32 | 11475 | Pacific Madrone | Arbutus menziesii | 10 | Fair | Poor | 35 | 25 | Fungus |
| 49 | 11512 | Pacific Madrone | Arbutus menziesii | 12 | Fair | Good | 30 | 35 | Fungus |
| 48 | 11550 | Pacific Madrone | Arbutus menziesii | 16 | Good | Good | 15 | 15 | Fungus |
| 47 | 11558 | Pacific Madrone | Arbutus menziesii | 14 | Good | Good | 15 | 15 | |
| 33 | 11575 | Bigleaf Maple | Acer macrophyllum | 10 | Poor | Poor | 15 | 25 | |
| 35 | 11576 | Bigleaf Maple | Acer macrophyllum | 10 | Poor | Poor | 15 | 25 | |
| 36 | 11577 | Pacific Madrone | Arbutus menziesii | 14 | Fair | Fair | 15 | 30 | Fungus |
| 37 | 11607 | Douglas Fir | Pseudotsuga menziesii | 34 | Poor | Very_Poor | 30 | 90 | Dying large amount of crown die-back |
| 46 | 11709 | Douglas Fir | Pseudotsuga menziesii | 21 | Good | Good | 35 | 95 | |
| 45 | 11710 | Douglas Fir | Pseudotsuga menziesii | 21 | Good | Good | 35 | 115 | |
| 44 | 11711 | Douglas Fir | Pseudotsuga menziesii | 28 | Good | Good | 30 | 110 | |
| 43 | 11718 | Pacific Madrone | Arbutus menziesii | 13 | Fair | Fair | 35 | 25 | Fungus |
| 42 | 11719 | Douglas Fir | Pseudotsuga menziesii | 21 | Fair | Fair | 30 | 95 | |
| 41 | 11720 | Douglas Fir | Pseudotsuga menziesii | 27 | Poor | Poor | 30 | 90 | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 40 | 11721 | Douglas Fir | Pseudotsuga menziesii | 9 | Fair | Fair | 15 | 65 | |
| 39 | 11726 | Pacific Madrone | Arbutus menziesii | 14 | Fair | Fair | 30 | 25 | Fungus |
| 38 | 11735 | Pacific Madrone | Arbutus menziesii | 19 | Fair | Fair | 30 | 25 | Fungus |

# VICINITY MAP – 22900 SW Murdock Rd.



Exhibit A10

| | |
|---|---|
| Washington County, Oregon | **2021-129211** |
| **D-DW** | |
| Stn=7 C LOUCKS | **12/17/2021 10:22:01 AM** |
| $20.00 $11.00 $5.00 $60.00 $4,180.00 | **$4,276.00** |

I, Joe Nelson, 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.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

**RECORDING REQUESTED BY:**

Fidelity National Title
Company of Oregon

900 SW 5th Avenue
Portland, OR 97204

**GRANTOR'S NAME:**
Delores A. Moser as Trustee of the LeRoy J. Moser and Delores A. Moser Family Trust, executed the 17th day of August, 1994

**GRANTEE'S NAME:**
J.T. Roth Construction, Inc., an Oregon corporation

**AFTER RECORDING RETURN TO:**
**Order No.:** 45142127388-SG
J.T. Roth Construction, Inc., an Oregon corporation
12600 SW 72nd Avenue, Suite 200
Tigard, OR 97223

**SEND TAX STATEMENTS TO:**
J.T. Roth Construction, Inc., an Oregon corporation
12600 SW 72nd Avenue, Suite 200
Tigard, OR 97223

FIDELITY NATIONAL TITLE 45142127388 - 01 - COMM

**SPACE ABOVE THIS LINE FOR RECORDER'S USE**

# STATUTORY WARRANTY DEED

Delores A. Moser as Trustee of the LeRoy J. Moser and Delores A. Moser Family Trust, executed the 17th day of August, 1994, Grantor, conveys and warrants to J.T. Roth Construction, Inc., an Oregon corporation, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Washington, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FOUR MILLION ONE HUNDRED EIGHTY THOUSAND AND NO/100 DOLLARS **($4,180,000.00)**. (See ORS 93.030).

**Subject to and excepting:**

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

**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.**

# STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: December 13, 2021

LeRoy J. Moser and Delores A. Moser Family Trust, executed the 17th day of August, 1994

By: Delores A. Moser
Delores A. Moser
Trustee

State of Oregon
County of Clackamas

This instrument was acknowledged before me on December 15, 2021 by Delores A. Moser as Trustee of the LeRoy J. Moser and Delores A. Moser Family Trust, executed the 17th day of August, 1994.

Samuel Goold
Notary Public - State of Oregon
My Commission Expires: January 12, 2025

OFFICIAL STAMP
SAMUEL GOOLD
NOTARY PUBLIC - OREGON
COMMISSION NO. 1007880
MY COMMISSION EXPIRES JANUARY 12, 2025

# EXHIBIT "A"

Legal Description

All that portion of the Southwest quarter of the Northwest quarter of Section 33, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, which lies South of the center line of line of a 20 foot roadway and which center line an described as follows:

Beginning at an iron pipe, which is in the center of a county road and which pipe is 703 feet, more or less, South of the Northwest corner of the Southwest quarter of the Northwest quarter of Section 33, Township 2, South, Range 1 West of the Willamette Meridian; running thence South 65° 31' East a distance of 155.3 feet; thence South 77° 23' East a distance of 129.5 feet; thence South 65° 55' East a distance of 441.5 feet; thence North 72° 07' East a distance of 272.5 feet; thence North 87° 57' East a distance of 225.0 feet; thence South 40° 13 East a distance of 104.4 feet; thence South 9° 09' East a distance of 65.0 feet; thence in a straight line a distance of 300 feet, more or less, to the Southeast corner of the Southwest quarter of the Northwest quarter of said Section 33, Township 2 South, Range 1 West of the Willamette Meridian, in City of Sherwood, County of Washington and State of Oregon.

# EXHIBIT "B"
Exceptions

**Subject to and excepting:**

City Liens, if any, in favor of the City of Sherwood. None found as of recording.

Rights of the public to any portion of the Land lying within the area commonly known as

streets roads and highways.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

| | |
|---|---|
| Granted to: | Adjacent property owners |
| Purpose: | Road |
| Recording Date: | July 22, 1942 |
| Recording No: | Book 209, Page 631 |
| Affects: | The North 10 feet |

Exhibit A11

Washington County, Oregon **2021-129212**
D-M
Stn=7 C LOUCKS **12/17/2021 10:22:01 AM**
$85.00 $5.00 $11.00 $5.00 $60.00 **$166.00**

I, Joe Nelson, 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.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

After Recording Return To:
Community Financial Corporation
412 A Ave Ste 150
Lake Oswego OR 97034

Fidelity National Title of Oregon 45142127388-01-COMM

Escrow/Title No: 45142127388

Tax Account Nos. R558168

Loan No. 400 4514 5

**(LINE OF CREDIT TRUST DEED)[1]**

**OREGON COMMERCIAL DEED OF TRUST**
**AND SECURITY AGREEMENT**
**LAND DEVELOPMENT AND/OR CONSTRUCTION**

The maximum principal amount to be advanced is TWO MILLION FIVE HUNDRED THOUSAND and NO/100 Dollars ($2,500,000.00); however, this Deed of Trust secures all other indebtedness evidenced by the Secured Obligations (as defined below) or created in connection herewith, including contingent or unliquidated liabilities, without any limitation thereon. The maximum principal amount to be advanced hereunder may be exceeded by advances pursuant to ORS 86.155(2)(c) to complete construction on the Property (defined below), plus accrued interest charges, costs, and fees allowed by law. The Secured Obligations are intended as a "credit agreement" within the meaning of ORS 86.155 and mature on JANUARY 1, 2023.

**DATED:** DECEMBER 9, 2021

**GRANTOR:** **J.T. ROTH CONSTRUCTION, INC, AN OREGON CORPORATION**
12600 SW 72ND AVENUE #200
TIGARD, OREGON 97223 **HEREIN "BORROWER"**

**TRUSTEE:** **FIDELITY NATIONAL TITLE COMPANY OF OREGON**
900 SW 5TH AVENUE
PORTLAND, OREGON 97204 **HEREIN "TRUSTEE"**

**BENEFICIARY:** **COMMUNITY FINANCIAL CORPORATION, an Oregon corporation**
412 A Avenue, Suite 150
Lake Oswego, Oregon 97034 **HEREIN "LENDER"**

THIS DEED OF TRUST WITNESSETH:

THAT for good and valuable consideration, the receipt of which is hereby acknowledged, Borrower does hereby irrevocably GRANT, BARGAIN, TRANSFER, SELL, CONVEY, WARRANT AND ASSIGN TO TRUSTEE, IN TRUST, WITH POWER OF SALE, that real property in the County of WASHINGTON, State of Oregon, more particularly described on Exhibit A attached hereto and incorporated herein by reference.

TOGETHER WITH the following described estate, property and rights of Borrower (herein collectively called the "Property") as security for the performance of each covenant and agreement of Borrower contained herein and in all other instruments executed in connection herewith, and for the payment of all sums of money secured hereby:

1. All of Borrower's legal and equitable right, title and interest in and to all of the following property of every kind and description (whether now or hereafter existing or acquired) that is attached to, erected upon, forming a part of, appurtenant to, situated in or upon, derived from, used or useful in the construction, completion, repair, maintenance, renovation, rehabilitation, alteration or operation of, or arising from the use, occupancy or enjoyment of, or in any way related to or in connection with, all or any portion of such real property, all of which shall be deemed part of the realty and not severable wholly or in part without material injury to the freehold:

   a. All the estate and rights of Borrower now held and hereafter acquired in and to land lying in streets, roads, and rights of way adjoining such real property, and all access rights and easements appertaining thereto;

   b. All rents, issues, profits, royalties, income, leases, subleases, leasehold estates, cash, prepaid rentals, security or other tenant deposits and other payments of similar nature;

[1] NOTE: This Deed of Trust is denominated a Line of Credit Trust Deed to comply with ORS 86.155 and is sometimes referred to herein as "Instrument."

c. All appurtenances, tenements, hereditaments, reversionary rights, sidewalks, alleys, strips and gores, easements, options to purchase, licenses, rights of first refusal, mineral, oil and gas, and water rights and shares of stock evidencing the same;

d. All buildings, improvements, structures, fixtures, equipment, machinery, furniture, goods, supplies and other tangible personal property;

e. All inventory, accounts, documents, instruments, general intangibles, deposit accounts, and contract rights; and

f. All contract, tort, insurance, insurance proceeds, condemnation and other claims and proceeds, demands, settlement awards, damages, judgments or other similar rights.

INCLUDING, WITHOUT IN ANY WAY LIMITING ANY OF THE FOREGOING, all plans, specifications, drawings, surveys, tests, studies, licenses, permits, certificates of need, samples, forms, construction contracts, building materials, rights to further encumber any of such property, patents, copyrights, trademarks, deposit accounts, prepayments, bonds, goodwill, shrubbery, landscaping, tools, accessories, tax refunds, return premiums, utility deposits, refunds and rebates, fire sprinklers, alarm systems, heating, ventilating and air conditioning systems, refrigerators and refrigeration equipment, electronic monitoring, cable and internet systems or equipment, entertainment and recreational materials, window or structural cleaning rigs, pest extermination equipment and supplies, lobby furniture, indoor and outdoor furniture, tables, chairs, planters, desks, sofas, shelves, lockers, cabinets, wall beds, wall safes, appliances, ranges, utensils, ice boxes, fans, heaters, water heaters, incinerators, boilers, rugs, carpets, floor and window coverings, draperies, drapery rods and brackets, awnings, window shades, venetian blinds, curtains, lamps, chandeliers and other lighting fixtures, fuel, sanitation and drainage equipment and systems, laundry equipment, plumbing, sinks, toilets, showers and bathtubs, radios, televisions, antennae, screens, swimming pool equipment, vehicles, fittings and parts.

TOGETHER WITH all accessions and additions to, and all modifications, replacements, substitutions, products and proceeds of the foregoing. It is the intent of the parties that the description above be interpreted as broadly as possible.

2. If Grantor is not the Borrower under any Notes payable to Lender, "Borrower" may also refer to the maker of any and all Notes or other obligations secured hereby.

TO HAVE AND TO HOLD the Property bargained and described forever as security for the faithful performance of the Secured Obligations (defined below) and as security for the faithful performance of each and all of the covenants, agreements, terms and conditions of this Deed of Trust, and in all other instruments executed in connection herewith, SUBJECT HOWEVER, to the right, power and authority given to and conferred upon Lender to collect and apply the above described rents, issues, and profits.

**COVENANTS.** Borrower and Lender covenant and agree as follows:

1. **Obligations Secured and Covenants of Title.** This Deed of Trust is made for the purpose of securing the performance of each agreement of Borrower herein and in the Construction or other Loan Agreement and the Commitment between Borrower and Lender (the "Loan Agreement") relating hereto and the following instruments executed in connection therewith (if applicable): (1) one or more Promissory Note(s), including additional, replacements, or substitutions thereof (the "Note"); (2) the Assignment of Sales Agreements, Leases and Rents; (3) the Loan Agreement; (4) the Assignment of Construction Contract, Engineer Contract and Permits, and the UCC-1 Financing Statement, all of which constitute the ("Related Documents") between Lender and Borrower; (5) all renewals, extensions, modifications, substitutions and consolidations of the Note, together with all future advances made to Borrower by Lender, its successors and assigns, under the Note or pursuant to the terms of this Deed of Trust or the Loan Agreement or any other instruments and agreements executed in connection with or to secure the Note; and (6) any and all other obligations of Borrower to Lender, its successors and assigns, now existing and hereafter arising and which are at any time specifically declared by Lender in writing to be secured by these presents or which specifically indicate in the instruments which evidence the same that they are intended to be so secured.

   All of the foregoing constitute the "Secured Obligations."

   Borrower covenants that Borrower is lawfully seized of the interest hereby conveyed and has the right to grant, convey and assign the Property, that the Property is unencumbered, except as specifically provided in Exhibit B attached hereto and by this reference incorporated herein, and that Borrower will warrant and defend generally the title to the Property against all claims and demands subject to the exceptions listed in Exhibit B hereto.

2. **Timely Payment and Performance.** Borrower shall promptly pay when due and timely perform all Secured Obligations, including without limitation payment of all the principal of and interest on the indebtedness evidenced by the Note, any default and late charges provided in the Note, and all other sums secured by this Instrument.

   Borrower shall promptly pay when due all lawful taxes and assessments upon the Property. Should Borrower fail to pay any taxes, assessments, insurance premiums, liens or other charges payable by Borrower, Lender may pay the same and the amount so paid with interest at the rate set forth in the Note secured hereby shall be added to and become a part of the debt secured by this Instrument. Lender shall not be required or obligated to make any such payments on behalf of Borrower and has no duty to do so.

3. **Funds for Taxes and Insurance.** If Lender shall request in writing, Borrower shall pay to Lender on the day monthly installments of interest are payable under the Note (or on another day designated in writing by Lender), until the Secured Obligations are paid in full, a sum (herein "Funds") equal to one twelfth ($1/12^{th}$) of: (a) the yearly taxes and assessments which have been or may be levied on the Property; (b) the yearly premium installments for fire and other hazard insurance and such other insurance as Lender may require. Any waiver by Lender of a requirement that Borrower pay such Funds directly may be revoked by Lender, in Lender's sole discretion, at any time upon notice in writing to Borrower.

Lender may require Borrower to pay to Lender, in advance, such other Funds for other taxes, assessments, charges, premiums, association assessments, and impositions of a similar nature, as well as water, sewer, and any other charges in connection with the Property or chargeable against Borrower which Lender shall reasonably deem necessary to protect Lender's interests (herein "Other Impositions"). Unless otherwise provided by applicable law, Lender may require Funds for Other Impositions to be paid by Borrower in a lump sum or in periodic installments, at Lender's option.

The Funds shall be held in an institution(s) of Lender's choice, the deposits or accounts of which are insured or guaranteed by FDIC. Lender shall apply the Funds to pay such rates, rents, taxes, assessments, insurance premiums and Other Impositions so long as Borrower is not in breach of any covenant or agreement of Borrower in this Instrument. Lender shall make no charge for so holding and applying the Funds, analyzing such account or for verifying and compiling such assessments and bills. If Lender requires the Funds to be established, the Funds may be commingled and invested with Lender's own funds or may be deposited in a non interest-bearing account, or an account bearing interest for Lender. The Funds are pledged as additional security for the sums secured by this Instrument.

If the amount of the Funds held by Lender at the time of the annual accounting therefor shall exceed the amount deemed necessary by Lender to provide for the payment of taxes, assessments, insurance premiums, and Other Impositions, as they fall due, such excess shall be credited to Borrower by Lender in a manner determined by Lender in its sole discretion. If at any time the amount of the Funds held by Lender shall be less than the amount deemed necessary by Lender to pay taxes, assessments, insurance premiums, and Other Impositions, as they fall due, Borrower shall pay to Lender any amount necessary to make up the deficiency within thirty (30) days after notice from Lender to Borrower requesting payment thereof.

Upon Borrower's breach of any covenant or agreement of Borrower in this Instrument, Lender may apply, in any amount and in any order as Lender shall determine in Lender's sole discretion, any Funds held by Lender at the time of application (a) to pay taxes, assessments, insurance premiums and Other Impositions which are now or will hereafter become due, or (b) as a credit against the other Secured Obligations. Upon payment and performance in full of all Secured Obligations, Lender shall refund to Borrower any excess Funds held by Lender.

Notwithstanding anything in this Section 3 to the contrary, Lender shall not require the payment of such Funds so long as there has been no delinquency in the payment of any taxes, assessments, or insurance premiums relating to the Property and no other default under the Secured Obligations or this Instrument.

4. **Application of Payments.** Unless applicable law provides otherwise, all payments received by Lender from Borrower and/or anyone obligated with Borrower to Lender under the Secured Obligations or this Instrument shall be applied by Lender in the following order of priority: (a) amounts payable to Lender by Borrower under Section 3 and any amounts Lender may be required to pay to lien claimants or the holders of any other encumbrance(s) against the Property to protect its security interest hereof; (b) interest payable on the Note; (c) interest payable on advances made pursuant to Section 10 hereof; (d) principal of advances made to protect Lender's security interest or pursuant to Section 10 hereof; (e) principal of the Note; and (f) any other sums secured by this Instrument in such order as Lender, at Lender's option, may determine.

5. **Charges; Liens.** Borrower shall pay all water, sewer and other charges, taxes, assessments, insurance premiums, and Other Impositions attributable to the Property at Lender's option in the manner provided under Section 3 hereof or, if not paid in such manner, by Borrower making payment, when due, directly to the payee thereof, or in such other manner as Lender may designate in writing. Borrower shall promptly furnish to Lender all notices of amounts due under this Section 5, and in the event Borrower shall make payment directly, Borrower shall promptly furnish to Lender receipts evidencing such payments. Borrower shall promptly discharge any lien which has, or may have, priority over or equality with, the lien of this Instrument, and Borrower shall pay, when due, the claims of all persons supplying labor or materials to or in connection with the Property. Without Lender's prior written permission, Borrower shall not allow any lien inferior to this Instrument to be perfected against the Property.

Borrower may withhold payment of any tax, assessment or claim in connection with a good faith dispute over the obligation to pay, so long as Lender's interest in the Property is not jeopardized. If a lien arises or is filed as a result of non-payment, Borrower shall within fifteen (15) days secure the discharge of the lien or deposit with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender in an amount sufficient to discharge the lien plus any costs, attorney fees or other charges that could accrue as a result of a foreclosure or sale under the lien.

If any federal, state or local tax to which this Section 5 applies is enacted subsequent to the date of this Instrument, enactment shall constitute a default and Lender may exercise any or all of the remedies available to it in the event of a default unless Borrower may lawfully pay the tax or charge imposed by the tax; and Borrower pays the tax or charge within thirty (30) days after notice from Lender that the tax law has been enacted.

6. **Insurance.** Borrower shall keep the improvements now existing or hereafter erected on the Property insured by carriers at all times satisfactory to Lender against loss by fire, hazards included within the term "extended coverage," rent loss, use and occupancy insurance, commercial general liability, and such other hazards, casualties, liabilities and contingencies as Lender shall require and in such amounts and for such periods as Lender shall require. Should the Property at any time become located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area, Borrower agrees to obtain and maintain flood insurance in the amount of the full unpaid balance of the Secured Obligations. Borrower shall provide workers' compensation insurance for its employees and shall require all contractors or others working on the Property to carry workers' compensation insurance in amounts required by law.

All premiums on insurance policies shall be paid, at Lender's option, in the manner provided under Section 3 hereof, or in such other manner as Lender may designate in writing.

All insurance policies and renewals thereof shall be in a form acceptable to Lender and shall include a standard mortgage clause in favor of and in form acceptable to Lender with loss payable to Lender. Prior to disbursement of any

loan funds and at least thirty (30) days prior to the expiration date of a policy, Borrower shall deliver or cause to be delivered to Lender certificates of coverage from each insurer confirming required coverage and containing a stipulation that coverage will not be cancelled, modified or diminished without a minimum of thirty (30) days' prior written notice to Lender; Borrower shall request in writing that each insurer deliver to Lender a certified copy of the policies or renewals thereof; and Borrower shall furnish Lender with a copy of such request. Borrower shall promptly furnish to Lender all renewal notices and all receipts of paid premiums.

In the event of loss, Borrower shall give immediate written notice to the insurance carrier and to Lender. Borrower hereby authorizes and empowers Lender as attorney-in-fact for Borrower to make proof of loss, to adjust and compromise any claim under insurance policies, to appear in and prosecute any action arising from such insurance policies, to collect and receive insurance proceeds, and to deduct therefrom Lender's expenses incurred in the collection of such proceeds; provided however, that nothing contained in this Section 6 shall require Lender to incur any expense or take any action hereunder. Borrower further authorizes Lender, at Lender's option, (a) to hold the balance of such proceeds to be used to reimburse Borrower for the cost of reconstruction or repair of the Property or (b) to apply the balance of such proceeds to the payment of the sums secured by this Instrument, whether or not then due, in the order of application set forth in Section 4 hereof.

If the insurance proceeds are held by Lender to reimburse Borrower for the cost of restoration and repair of the Property, the Property shall be restored to the equivalent of its original condition or such other condition as Lender may approve in writing. Lender may, at Lender's option, condition disbursement of such proceeds on Lender's approval of such plans and specifications of an architect satisfactory to Lender, contractor cost estimates, architect's certificates, waivers of liens, sworn statements of mechanics and materialmen and such other evidence of costs, percentage completion of construction, application of payments, and satisfaction of liens as Lender may reasonably require. If the insurance proceeds are applied to the payment of the sums secured by this Instrument, any such application of proceeds to principal shall not extend or postpone the due dates of the monthly installments and other payments referred to in this Instrument or in the Note unless Borrower and Lender otherwise agree in writing. If the Property is sold or if Lender acquires title to the Property, Lender shall have all of the right, title and interest of Borrower in and to any insurance policies and unearned premiums thereon and in and to the proceeds resulting from any damage to the Property prior to such sale or acquisition.

**7. Hazardous Use and Materials.**

**a. Compliance with Laws.** Borrower further represents, warrants, and covenants that:

(1) The Property, if developed, has been developed, and all improvements, if any, have been constructed and maintained, in full compliance with all applicable laws, statutes, ordinances, regulations, and codes of all federal, state, and local governments (collectively "Laws"), and all covenants, conditions, easements, and restrictions affecting the Property (collectively "Covenants"); and

(2) Borrower and its operations upon the Property currently comply, and will hereafter comply in all material respects with all applicable Laws and Covenants.

**b. Definitions; Environmental Covenants; Warranties and Compliance.** Borrower further represents, warrants, and covenants that:

(1) For purposes of this section, "Environmental Law" means any federal, state, or local law, statute, ordinance, or regulation pertaining to Hazardous Substances, health, industrial hygiene, land use, wetlands, surface or subsurface conditions, mining, or environmental conditions, including, but not limited to, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 USC §§9601-9675, and the Resource Conservation and Recovery Act of 1976 ("RCRA"), as amended, 42 USC §§6901-6992.

(2) For the purposes of this section, "Hazardous Substance" includes without limitation:

(a) All "hazardous substances" designated under 40 CFR Part 302, ORS 465.200(9), RCW 70.105.010(14), or any similar regulation now existing or hereafter promulgated;

(b) All "hazardous wastes" within the meaning of 40 CFR §261.3, ORS 466.005(7), RCW 70.105.010(15), or any similar regulation now existing or hereafter promulgated;

(c) All "extremely hazardous substances" listed in 40 CFR Part 355, RCW 70.105.010(5), or any similar regulation now existing or hereafter promulgated;

(d) All "hazardous chemicals" as defined under 29 CFR §1910.1200(c) or any similar regulation now existing or hereafter promulgated;

(e) All "toxic chemicals" listed in 40 CFR Part 372 or any similar regulation now existing or hereafter promulgated;

(f) Those substances defined as "hazardous" or "toxic" in the Hazardous Materials Transportation Act, 49 USC §§1801-1819 or in any amendment thereto, or listed in 49 CFR Part 172 or any similar regulation now existing or hereafter promulgated;

(g) All materials, wastes, and substances that are designated as a "hazardous substance" pursuant to Section 311 of the Clean Water Act, 33 USC §§1251-1387 (33 USC §1321) or listed pursuant to Section 3076 of the Clean Water Act (33 USC §1317);

(h) All materials, substances, and wastes that are or which contain (i) asbestos; (ii) polychlorinated biphenyls; (iii) explosives, except such explosives as are used during construction in accordance with law; (iv) petroleum, and any fractions thereof; or (v) radioactive materials; and

(i) Such other substances, materials, and wastes that are or become regulated or classified as hazardous or toxic under federal, state, or local laws or regulations.

(3) Borrower will not use, generate, manufacture, treat, produce, store, release, discharge, or dispose of on, under or about the Property or the Property's groundwater, or transport to or from the Property, any Hazardous Substance, and will not permit any other person to do so, except for such Hazardous Substances that may be used in the ordinary course of Borrower's business and in compliance with all Environmental Laws, including but not limited to those relating to licensure, notice, and recordkeeping.

(4) Borrower will keep and maintain the Property in compliance with, and shall not cause or permit all or any portion of the Property, including groundwater, to be in violation of any Environmental Law.

(5) Borrower shall, and hereby agrees to, hold Lender, its trustees, beneficiaries, directors, officers, employees, agents, successors, and assigns, harmless from, indemnify them for, and defend them against any and all losses, damages, liens, costs, expenses, and liabilities directly or indirectly arising out of or attributable to any violation of any Environmental Law, any breach of Borrower's warranties in this Section 7, or the use, generation, manufacture, production, storage, release, threatened release, discharge, disposal, or presence of a Hazardous Substance on, under, or about the Property, including, but not limited to, the costs of any required repair, restoration, cleanup, containment, or detoxification of the Property or any other land, site, property or resource, the preparation and implementation of any closure, remedial or other required plans, attorney fees and costs (including but not limited to those incurred in any proceeding and in any review or appeal), fees, penalties, and fines.

(6) Borrower represents and warrants to Lender that:

(a) Neither the Property nor Borrower is in violation of or subject to any existing, pending, or threatened investigation by any governmental authority under any Environmental Law.

(b) Borrower has not and is not required by any Environmental Law to obtain any permit or license other than those it has obtained to construct or use the Improvements.

(c) No Hazardous Substance has ever been used, generated, manufactured, treated, produced, stored, released, discharged, or disposed of on, under, or about the Property in violation of any Environmental Law.

(7) All representations, warranties, and covenants in Subsections (5) and (6) shall survive the satisfaction of the Borrower's repayment of the Secured Obligation, the reconveyance of the trust estate, or the foreclosure of this Instrument by any means.

8. **Preservation and Maintenance of Property.** Borrower (a) shall neither conduct or permit any nuisance nor commit waste or permit impairment or deterioration of the Property; (b) shall not abandon the Property; (c) shall keep the Property in good condition and repair and shall restore or repair promptly and in a good and workmanlike manner all or any part of the Property to the equivalent of its original condition, or such other condition as Lender may approve in writing, in the event of any damage, injury or loss thereto, whether or not insurance proceeds are available to cover in whole or in part the costs of such restoration or repair; (d) shall keep the Property, including without limitation, improvements, fixtures, goods, equipment, machinery, goods and appliances thereon in good repair and shall replace fixtures, equipment, machinery, and appliances on the Property when necessary to keep such items in good repair; (e) shall comply with all laws, ordinances, regulations, covenants, conditions and restrictions, and requirements of any governmental body applicable to the use or occupancy of the Property and will hold Lender harmless against any violations thereof; (f) shall not commit, suffer or permit any act upon such Property in violation of law; (g) shall cultivate, irrigate, fertilize, prune and do all other acts which from the character or use of the Property may be reasonably necessary, the specific enumeration herein not excluding the general; (h) shall, if Lender requests, provide for professional management of the Property by a property manager satisfactory to Lender pursuant to a contract approved by Lender in writing; (i) shall generally operate and maintain the Property in a manner to insure maximum rentals (if applicable); and (j) shall give notice in writing to Lender of any action or proceeding and, unless otherwise directed in writing by Lender, appear in and defend Borrower and Lender in any action or proceedings purporting to affect the Property, the security of this Instrument, or the rights or powers of Lender. Neither Borrower nor any tenant or other person shall remove, demolish or alter any improvement now existing or hereafter erected on the Property or any fixture, equipment, machinery, or appliance in or on the Property except when incident to its replacement with item of like kind. Improvements shall include all existing and future buildings, structures, parking facilities and other improvements.

If the terms of this Instrument and the Secured Obligations provide that the loan or loans granted thereby or any part thereof is being obtained for the purpose of financing construction of improvements on the Property, Borrower further agrees:

(x) To commence any construction promptly and to pursue construction with reasonable diligence to completion in accordance with plans and specifications satisfactory to Lender;

(y) To allow Lender to inspect the Property at all times during construction; and

(z) To comply with all terms of this Instrument and the Secured Obligations regarding construction on the Property.

9. **Zoning and Allowed Use of Property.** Unless required by applicable law or unless Lender has otherwise agreed in writing, Borrower shall not allow changes in the use for which all or any part of the Property was intended at the time this Instrument was executed. Borrower shall not initiate or acquiesce in a change in the zoning or land use classification, or approve a Local Improvement District assessment of the Property without Lender's prior written consent.

10. **Protection of Lender's Security.** Borrower shall not permit any lien, mortgage or encumbrance prior, equal or inferior to the lien of this Instrument to be imposed or perfected upon the Property without the express prior written consent of Lender. If a lien arises or is filed as a result of non-payment, Borrower shall within fifteen (15) days secure the discharge of the lien or deposit with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender in an amount sufficient to discharge the lien plus any costs, attorney fees or other charges that could accrue as a result of a foreclosure or sale under the lien. If (a) Borrower fails to perform the covenants and agreements contained in this Instrument, or (b) a legal proceeding that might significantly affect Lender's interest in the Property and/or rights under this Instrument is commenced that affects the Property or title thereto or the interest of Lender therein, including, but not limited to, eminent domain, insolvency, code enforcement, or proceedings involving a bankrupt or decedent, or (c) Borrower has abandoned the Property, then Lender may do and pay for whatever is reasonable or appropriate to protect Lender's interest in the Property and rights under this Instrument, including protecting and/or assessing the value of the Property, and securing and/or repairing the Property. Lender's actions can include, but are not limited to: (a) paying any sums secured by a lien which has priority over this Instrument; (b) appearing in court; (c) paying reasonable attorney fees to protect its interest in the Property and/or rights under this Instrument, including its secured position in a bankruptcy proceeding; and (d) procuring satisfactory insurance as required herein. Lender, at its sole option, may demand reimbursement for any and all such expenses and may bring an action for repayment, or treat the payment(s) as an advance secured hereby. Securing the Property includes, but is not limited to, entering the Property to make repairs or complete any construction or other work, protect against weather damage, change locks, replace or board up doors and windows, drain water from pipes, eliminate building or other code violations or dangerous conditions, and have utilities turned on or off. Although Lender may take action under this Section 10, Lender is not required to do so and is not under any duty or obligation to do so. It is agreed that Lender incurs no liability for not taking any or all actions authorized under this Section 10.

Any amounts disbursed by Lender pursuant to this Section 10, with interest thereon at the applicable Note rate, shall become additional indebtedness of Borrower secured by this Instrument and may be separately accounted for from the loan balance at Lender's discretion. The fact that a computerized accounting system does not separately account for the amounts disbursed by Lender under this section, does not determine how Lender elects to treat repayment of such amounts by Borrower. Unless Borrower and Lender agree to other terms of payment, such amounts shall be immediately due and payable and shall bear interest from the date of disbursement at the applicable Note rate unless collection from Borrower of interest at such rate would be contrary to applicable law. Borrower hereby covenants and agrees that Lender shall be subrogated to the lien of any mortgage or other lien discharged, in whole or in part, by the indebtedness secured hereby.

In the event of breach of any of the requirements of this Section 10, the Lender may, in addition to any other rights or remedies, at any time thereafter, declare the entire indebtedness secured hereby immediately due and payable.

11. **Inspections and Appraisals.** Lender may make or cause to be made reasonable entries upon the Property for the purposes of inspection of the Property and performing an appraisal. An appraisal may be required at any time at Lender's option and Borrower's expense.

12. **Books and Records.** Borrower shall keep and maintain at all times at Borrower's address stated below, or such other place as Lender may approve in writing, complete and accurate books of accounts and records in accordance with Generally Accepted Accounting Principles (or such other method as may be acceptable to Lender) adequate to reflect correctly the results of the operation of the Property and copies of all written contracts, leases and other instruments which affect the Property. Upon breach by Borrower of any covenant or agreement of Borrower in this Instrument and periodically but not more often than quarterly if Borrower is not in breach, such books, records, contracts, leases, and other instruments shall be subject to examination and inspection at any reasonable time by Lender, and shall be delivered to Lender, at Lender's request, together with a balance sheet, a statement of income and expenses of the Property and a statement of changes in financial position, each in reasonable detail and certified by Borrower and, if Lender shall require, by an independent certified public accountant, and together with a rent schedule for the Property, certified by Borrower, showing the name of each tenant, and for each tenant, the space occupied, the lease expiration date, the rent payable, and the rent paid.

13. **Condemnation.** Borrower shall promptly notify Lender of any action or proceeding relating to any condemnation, exercise of the power of eminent domain or other taking, whether direct or indirect, of the Property, or part thereof, and Borrower shall appear in and prosecute/defend any such action or proceeding unless otherwise agreed to by Lender and Borrower in writing. Borrower (notwithstanding that Lender may not be a party to any such proceeding) will promptly give Lender copies of notices, pleadings, judgments, determinations and other papers received by Borrower. If Borrower elects not to prosecute/defend any such action within fifteen (15) days after service on Borrower of a summons relating thereto from a court of competent jurisdiction, or if Borrower fails to notify Lender in writing of Borrower's election to prosecute/defend such action within such fifteen (15)-day period, Borrower authorizes Lender, at Lender's option, as attorney-in-fact for Borrower, to commence, appear in and prosecute, and be represented by counsel in Lender's or Borrower's name, any action or proceeding relating to any condemnation or other taking of the Property, or part thereof, whether direct or indirect, and to settle or compromise any claim in connection with such condemnation or other taking. The proceeds of any award, payment, or claim for damages, direct or consequential, in connection with any condemnation or other taking, whether direct or indirect, of the Property, or any part hereof, or for conveyances in lieu of condemnation, are hereby assigned to and shall be paid to Lender. Borrower will not enter into any agreement for the taking of all or a part of the Property, unless Lender shall have first consented thereto in writing.

Borrower authorizes Lender to apply such awards, payments, proceeds or damages, after the deduction of Lender's expenses incurred in the collection of such amounts, at Lender's option, to restoration or repair of the Property or to

payment of the sums secured by this Instrument, whether or not then due, in the order of application set forth in Section 4 hereof, with the balance, if any, to Borrower. Unless Borrower and Lender otherwise agree in writing, any application of proceeds to principal shall not extend or postpone the due date of the monthly installments and other payments referred to in this Instrument. Borrower agrees to execute such further evidence of assignment of any awards, proceeds, damages or claims arising in connection with such condemnation or taking as Lender may require.

14. **Borrower and Lien Not Released.** From time to time, Lender may, at Lender's option, extend the time for payment of Borrower's indebtedness to Lender or any part thereof, reduce the payments thereon, release anyone liable on any of such indebtedness, accept a renewal note or notes therefore, and/or accept additional security of any kind. Lender may also authorize the Trustee to release from the lien of this Instrument or impair any part of the Property, take or release other or additional security, reconvey any part of the Property, consent to any map or plan of the Property, consent to the granting of any easement, join in any extension, modification or subordination agreement. Lender can agree in writing with Borrower to modify the rate of interest or period of amortization of the Note, change the amount of the monthly installments payable thereunder, or change the maturity date of the indebtedness. All such actions by Lender may be taken without giving notice to or obtaining the consent of Grantor, Grantor's successors or assigns or of any junior lienholder or guarantors, without liability on Lender's part and notwithstanding Borrower's breach of any covenant or agreement of Borrower in this Instrument, and without affecting the lien or other rights of Lender with respect to any Property or other security not expressly released in writing. Further, any actions taken by Lender pursuant to the terms of this Section 14 shall not affect the obligation of Borrower or Borrower's successors or assigns to pay the sums secured by this Instrument and to observe the covenants of Borrower contained herein, shall not affect the guaranty of any person, corporation, partnership or other entity for payment of the indebtedness secured hereby, and shall not affect the lien or priority of lien hereof on the Property. Borrower shall pay Lender a reasonable service charge, together with such title insurance premiums and attorney fees and other costs or charges as may be incurred, at Lender's option, for any such action if taken at Borrower's request.

15. **Forbearance by Lender Not a Waiver.** Any forbearance by Lender in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any right or remedy. The acceptance by Lender of payment of any sum secured by this Instrument after the due date of such payment shall not be a waiver of Lender's right to either require prompt payment when due of all other sums so secured or to declare a default for failure to make prompt payment. The procurement of insurance or the payment of taxes or other liens or charges by Lender shall not be a waiver of Lender's right to accelerate the maturity of the indebtedness secured by this Instrument, nor shall Lender's receipt of any awards, proceeds or damages under Sections 6 and 13 hereof operate to cure or waive any acceleration of any Secured Obligation or Borrower's default of this Instrument.

16. **Estoppel Certificate.** Borrower shall, within ten (10) days of a written request from Lender, furnish Lender with a written statement, duly acknowledged, setting forth the sums secured by this Instrument and any right of setoff, counterclaim or other defense which exists against such sums and the obligations of this Instrument. In the event Borrower fails to provide such written statement within ten (10) days after Lender's request, all statements made by Lender in the form of request shall be deemed true and accurate, and Borrower shall be estopped from asserting otherwise or raising contrary contentions in defense of any action commenced by Lender. Borrower agrees and understands that Lender and third parties may rely upon the statements contained in any form of request or estoppel certificate.

17. **Uniform Commercial Code Security Agreement.** This Instrument is intended to be a security agreement pursuant to the Uniform Commercial Code for any part of the Property, including any items deemed to be equipment, fixtures, goods, general intangibles, inventory, or personal property, that, under applicable law, may be subject to a security interest pursuant to the Uniform Commercial Code, and Borrower hereby grants Lender a security interest in such Property.

Borrower shall give advance notice in writing to Lender of any proposed change in Borrower's name, identity, structure or address and shall execute and deliver to Lender, prior to or concurrently with the occurrence of any such change, all additional financing statements that Lender may require to establish and maintain the validity and priority of Lender's security interest with respect to any of the Property described or referred to herein.

Some of the items of the Property are goods that are or are to become fixtures relating to the real property, and it is intended that, as to these goods, this Instrument shall be effective as a financing statement filed as a fixture filing from the date of its filing for record in the real estate records of the county in which the Property is situated. Information concerning the security interest created by this Instrument may be obtained from Lender, as secured party, at the address of Lender stated above. The mailing address of Borrower, as debtor, is as stated above.

Borrower agrees to execute and deliver to Lender, upon Lender's request, any financing statement, as well as extensions, renewals and amendments thereof, and reproductions of this Instrument in such form as Lender may require to perfect a security interest with respect to such items. Borrower shall pay all costs of filing such financing statements and any extensions, renewals, amendments and releases thereof, and shall pay all reasonable costs and expenses of any record searches for financing statements Lender may reasonably require.

Without the prior written consent of Lender, Borrower shall not create or suffer to be created pursuant to the Uniform Commercial Code any other security interest in any of the Property, including replacements and additions thereto. Upon Borrower's breach of any covenant or agreement of Borrower contained in this Instrument, including the covenants to pay when due all sums secured by this Instrument, Lender shall have the remedies of a secured party under the Uniform Commercial Code and, at Lender's option, may also invoke the remedies provided in Section 31 of this Instrument as to such items. In exercising any of such remedies, Lender may proceed against the items of real property and any items of personal property specified above as part of the Property separately or together and in any order or combination whatsoever, without in any way affecting the availability to Lender of remedies under the Uniform Commercial Code or of the remedies provided in Section 31 of this Instrument.

**18. Sales Agreements and Occupancy Leases.**

**a.** Borrower shall not enter into any sale agreements (except earnest money agreements), lease, or rent the Property or any part thereof without the prior written consent of Lender, which may be withheld in Lender's sole discretion. Borrower covenants and agrees to keep, observe, and perform and to require the purchaser or tenants to keep, observe and perform all of the covenants, agreements, and provisions of any future sale agreement or leases of any portion of the Property on their respective parts to be kept, observed, and performed. In case Borrower shall neglect or refuse to do so, then Lender may, if it shall so elect, perform and comply with or require performance and compliance by the tenants with any such lease covenants, agreements and provisions. Any sums expended by Lender in performance or compliance therewith or in enforcing such performance of compliance by the purchaser or tenants, including costs, expenses and attorney fees shall (i) bear interest from the date of such expenditures at the applicable Note rate; (ii) shall be paid by Borrower to Lender upon demand; and (iii) shall be deemed a part of the debt secured hereby and recoverable as such in all respects.

**b.** In addition to the covenants and terms herein contained and not in limitation thereof, Borrower covenants that Borrower will not in any case cancel, abridge or otherwise modify sales agreements, tenancies, subtenancies, leases, or subleases of the Property or accept prepayments of installments of amounts to become due thereunder without Lender's prior written approval, which may be withheld in Lender's sole discretion.

**c.** Each lease of the Property or any part thereof or any renewal, modification, or extension of any existing lease (which by operation of law would otherwise be junior and subordinate to this Instrument) may, at Lender's option, be made senior to this Instrument at any time prior to foreclosure.

**d.** Borrower will not:

(1) Execute any future lease of any portion of the Property without the prior written consent of Lender to the form, terms, and conditions thereof, which consent may be withheld in Lender's sole discretion; or

(2) Execute an assignment of any part of the income or rents from the Property (i) without Lender's written consent, which may be withheld in Lender's sole discretion, and (ii) unless such assignment shall provide that it is subordinate to Lender's interest under this Instrument; or

(3) Terminate or consent to cancellation or surrender of any purchase agreement of the Property or any part thereof, except where the purchaser is in default thereunder and with Lender's prior written consent; or

(4) Modify any such purchase agreement so as to decrease the amount of the purchase price payable thereunder; or

(5) Accept prepayments of any installments of purchase price or rents to become due under such agreements, except prepayments in the nature of security for the performance of the leases thereunder; or

(6) In any other manner impair the value of the Property or the security of Lender for the payment of Secured Obligations.

**e.** Borrower shall furnish to Lender, within thirty (30) days after a request by Lender to do so, a written statement containing the names of all purchasers and lessees of the Property, the terms of their respective purchase agreements or leases, the spaces sold or occupied and the purchase price or rental paid.

By executing this Instrument, Borrower hereby assigns to Lender all purchase agreements or leases now existing or hereafter made of all or any part of the Property and all security deposits or payments in connection with such purchase agreements or leases of the Property. Upon this assignment by Borrower to Lender, Lender shall have all of the rights and powers possessed by Borrower prior to such assignment and Lender shall have the right to modify, extend or terminate such purchase agreements or leases and to execute new purchase agreements or leases, in Lender's sole discretion. As used herein, "leases" shall include rental or other occupancy agreements of any nature whatsoever.

**19. Remedies Cumulative.** Each remedy provided in this Instrument is distinct and cumulative to all other rights or remedies under this Instrument and the Secured Obligations in law or equity, and may be exercised concurrently, independently, or successively, in any order whatsoever.

**20. Events of Default.** The occurrence of any of the following shall, without notice, demand or opportunity to cure, constitute an event of default under the Secured Obligations and this Instrument:

**a.** Failure of Borrower to make any payment required to be paid by Borrower under the Secured Obligations or this Instrument in strict accordance with the terms thereof;

**b.** Failure of Borrower to perform any other covenant, agreement or other obligation contained in this Instrument or the Secured Obligations;

**c.** Any warranty, representation, or statement made or furnished to Lender by or on behalf of Borrower proving to be or having been false in any material respect when made or furnished;

**d.** Commencement of foreclosure, whether by judicial proceeding, nonjudicial foreclosure, self-help, repossession, or any other method, by any creditor of Borrower against any of the Property, but this subsection shall not apply in the event of a good faith dispute by Borrower as to the validity or

reasonableness of the claim that is the basis of the foreclosure suit, provided that Borrower provides Lender with written notice of such claim and provides adequate reserves and guarantees therefor;

**e.** Death of the Borrower or any guarantor;

**f.** If any building on the Property shall be removed or demolished or threatened with demolition;

**g.** If any assignment by Borrower or any guarantor, for the benefit of creditors shall be made; or

**h.** If Borrower or any guarantor (i) shall voluntarily file a petition under the Federal Bankruptcy Act, as such Act may from time to time be amended, or under any similar or successor Federal statute relating to bankruptcy, insolvency arrangements or reorganizations, or under any state insolvency act; or (ii) shall file an answer in an involuntary proceeding admitting insolvency or inability to pay debts; or (iii) shall fail to obtain a vacation or stay of involuntary proceedings brought for the reorganization, dissolution, or liquidation of Borrower or any guarantor; or (iv) shall be adjudged bankrupt; or (v) shall make an assignment for the benefit of creditors;

**i.** If a trustee or receiver shall be appointed for Borrower or any guarantor or Borrower's or any guarantor's property upon dissolution, business failure or discontinuance of Borrower or any guarantor as a going business (except for labor disputes); or if the Property shall become subject to the jurisdiction of a Federal bankruptcy court, or similar state court; or if there is an attachment, execution or other judicial seizure of any portion of Borrower's or any guarantor's assets and such seizure is not discharged within ten (10) days; or

**j.** If Borrower defaults under any loan, extension of credit, security agreement, purchase or sales agreement, or any other agreement, in favor of any other creditor or person that may materially affect any of Borrower's property or Borrower's ability to repay or perform its obligations under this Instrument and/or the Secured Obligations.

Upon an event of default, except as otherwise provided below, Lender shall not accelerate the debt that this Instrument secures, make any payments for which Borrower is primarily liable, or foreclose upon or attach any assets of Borrower unless it first gives Borrower written notice of such default at Borrower's address and in the manner described for notices in this Instrument and unless such default is not fully cured within the following periods:

**a.** ten (10) days after such notice is given in the event of any failure to make any monetary payment to any person under this Instrument or any Secured Obligation; or

**b.** thirty (30) days after such notice is given in the event of nonmonetary defaults not subject to other provisions of this section, provided (i) within ten (10) days after such notice is given Borrower commences its cure and submits to Lender in writing its plan to cure, and (ii) such cure is continuously pursued by Borrower with due diligence. If such default is not reasonably capable of being cured within thirty (30) days, Borrower shall have such additional time as is reasonably necessary to complete the cure, but in no event for more than ninety (90) days after the notice of default is given, all provided (x) such default is in Lender's reasonable judgment curable within such period, (y) Borrower provides Lender with written, detailed progress reports at least every thirty (30) days until the cure is completed, and (z) Borrower continuously and diligently pursues such cure.

Notwithstanding the above provisions, the notice and cure periods provided for in this section shall not apply and immediate action may be taken by Lender:

(1) if any building on the Property shall be removed or demolished or threatened with demolition,

(2) if a petition shall be filed by Borrower, Grantor, or any guarantor of the Note under the Federal Bankruptcy Act, or Acts amendatory thereof or supplemental thereto, or under any statute either of the United States or any state in connection with insolvency or reorganization, or for the appointment of a receiver or trustee of all or a portion of Borrower's, or any such guarantor's property; or

(3) if any assignment by Borrower, Grantor, or any guarantor of any Secured Obligation, for the benefit of creditors shall be made; or

(4) for any event of default provided for in this Instrument and the Secured Obligations for which a notice and cure period is not specifically provided, or for any event of default which is not curable (e.g., the term of the loan expired without full payment).

The provisions of this section shall apply to defaults under this Instrument and the Secured Obligations and, unless expressly stated to the contrary, any notice or cure period referred to therein shall be deemed to incorporate such provisions. If any of such documents are inconsistent with this section, this section shall be controlling, unless such other document expressly provides otherwise. Where additional notice or cure periods are provided in this or any other such documents or are required by any other contract or by law, such periods and those contained in this section shall run concurrently. Nothing in this section shall be construed as extending the term of the Note or the date upon which any default occurs, and no decision to forego any remedy shall be deemed a waiver on the part of Lender of any right relating to any other default. Lender may declare successive defaults for successive breaches even if a waiver was previously granted. No failure to give any notice of any default shall constitute a waiver of such default or any remedy that may be available in connection therewith. This section shall not impair the exercise of any remedy immediately upon default, including, without limitation, the seeking of any mandatory or prohibitive injunction or restraining order or appointment of a receiver.

Any default under this Instrument shall constitute a default under the Secured Obligations. Likewise, any default under the Secured Obligations shall constitute a default under this Instrument.

21. **Assignments and Transfers.** Borrower acknowledges that Lender has relied upon Borrower's financial statements, credit history, business and real property managerial expertise and other factors personal to Borrower in making the loan secured by this Instrument, and Borrower covenants not to voluntarily or involuntarily sell or otherwise transfer its ownership of the Property or any part thereof except as permitted in Section 50 hereof. Transfers of stock, membership or partnership interests in Borrower or any successor of Borrower, transfers by leases with purchase options, conveyances by real estate contract, and through foreclosures or other forced sales or forfeitures shall each be deemed a transfer of Borrower's interest in the Property.

22. **Further Encumbrances.** Borrower acknowledges that Lender has relied upon the Property not being subject to additional liens or encumbrances for reasons which include, but are not limited to, (i) the possibility of competing claims or the promotion of plans disadvantageous to Lender in bankruptcy; (ii) the risks to Lender in a junior lienholder's bankruptcy; (iii) questions that involve the priority of future advances, the priority of future leases of the Property, the marshaling of Borrower's assets; (iv) Lender's rights to determine the application of condemnation awards and insurance proceeds; (v) the impairment of Lender's option to accept a deed in lieu of foreclosure; and (vi) Lender's requirements concerning Borrower's preservation of its equity in the Property and the absence of debt which could increase the likelihood of Borrower's inability to perform its obligations when due. Therefore, as a principal inducement to Lender to make the loan secured by this Instrument and with the knowledge that Lender will materially rely upon this section in so doing, Borrower covenants not to voluntarily or involuntarily encumber the Property or any part thereof. Without limiting the generality of the foregoing and irrespective of the priority thereof, no mortgages, deeds of trust, or other forms of security interests shall encumber any real or personal property that is the subject of any lien or security interest granted to Lender as security for the Secured Obligations. Encumbrances and hypothecations of stock or partnership interests in Borrower or any successor of Borrower, sale lease-backs, transfers by leases with purchase options, and conveyances by real estate contract shall each be deemed an encumbrance of the Property.

23. **Notice.** Except for any notice required under applicable law to be given in another manner, (a) any notice to Borrower provided for in this Instrument or in any Secured Obligations shall be given by mailing such notice by certified mail, return receipt requested, addressed to Borrower at Borrower's address stated herein or at such other address as Borrower may designate by notice to Lender as provided herein, and (b) any notice to Lender shall be given by certified mail, return receipt requested, to Lender's address stated herein or to such other address as Lender may designate by notice to Borrower as provided herein. Any notice provided for in this Instrument or the Secured Obligations shall be deemed to have been given to Borrower or Lender when given in the manner designated herein.

24. **Successors and Assigns Bound; Joint and Several Liability; Agents; Caption.** The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of Lender and Borrower, subject to the limitations on assignment by Borrower contained herein. All covenants and agreements of Borrower shall be joint and several. In exercising any rights hereunder or taking any actions provided for herein, Lender may act through its employees, agents or independent contractors as authorized by Lender. Lender may disclose to any such parties any information or other data or material in Lender's possession relating to Borrower and the loan without the consent of or notice to Borrower. The captions and headings of the sections of this Instrument are for convenience only and are not to be used to interpret or define the provisions hereof.

25. **Governing Law; Severability.** This Instrument shall be governed by the laws of the State of Oregon, or such other jurisdiction in which the Property is located. In the event that any provision or clause of this Instrument or the Secured Obligations conflicts with applicable law, or shall be held to be invalid, illegal or unenforceable, such conflict or unenforceability shall not affect other provisions of such documents that can be given effect without the conflicting provision. To this end, the provisions of this Instrument and the Secured Obligations are declared to be severable. In the event that any applicable law limiting the amount of interest or other charges permitted to be collected from Borrower is interpreted so that any charge provided for in these documents, whether considered separately or together with other charges levied in connection therewith, would violate such law if given full effect, and Borrower is entitled to the benefit of such law, such charge is hereby reduced to the extent necessary to eliminate such violation. For the purpose of determining whether any applicable law limiting the amount of interest or other charges permitted to be collected from Borrower would be violated, all indebtedness that is secured by this Instrument or evidenced by the Secured Obligations and which would constitute interest, as well as all other charges levied in connection with such indebtedness which constitute interest, shall be deemed to be allocated and spread over the stated amortization period of the loan. Unless otherwise required by applicable law, such allocation and spreading shall be effected in such a manner that the rate of interest computed thereby is uniform throughout the stated term of the Note.

26. **Waiver of Statute of Limitations.** To the extent permitted by law, Borrower hereby waives the right to assert any statute of limitations as a bar to the enforcement of the lien of this Instrument and the Secured Obligations, or to any action brought to enforce the Note or any other obligation secured by this Instrument.

27. **Waiver of Marshalling.** Notwithstanding the existence of any other security interests in the Property held by Lender or by any other party, Lender shall have the right to determine the order in which any or all of the Property shall be subjected to the remedies provided herein. Lender shall have the right to determine the order in which any or all portions of the indebtedness secured hereby are satisfied from the proceeds realized upon the exercise of the remedies provided herein. Borrower, any party who consents to this Instrument, and any party who now or hereafter acquires a security interest in the Property and who has actual or constructive notice hereof, hereby waives any and all right to require the marshalling of assets in connection with the exercise of any of the remedies permitted by applicable law or provided herein.

28. **Commercial Trust Deed.** This Instrument is not a residential deed of trust. So long as any of the debt secured hereby is unpaid, Borrower covenants and agrees that the Property shall remain nonresidential property. Borrower specifically consents to the appointment of a receiver to ensure that the Property remains nonresidential property.

29. **Rents, Issues, and Profits.** Borrower irrevocably and absolutely assigns to Lender the rents, issues, profits and proceeds of contracts of the Property, together with all future leases, profits and contracts, and any and all extensions, renewals and replacements thereof. However, as long as no default shall exist in compliance with any requirement of this Instrument or the Secured Obligations, Borrower may collect assigned rents and profits as the same shall fall due, but upon the occurrence of any default, all rights of the Borrower to collect and receive rents and profits shall wholly and immediately terminate without notice, and Lender shall thereafter have the absolute right to all such rents and profits. All rents or profits receivable from or in respect to said Property that Borrower shall be permitted to collect hereunder shall be received by it to pay the usual and reasonable operating expenses of, and the taxes upon, said Property and the sums owing the Lender as they become due and payable as provided in this Instrument or in the Secured Obligations, or any modifications of either.

Upon any default hereunder or any default under the indebtedness secured hereby or under the Secured Obligations, Lender may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court (Borrower hereby consents to the appointment of such receiver without the posting of a bond or undertaking and consents to the appointment of Lender as such receiver), and without regard to the value of the Property or the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of the Property or any part thereof, in its own name sue for or otherwise collect said rents, issues and profits including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including attorney fees, upon any indebtedness secured hereby, and in such order as Lender may determine.

30. **Possession.** Until default and until Lender exercises its right to possession, Borrower shall remain in possession and control of the Property and operate and manage the Property and collect the rents, revenues, income, issues and profits therefrom.

31. **Acceleration; Remedies.** Upon any event of default or Borrower's breach of any covenant or agreement of Borrower in this Instrument or in any Secured Obligation, including, but not limited to, the covenants to pay when due any sums secured by this Instrument following any applicable notice and cure period, Lender may declare all of the sums secured by this Instrument to be immediately due and payable without further demand.

Lender shall be entitled to collect all costs and expenses incurred pursuing any of Lender's remedies, including, but not limited to, reasonable attorney fees, whether or not any action or proceeding is commenced and any such fees incurred in any appellate or bankruptcy proceeding, and costs of documentary evidence, appraisals, abstracts and title or foreclosure reports, trial court, arbitration, mediation, or costs or fees of any nature whatsoever.

Upon default and following any applicable notice and cure period, Lender may, at Lender's sole option, exercise any one or more of the following rights and remedies in addition to any other remedy available herein or at law:

a. Lender may exercise all rights of a receiver as a mortgagee-in-possession. Lender may, as a mortgagee-in-possession, take possession of all or any part of the Property, and such Property shall be peaceably surrendered by Borrower. Lender may revoke Borrower's right to collect the rents and revenues from the Property, and may, either itself or through its agents, collect the same. To facilitate collection, Lender may notify Borrower's tenants to pay rents directly to Lender.

b. Lender may have a receiver appointed as a matter of right or may exercise all rights of a receiver. Lender may, through a receiver, take possession of all or any part of the Property, and such Property shall be peaceably surrendered by Borrower. Lender may revoke Borrower's right to collect the rents and revenues from the Property, and may, either itself, through its agents or through a receiver, collect the same. To facilitate collection, Lender may notify Borrower's tenants to pay rents directly to Lender.

Lender also may have a receiver appointed as a matter of right whether or not the apparent value of the Property exceeds the amount of the Secured Obligations, and any receiver appointed may serve without bond. Lender's agents or employees may serve as receiver. Upon taking possession of all or any part of the Property the receiver or Lender may:

(1) Use, operate, manage, control and conduct business on the Property and make expenditures for all maintenance and improvements as in its judgment are proper;

(2) Collect all rents, revenues, income, issues and profits from the Property and apply such sums to the expenses of use, operation and management;

(3) At Lender's option, complete any construction in progress on the Property, and in that connection pay bills, borrow funds, mortgage or otherwise encumber the Property, employ contractors and make any changes in plans or specifications as Lender deems appropriate.

If the revenues produced by the Property are insufficient to pay expenses, the receiver may borrow, from Lender or otherwise, or Lender may borrow or advance such sums as Lender deems necessary for the purposes stated in this section, and repayment of such sums shall be secured by this Instrument. The amounts borrowed or advanced shall bear interest at the highest rate of interest then being paid on the Note from the date of expenditure until repaid and shall be payable by Borrower to Lender on demand.

c. With respect to any part of the Property that is personal property, Lender may exercise the rights and remedies of a secured party under the Uniform Commercial Code and under this Instrument.

d. After giving Borrower notice of default in the manner prescribed by applicable law, if any, Lender may invoke the power of sale, commence judicial foreclosure, commence an action on the Note, or exercise any other remedies permitted by applicable law or provided herein or in any Secured Obligation or otherwise without notice. Borrower acknowledges that the power of sale granted herein and by law may be exercised by Lender without prior judicial hearing. Borrower has the right to bring an action to assert the non-existence of a breach or any other defense of Borrower to acceleration and sale.

If Lender invokes the power of sale, Lender shall give written notice to Trustee of the occurrence of an event of default and of Lender's election to cause the Property to be sold. Trustee and Lender shall give such notices as the laws of Oregon may require to Borrower and to such other persons as the laws of Oregon prescribe, and after the lapse of such time as may be required by applicable law, Trustee or its agent shall sell the Property according to the laws of Oregon. Trustee or its agent may sell the Property at the time and place and under the terms designated in the notice of sale in one or more parcels and in such order as Trustee or its agent may determine. Trustee or its agent may postpone sale of all or any parcel of the Property as permitted by law by public announcement at the time and place fixed in the notice of sale. Lender or Lender's designee may purchase the Property at any sale.

Trustee or its agent shall deliver to the purchaser a Trustee's deed conveying the Property so sold without any covenant or warranty, expressed or implied. The recitals in the Trustee's deed shall be prima facie evidence of the truth of the statements made therein. Trustee shall apply the proceeds of the sale in the following order: (a) to all costs and expenses of the sale, including, but not limited to, trustee's and attorney fees, publication fees, service fees and costs of title evidence; (b) to all sums secured by this Instrument in such order as Lender, in Lender's sole discretion, directs; (c) to all persons having recorded liens subsequent to the interest of the Lender as those parties interests may appear; and (d) the excess, if any, to the Clerk of the Court of the County in which the sale took place or to the person or persons legally entitled thereto.

Notwithstanding Lender's acceleration of the sums secured by this Instrument, Borrower shall have the right to have proceedings for foreclosure by advertisement and sale discontinued at any time permitted by law before the sale of the Property pursuant to the power of sale contained in this Instrument and applicable law if: (a) Borrower pays Lender all sums which would then be due under this Instrument or the Secured Obligations, if any, had no acceleration occurred; (b) Borrower cures all breaches of this Instrument and the Secured Obligations; (c) Borrower pays all reasonable expenses incurred by Lender and Trustee, including but not limited to, reasonable trustee's and attorney fees; and (d) Borrower takes such action as Lender may reasonably require to assure that the lien of this Instrument, Lender's interest in the Property, and Borrower's obligation to pay the sums secured by this Instrument shall continue unimpaired. Upon such payment and cure by Borrower, this Instrument and the obligations secured hereby shall remain in full force and effect as if no acceleration had occurred.

This right to reinstate does not apply if Lender selects any remedy other than non-judicial foreclosure by advertisement and sale.

If Lender elects to commence judicial suit or action for the foreclosure of this Instrument, Borrower agrees to pay to Lender the costs of such suit or action and such reasonable sum for attorney fees as the court may allow, including those on appeal whether such suit or action be brought to a judgment or not, and also such further sums, if any, as Lender shall have paid for costs or expenses. All monies herein agreed to be paid shall be secured hereby. Borrower consents to a personal deficiency judgment for any part of the debt hereby secured which shall not be paid by the sale of the Property, unless such judgment is prohibited by law, and Borrower expressly waives (a) any claim of homestead; (b) all rights of Borrower of redemption from sale under any order or judgment of foreclosure; and (c) all rights to possession of the Property after the date of sale.

If Borrower remains in possession of the Property after the Property is sold either under the power of sale or judicial action to foreclose as provided above, Lender is otherwise in possession of the Property upon default by Borrower, Borrower will be a tenant at sufferance of Lender, or the purchaser of the Property at the sale as the case may be, and shall at the sole discretion of Lender, either (a) pay a reasonable rental for use of the Property; or (b) vacate the Property immediately upon written demand of Lender.

e. Lender may commence an action under the Note and/or any Guaranty, without waiving the lien of this Instrument, but any such judgment obtained shall have such priority as is determined by law.

32. **Cross-Default and Cross-Collateralization Provisions.** In the event Borrower or any entity or individual related to Borrower or acting as a Guarantor under the Secured Obligations (a "Related Party") has entered or does in the future enter into any other loan agreement, deed of trust, mortgage or note payable to Lender, a default in the terms and provisions of the other loan agreement, note or instrument securing it shall constitute a default hereunder. Nothing in the preceding sentence shall in any way lessen or impair the rights of Lender with respect to this Instrument and the Secured Obligations. Lender, at its option, may separately enforce the provisions of any loan, note, or deed of trust or mortgage securing it. Default under each loan, note, or deed of trust or mortgage shall constitute a separate cause of action, and the institution of proceedings upon one, but not upon both or all, shall not be construed as a splitting of a cause of action by Lender or a waiver of any rights under any other loan, note, or deed of trust or mortgage.

In the event Borrower or any Related Party has or shall enter into any other loan agreement, deed or trust, mortgage or note payable to Lender, Lender shall have the right, at any time upon written notice to Borrower and/or any such Related Party(ies), to deem all real or personal property serving as collateral to secure any one loan as providing security for all loans made by Lender to Borrower and such Related Party(ies). Except with respect to a partial release (as more particularly described in Section 50 below), the remaining property pledged to secure the loans, or any of them, shall serve as additional collateral to secure any and all amounts owed by Borrower and the Related Party(ies) to Lender under this instrument and all other loans until all amounts owed to Lender shall have been paid in full or until specifically released in writing by Lender, whichever first occurs.

33. **Related Party Obligations.** In the event Borrower or any Related Party is a corporation, limited liability company, limited partnership, or any other entity other than a natural person, any and all obligations to, and all funds loaned or contributed by shareholders, directors, members, managers, parent companies, affiliates, or partners of Borrower and/or any Related Party shall be subordinate to the lien of Lender secured by this Instrument. By its execution of this Instrument, Borrower represents and warrants to Trustee and Lender that it has taken all requisite action necessary to subordinate any and all such prior indebtedness and/or contributions to the lien of this Instrument and, further, that the

lien of this Instrument shall be superior to any and all such indebtedness and/or contributions that may arise on or after the date of this Instrument.

34. **Reconveyance.** Upon payment of all sums secured by this Instrument, Lender shall require Trustee to reconvey the Property and shall surrender this Instrument and all notes evidencing indebtedness secured by this Instrument to Trustee. Trustee shall reconvey the Property without warranty to the person or persons legally entitled thereto. Such person or persons shall pay Trustee's reasonable costs incurred in so reconveying the Property.

35. **Substitute Trustee.** In accordance with applicable law, Lender may from time to time appoint a successor trustee to any Trustee appointed hereunder who has ceased to act. Without conveyance of the Property, the successor trustee shall succeed to all the title, power, and duties conferred upon the Trustee herein and by applicable law.

36. **Assignment/Participation.** Lender reserves the right to assign or participate all or any part of its rights and obligations under this Instrument and any Secured Obligations. Upon assignment, if any, Lender shall be released from all liability hereunder. Borrower's right to transfer or assign is subject to limitations contained elsewhere in this Instrument. At any time during the loan term, Borrower shall deliver to Lender, at Lender's request, such further documents including, but not limited to, site assessments or studies, environmental audit reports and other consultants' studies and reports, as Lender may reasonably request for use in the sale of the loan, or any interest therein, by Lender. Lender shall have the right to provide any information on Borrower of the Property contained in Lender's files to any party contemplating the purchase of any interest in the loan.

37. **Use of Property. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. 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. 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 VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES 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.**

38. **Future Advances.** So long as this Instrument secures indebtedness held by Lender and upon request of Borrower, Lender, at Lender's sole option, may make future advances to Borrower. This Instrument shall secure all those future advances which specifically state they are secured hereby, and the lien of each such advance shall relate back to the date of this Instrument. This Instrument shall have the full force, effect, and benefits of a trust deed to secure future advance of money, if any, which specifically state they are secured hereby.

39. **Purpose of Loan.** The loan secured hereby is made, and all proceeds thereof will be used solely for commercial, investment or business purposes and not for personal, household, or family purposes. The real Property hereby conveyed is not used principally for agricultural or farming purposes.

40. **Time of Essence.** Time is of the essence of this Instrument.

41. **Amendments Superior to Intervening Liens.** Should any agreement be hereafter entered into modifying or changing the terms of this Instrument or the Secured Obligations, the rights of the parties to such agreement shall be superior to the rights of the holder of any intervening lien.

42. **Attorney Fees.** As used in this Instrument and in the Secured Obligations, "attorney fees" shall include attorney fees, if any, which shall be incurred whether or not legal action is commenced and any such fees incurred at trial, mediation, arbitration, interpleader, bankruptcy, hearing or any judicial proceeding, and on appeal or review, and on any collection before or after judgment.

43. **Prepayment.** Borrower may prepay this indebtedness at any time.

44. **Incorporation by Reference.** In Lender's sole discretion, all Related Documents are by this reference incorporated herein as if fully set forth.

45. **Loan Agreement Provisions.** Borrower agrees to comply with the covenants and conditions of the Secured Obligations that are hereby incorporated by reference in and made a part of this Instrument. All advances made by Lender pursuant to this Instrument or the Secured Obligations shall be indebtedness of Borrower secured by this Instrument. All sums disbursed by Lender prior to completion of the improvements to protect the security of this Instrument shall be treated as disbursements secured hereby. All such sums shall bear interest from the date of disbursement at the applicable rate stated in the Note, unless collection from Borrower of interest at such rate would be contrary to applicable law in which event such amounts shall bear interest at the highest rate which may be collected from Borrower under applicable law and shall be payable upon notice from Lender to Borrower requesting payment therefore.

From time to time as Lender deems necessary to protect Lender's interests, Borrower shall, upon request of Lender, execute and deliver to Lender, in such form as Lender shall direct, assignments of any and all rights or claims which relate to the construction of the Property and which Borrower may have against any party supplying or who has

supplied labor, materials or services in connection with construction of the Property. In case of breach by Borrower of the covenants and conditions of the Secured Obligations, Lender, at Lender's option, with or without entry upon the Property, (a) may invoke any of the rights or remedies provided in the Secured Obligations, or (b) may accelerate the sums secured by this Instrument, and Borrower shall not assert any right of setoff, counterclaim or other claim or defense against the obligations of the Secured Obligations.

46. **Variable Rate Obligation.** The obligation this Instrument secures may provide that the interest rate, payment terms, or balance due on the loan secured hereby may be indexed, adjusted, renewed, or renegotiated in accordance with the terms of the Note and on account of any extensions and renewals of the Note. The priority of this Instrument shall not be affected by renegotiation or adjustment of the initial interest rate provided in the Note upward or downward, which may increase or decrease the amounts of periodic payments or may extend or shorten the term of this obligation, or both. The priority of this Instrument also shall not be affected by an increase in the underlying obligation secured by this Instrument during any part of the term of this Instrument as a result of deferment of all or a portion of the interest or principal payments and the addition of such payments to the outstanding balance of the obligation. The priority of this Instrument also shall not be affected by the execution of any new Note during the term of this Instrument which reflects changes made pursuant to any of the adjustments described in this section or by any other changes which would not otherwise affect priority under Oregon law.

47. **Multiple Parties.** If there is more than one person comprising Borrower, the obligations imposed upon Borrower under this Instrument shall be joint and several. A breach or default by any one person comprising Borrower shall constitute a breach or default by each other person comprising Borrower. Each of the married persons comprising Borrower (if applicable) pledges his or her separate and community property interests and all community property interests in the Property.

48. **Non-foreign Certification.** Section 1445 of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code") provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. To inform Lender that the withholding of tax will not be required in the event of the disposition of the Property or improvements pursuant to the terms of this Instrument, Borrower hereby certifies, under penalty of perjury, that:

a. Borrower is not a foreign person, foreign corporation, foreign partnership, foreign trust or foreign estate, as those terms are defined in the Internal Revenue Code and the regulations promulgated thereunder; and

b. Borrower's principal place of business is located at 12600 SW 72ND AVENUE #200 TIGARD, OREGON 97223. It is understood that Lender may disclose the contents of this certification to the Internal Revenue Service and that any false statement contained herein could be punished by fine, imprisonment or both. Borrower covenants and agrees to execute such further certificates, which shall be signed under penalty of perjury, as Lender shall reasonably require. The covenant set forth herein shall survive the foreclosure of the lien of this Instrument or acceptance of a deed in lieu thereof.

49. **Report of Real Estate Transaction.** Borrower has made or provided for making, or will make or provide for making, on a timely basis, any reports or returns required under Section 6045(e) of the Internal Revenue Code of 1986 (and any similar reports or returns required by state or local law) relating to the Property, notwithstanding the fact that the primary reporting responsibility may fall on the Lender, counsel for the Lender, or other party. Borrower's obligations under this section will be deemed to be satisfied if proper and timely reports and returns required under this section are filed by a title company or real estate broker involved in the real estate transaction relating to the Property, but nothing contained herein shall be construed to require such returns or reports to be filed by Lender or counsel for Lender.

50. **Partial Releases.** If this loan is for the acquisition or development of more than one lot, then upon not less than ten (10) days' prior written notice from Borrower, Lender shall request a partial reconveyance from the lien of this Instrument to certain lots of the Property on the following terms and conditions:

a. There exist no defaults under the Secured Obligations or this Instrument or any other security for the Secured Obligation at the time the partial reconveyance is requested or is to be recorded; provided, however, no consent to any partial reconveyance shall constitute a waiver of any default or of any condition herein to any future reconveyance;

b. The approved subdivision plat for the Property has been properly recorded;

c. Borrower has provided Lender with evidence confirming that the lots being reconveyed and the lots remaining encumbered by this Deed of Trust following the reconveyance comply with all applicable site plan, subdivision and platting requirements;

d. Construction of all improvements on the particular lot to be released must be completed to the satisfaction of Lender;

e. Borrower's request for partial reconveyance must give the legal description of the particular lot to be released, and must request the Lender to deposit with the title insurance company its authorization for the partial reconveyance and its demand for payment;

f. The lots remaining encumbered by this Deed of Trust following the reconveyance have adequate access to all right-of-way and utilities;

g. The partial reconveyance will not result in any encroachment or breach any zoning law, ordinance or restrictive covenant;

h. Lender's receipt of written consent to the partial reconveyance from any guarantors of the Note;

i. Lender's receipt of an endorsement to its title insurance policy insuring the continuing validity and priority of this Instrument following the partial reconveyance;

j. Lender's receipt of the release price N/A and NO/100 Dollars ($0) for each lot to be released which Lender shall apply to the principal amounts owing under the Secured Obligation, plus a Lot Release Fee of $50.00 per reconveyance, which is a fee to Lender and does not reduce the loan balance. Borrower must also pay any Trustee's fees for the partial reconveyance;

k. Lender's receipt of payment of all Lender's costs and fees incurred in connection with such partial reconveyance request.

l. Borrower's satisfaction of all other terms of the Secured Obligations that, in Lender's sole discretion, must be satisfied prior to any partial conveyance.

**51. Existing Indebtedness.** In the event this Instrument is subordinate to, or should become at any time subordinate to, any other indebtedness, Borrower agrees to pay or perform, or cause to be paid or performed, all obligations and amounts required to prevent any default under such prior or existing indebtedness and under any security documents related to such indebtedness. Borrower further agrees that neither Borrower nor any other party obligated under the existing or prior indebtedness will, without first obtaining the written consent of Lender, (i) increase the amount of the prior indebtedness secured by the Property or (ii) enter into any agreement with the holder of any mortgage, deed of trust, or other security agreement having priority over the lien of this Instrument that shall modify, amend, extend, or renew that agreement. Lender's consent may be withheld in Lender's sole discretion.

**52. Statute of Frauds.**

**UNDER OREGON LAW MOST AGREEMENTS, PROMISES AND COMMITMENTS MADE BY COMMUNITY FINANCIAL CORPORATION, AFTER OCTOBER 3, 1989, CONCERNING LOANS AND OTHER CREDIT EXTENSIONS WHICH ARE NOT FOR PERSONAL, FAMILY OR HOUSEHOLD PURPOSES OR SECURED SOLELY BY THE BORROWER'S RESIDENCE, MUST BE IN WRITING, EXPRESS CONSIDERATION AND BE SIGNED BY COMMUNITY FINANCIAL CORPORATION, TO BE ENFORCEABLE.**

**WARNING**

**Unless you provide us with evidence of the insurance coverage as required by our contract or loan agreement, we may purchase insurance at your expense to protect our interest. This insurance may, but need not, also protect your interest. If the collateral becomes damaged, the coverage we purchase may not pay any claim you make or any claim made against you. You may later cancel this coverage by providing evidence that you have obtained property coverage elsewhere.**

**You are responsible for the cost of any insurance purchased by us. The cost of this insurance may be added to your contract or loan balance. If the cost is added to your contract or loan balance, the interest rate on the underlying contract or loan will apply to this added amount. The effective date of coverage may be the date your prior coverage lapsed or the date you failed to provide proof of coverage.**

**The coverage we purchase may be considerably more expensive than insurance you can obtain on your own and may not satisfy any need for property damage coverage or any mandatory liability insurance requirements imposed by applicable law.**

**IN WITNESS WHEREOF,** Borrower has executed this Instrument or has caused the same to be executed by its duly authorized representatives.

**Borrower:**

**J.T. ROTH CONSTRUCTION, INC,**
AN OREGON CORPORATION

By: _____
Name: JT ROTH JR
Title: PRESIDENT

STATE OF OREGON )
) ss.
County of Washington )

This instrument was acknowledged before me on 12/16, 2021, by JT ROTH JR as PRESIDENT of J.T. ROTH CONSTRUCTION, INC, AN OREGON CORPORATION.

OFFICIAL STAMP
SAMUEL GOOLD
NOTARY PUBLIC - OREGON
COMMISSION NO. 1007880
MY COMMISSION EXPIRES JANUARY 12, 2025

_____
NOTARY PUBLIC FOR OREGON
My Commission Expires: 1-12-25

**REQUEST FOR FULL RECONVEYANCE**

To be used only when obligations have been paid.

TO: _____, Trustee

The undersigned is the legal owner and holder of all indebtedness secured by the foregoing trust deed. All sums secured by such trust deed have been fully paid and satisfied. You are hereby directed, on payment to you of any sums owing to you under the terms of such trust and pursuant to statute, to cancel all evidences of indebtedness secured by such trust deed (which are delivered to you herewith together with such trust deed) and to reconvey, without warranty, to the parties designated by the terms of such trust deed the estate now held by you under the same. Mail reconveyance and documents to _____ at the address noted for Borrower immediately above.

DATED: _____, 20_____.

_____
Lender/Beneficiary

**EXHIBIT A**

(Legal Description)

All that portion of the Southwest quarter of the Northwest quarter of Section 33, Township 2 South, Range 1 West of the Willamette Meridian which lies South of the center line of line of a 20 foot roadway and which center line an described as follows:

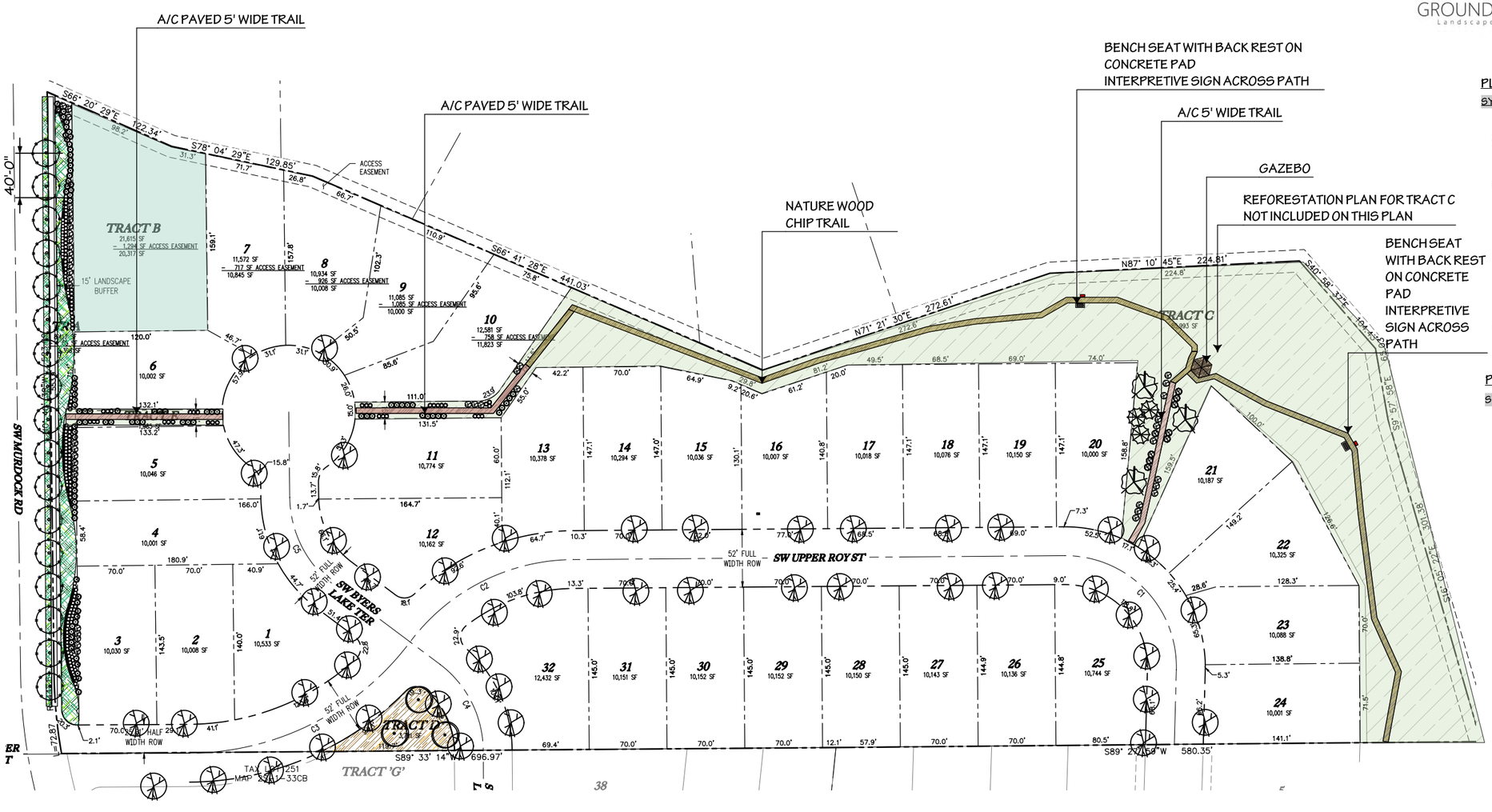
Beginning at an iron pipe, which is in the center of a county road and which pipe is 703 feet, more or less, South of the Northwest corner of the Southwest quarter of the Northwest quarter of Section 33, Township 2, South, Range 1 West of the Willamette Meridian; running thence South 65° 31' East a distance of 155.3 feet; thence South 77° 23' East a distance of 129.5 feet; thence South 65° 55' East a distance of 441.5 feet; thence North 72° 07' East a distance of 272.5 feet; thence North 87° 57' East a distance of 225.0 feet; thence South 40° 13 East a distance of 104.4 feet; thence South 9° 09' East a distance of 65.0 feet; thence in a straight line a distance of 300 feet, more or less, to the Southeast corner of the Southwest quarter of the Northwest quarter of said Section 33, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon.

Exhibit A12

GROUND ROOTS
Landscape Design

# MOSER PASS

| PROJECT | |
|---|---|
| | 22012 |
| TAX LOT 1700 SHERWOOD, OR | |
| DESIGNER | DATE / VERSION |
| GROUND ROOTS LD - JANE ELRICK | 9/7/2022 / 4 |
| LANDSCAPE PLAN | 1 / 1 |




## PLANT LIST - TREES

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 3 | ACER RUBRUM 'FRANKS RED' Red Sunset Maple | 2" cal | AS SHOWN |
| | 13 | CARPINUS BELTULUS PYRAMIDALIS European Hornbeam | 2" cal | AS SHOWN |
| | 3 | GINKGO BILOBA 'GOLDSPIRE' Goldspire Ginkgo | 6-8' ht. | AS SHOWN |
| | 3 | PINUS FLEXIUS 'VANDERWOLF PINE' Limber Pine | 5' ht | AS SHOWN |
| | 48 | ZELKOVA SERRATA 'VILLAGE GREEN' Village Green Zelkova | 2" cal | AS SHOWN |

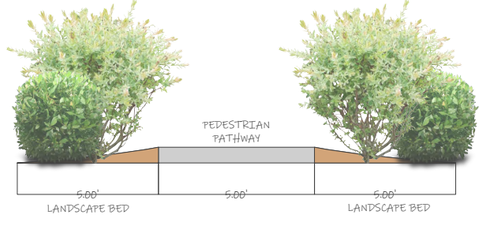
## PLANT LIST - SHRUBS & GROUND COVER

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 9 | MYRICA CALIFORNICA Pacific Wax Myrtle | 5 gal | 6' oc |
| | 45 | VACCINIUM OVATUM Evergreen Huckleberry | 2 gal | 4' oc |
| | 87 | CARYOPTERIS X CLANDONENSIS Blue Mist Bluebeard | 2 gal | 4' oc |
| | 88 | ILEX GLABRA 'SHAMROCK' Shamrock Inkberry | 2 gal | 4' oc |
| | 97 | PENNISETUM ALOPECURIOIDS 'HAMELN' Hameln Dwarf Fountain Grass | 1 gal | 3' oc |
| | 96 | VIBURNUM TINUS 'COMPACTUM' Spring Bouquet Laurustinus | 2 gal | 4' oc |

## SEEDED AREAS

| | | | |
|---|---|---|---|
| | PT LAWN SEED PT 769 R & R ECO-TURF MIX | SEED | 5-7 lbs / 1000 sqft |
| | PT 705 XERISCAPE LAWN ALTERNATIVE | SEED | 2 lbs / 1000 sqft |
| | (2) 6' BENCH WITH BACK REST ON CONCRETE PAD | | |
| | INTERPRETIVE SIGN | | |

## PEDESTRIAN WALKWAY CROSS-SECTION




## TREE DENSITY CALCULATIONS*

*DOES NOT INCLUDE REFORESTATION OF TRACT C

| TREE NAME | QTY | MATURE SPREAD | CANOPY AREA (SF) | CANOPY COVERAGE (SF) |
|---|---|---|---|---|
| **PROPOSED NEW TREES:** | | | | |
| ACER RUBRUM 'FRANKSRED' | 3 | 40 | 1257 | 3771 |
| CARPINUS BETULUS PYRAMIDALIS | 13 | 35 | 962 | 12506 |
| GINKGO BILOBA 'GOLDSPIRE' | 3 | 6 | 28 | 84 |
| PINUS FLEXILIS VANDERWOLF PYRAMID' | 3 | 30 | 707 | 2121 |
| ZELKOVA SERRATA 'VILLAGE GREEN' | 48 | 36 | 1018 | 48864 |
| | | **TOTAL CANOPY COVERAGE** | | 67346 |
| | | **TOTAL SITE AREA** | | 335,896 |
| | | **PERCENT CANOPY COVER** | | 20% |

0 100 200 300 FT

SCALE: 1" = 50'

N

WINTER SUN

SUMMER SUN

EXISTING PLANTS-LOCATION APPROXIMATE
UNLESS SPECIFIED, ALL PLANT SYMBOLS ARE PLACEHOLDERS TBD BASED ON AVAILABILITY

NOTE:
THE EXISTING PROPERTY CONDITIONS, INCLUDING PROPERTY LINE LOCATIONS SHOWN ON THE PLAN, ARE APPROXIMATE AND DO NOT REPRESENT A FIELD-SURVEYED CONDITION. OWNER SHALL VERIFY ALL PROPERTY LINES, DIMENSIONS, EASEMENTS, AND EXISTING UNDERGROUND UTILITY AND IRRIGATION LOCATIONS PRIOR TO ANY CONSTRUCTION. SERVICES AND ADVICE ARE LIMITED TO PLANNING AND CONCEPTUAL DESIGN OF EXTERIOR SPACES AND HORTICULTURE CONSULTATION AND DO NOT INCLUDE ANY ENGINEERING SERVICES, STRUCTURAL ANALYSIS, OR CONSTRUCTION DETAILS WHICH MAY REQUIRE THE SERVICES OF A LICENSED PROFESSIONAL AS REQUIRED BY LAW. CONSTRUCTION DETAILS GIVEN ARE CONCEPTUAL IN NATURE AND SHOULD BE CONFIRMED BY A LICENSED ARCHITECT OR CONTRACTOR. IMAGES SHOWN ARE FOR INSPIRATION AND SOME REFERENCES MAY NOT BE THE WORK OF GROUND ROOTS LANDSCAPE DESIGN. SOURCES AVAILABLE UPON REQUEST.

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

# Pre-Application Conference Notes

File # PAC 2021-013 Denali Phase 4 (Moser)
Meeting Date – October 28, 2021
Conference Call via Microsoft Teams
Staff Contact - Eric Rutledge
rutledgee@sherwoodoregon.gov
503-625-4242

*Meeting held via conference call on Microsoft Teams. After the pre-application conference, the applicant submitted a revised preliminary plat that responds to planning comments raised during the meeting. The final planning notes have been updated to reflect the latest proposal. Engineering, Fire, and other agency comments have not been updated based on the changes.*

## Type V Planned Unit Development & Type III Subdivision

*The pre-application conference and notes cannot cover all code requirements and aspects that apply to the proposal. Failure of staff to provide information required by the code does not constitute a waiver of the applicable standards or requirements. It is recommended that a prospective applicant obtain and read the Zoning and Community Development Code and/or ask any questions of City staff relative to code requirements prior to submitting an application.*

### PROJECT SUMMARY

**Proposed Project Name:** Denali Phase 4 (Moser Property)

**Proposal Description:** The applicant is proposing a 32-lot subdivision and Planned Unit Development. The development site currently consists of a single parcel approximately 12.36-acres in size in the Very Low Density Residential zone. The development site is also located in the SE Sherwood Master Plan study area.

The applicant is proposing an extension of the public street system approved under the Denali Summit and Denali Meadows subdivisions. "SW Curry Ridge Rd." is proposed to connect to the existing intersection of SW Murdock Rd. and SW Upper Roy St.

An 87,143 SF open space tract is proposed at the north/east boundary of the site. The open space would connect to the open space tract approved as part of the Denali Summit subdivision and PUD.

**Applicant:** Emerio Design LLC
Attn: Steve Miller

6445 SW Fallbrok Place #100
Beaverton, OR 97008

**Owner:** Leroy and Delores Moser
22900 SW Murdock Rd.
Sherwood, OR 97140

**Site Address:** 22900 SW Murdock Rd.
**Tax Lot ID:** 2S133BC01700
**Land Use Designation:** Very Low Density Residential

## APPLICATION TYPE, TIMELINE & FEES

**Full details on application type, noticing, and public hearing procedures listed under 16.72**

### Application Type and Hearing Authority

Type V PUD and Type III Subdivision

- The Type V Hearing Authority is the City Council and the Appeal Authority is the Land Use Board of Appeals
- The subdivision application will be reviewed concurrently with the PUD application under the same hearing and appeal authorities.

### Estimated Approval Timeline

- 30 day completeness review
- 90 days to issue a staff recommendation and hold two public hearings. First before the Planning Commission and second before the City Council.
- 14 day appeal period for all land use decisions

### Land Use Fees

*Fees as of July 1, 2021. Please confirm fees with staff prior to submittal as fee schedule is revised annually. Engineering plan review, building permit, and SDC fees separate.*

| | |
|---|---|
| • Planned Unit Development | $2,424.65 |
| • Subdivision | $6,843.14 + 21.56 per lot |
| • Final Site Plan Review | $713.13 |
| • Final Plat (subdivision) | $1,212.33 |
| • Publication and Distribution of Type III-V Notice | $466 |

**APPLICATION SUBMITTAL REQUIREMENTS**

See attached land use form, subdivision checklist, and additional PUD submittal requirements per SZCDC § 16.40.020(B). A neighborhood meeting is required prior to submitting a Type III - V application. See attached neighborhood meeting details including a virtual meeting form.

*Note:*

- *A tree report is required as a completeness item*
- *A preliminary landscape plan is required as a completeness item*
- *A preliminary open space improvement plan is required as a completeness item*

*Note:*
*Applicants are encouraged to submit 4 full and reduced size paper copies and one electronic copy for completeness review. The full number of paper copies (15) and one updated electronic copy will be required after the application is deemed complete.*

**SUMMARY OF APPLICABLE CODE CRITERIA (SZCDC Title 16) – THESE CRITERIA FOR SITE PLAN REVIEW ONLY. PLEASE SEE SEPARATE ANNEXATION REQUIREMENTS DESCRIBED BELOW.**

*These sections **must** be addressed in the narrative submitted with the land use application*

| **Division II. - LAND USE AND DEVELOPMENT** | | **Division VI. - PUBLIC INFRASTRUCTURE** | |
|---|---|---|---|
| Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS | **X** | Chapter 16.104 - GENERAL PROVISIONS | |
| Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS | | Chapter 16.106 - TRANSPORTATION FACILITIES | **X** |
| Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS | | Chapter 16.108 - IMPROVEMENT PLAN REVIEW | **X** |
| Chapter 16.36 - INSTITUTIONAL AND PUBLIC (IP) LAND USE DISTRICT | | Chapter 16.110 - SANITARY SEWERS | **X** |
| Chapter 16.38 - SPECIAL USES | | Chapter 16.112 - WATER SUPPLY | **X** |
| Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD) | **X** | Chapter 16.114 - STORM WATER | **X** |
| Chapter 16.42 - HOME OCCUPATIONS | | Chapter 16.116 - FIRE PROTECTION | **X** |
| Chapter 16.44 - TOWNHOMES | | Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES | **X** |
| Chapter 16.46 - MANUFACTURED HOMES | | | |
| Chapter 16.48 - NON-CONFORMING USES | | **Division VII. - LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS** | |
| Chapter 16.50 - ACCESSORY STRUCTURES, ARCHITECTURAL FEATURES AND DECKS | | Chapter 16.120 - SUBDIVISIONS | **X** |
| Chapter 16.52 - ACCESSORY DWELLING UNITS | | Chapter 16.122 - LAND PARTITIONS | |
| Chapter 16.54 - ADULT ENTERTAINMENT | | Chapter 16.124 - PROPERTY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS | |
| Chapter 16.56 - OTHER LAND USE ACTIONS | | Chapter 16.126 - REPLATTING, LOT CONSOLIDATIONS AND VACATION OF PLATS | |
| Chapter 16.58 - CLEAR VISION AND FENCE STANDARDS | **X** | Chapter 16.128 - LAND DIVISION DESIGN STANDARDS | **X** |
| Chapter 16.60 - YARD REQUIREMENTS | **X** | | |
| Chapter 16.62 - CHIMNEYS, SPIRES, ANTENNAS, AND SIMILAR STRUCTURES | | **Division VIII. - ENVIRONMENTAL RESOURCES** | |
| Chapter 16.64 - DUAL USE OF REQUIRED SPACE | | Chapter 16.134 - FLOODPLAIN (FP) OVERLAY | |
| Chapter 16.66 - TRANSPORTATION FACILITIES AND IMPROVEMENTS | | Chapter 16.136 - PROCEDURES | |
| Chapter 16.68 - INFILL DEVELOPMENT STANDARDS | | Chapter 16.138 - MINERAL RESOURCES | |
| | | Chapter 16.140 - SOLID WASTE | |
| **Division III. - ADMINISTRATIVE PROCEDURES** | | Chapter 16.142 - PARKS, TREES AND OPEN SPACES | **X** |
| Chapter 16.70 - GENERAL PROVISIONS | | Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS | **X** |
| Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS | **X** | Chapter 16.146 - NOISE | |
| Chapter 16.76 - APPEALS | | Chapter 16.148 - VIBRATIONS | |
| | | Chapter 16.150 - AIR QUALITY | |
| **Division IV. - PLANNING PROCEDURES** | | Chapter 16.152 - ODORS | |
| Chapter 16.80 - PLAN AMENDMENTS | | Chapter 16.154 - HEAT AND GLARE | |
| Chapter 16.82 - CONDITIONAL USES | | Chapter 16.156 - ENERGY CONSERVATION | **X** |
| Chapter 16.84 - VARIANCES | | | |
| Chapter 16.86 - TEMPORARY USES | | **Division IX. - HISTORIC RESOURCES** | |
| Chapter 16.88 - INTERPRETATION OF SIMILAR USES | | Chapter 16.160 - SPECIAL RESOURCE ZONES | |
| | | Chapter 16.162 - OLD TOWN (OT) OVERLAY DISTRICT | |
| **Division V. - COMMUNITY DESIGN** | | Chapter 16.164 - LANDMARK REVIEW | |
| Chapter 16.90 - SITE PLANNING | | Chapter 16.166 - LANDMARK DESIGNATION | |
| Chapter 16.92 - LANDSCAPING | **X** | Chapter 16.168 - LANDMARK ALTERATION<br>16.168.010 - PROCEDURES | |
| Chapter 16.94 - OFF-STREET PARKING AND LOADING | **X** | 16.168.020 - ALTERATION STANDARDS | |
| Chapter 16.96 - ON-SITE CIRCULATION | **X** | 16.168.030 - VARIANCES TO ALTERATION STANDARDS | |
| Chapter 16.98 - ON-SITE STORAGE | | | |
| Chapter 16.100 - PERMANENT SIGNS | | | |

**SUMMARY OF KEY CONSIDERATIONS AND ISSUES**

*The following comments are based on staff's review of the information provided on the pre-application form and accompanying attachments.*

Summary of Required Land Use Permits

- Type V Planned Unit Development
- Type IV Final Development Plan
- Type III Subdivision
- Type II Street Design Modification
- Type I Final Plat

Zoning & Proposed Land Uses

- The property is zoned Very Low Density Residential (VLDR) and the applicant is proposing a development utilizing the SE Sherwood Master Plan PUD standards. 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. See staff comments below regarding the subject development and conformance with the SE Sherwood Master Plan
- Density should be calculated based on the following definition:
    - *SZCDC § 16.10.020 "Density": 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.*

Development Standards

| **Development Standard (single-family detached)** | **VLDR-PUD** | **Exception Proposed through PUD** |
|---|---|---|
| Lot area | 10,000 SF | No |
| Minimum lot width at front property | 25 ft. | **Yes** |
| Minimum lot width at building line | None | No |
| Lot depth | None | No |
| Max Height | 30 ft. or 2 stories | No |
| Front yard setback | 20 | **Yes** |
| Face of garage setback | 20 | No |
| Interior side yard setback | 5 | No |
| Corner lot street side setback | 20 | **Yes** |
| Rear yard setback | 20 | **Yes** |

- The City is considering a text amendment to the PUD code that would prohibit the development to request changes to the minimum lot area and setbacks of the underlying zone. If the proposed change is adopted by City Council, the minimum lot size would be 10,000 SF and the minimum setbacks would be as shown in the VLDR table above for the subject site. If the application is submitted after the code is adopted, the plat would need to be revised to show conformance with the minimum setback requirements of the VLDR zone. No changes would be required to the lot sizes since all are currently over 10,000 SF.
- The code amendment is on the City Council agenda for December 7 and if passed would become effective on January 7, 2022.
    - *https://www.sherwoodoregon.gov/planning/page/residential-design-standards-code-update-and-implementation-house-bill-2001-housing*

Conformance with the SE Sherwood Master Plan

- The table below provides background on how the SE Sherwood Master Plan area has developed in relation to the B/C alternative.
- The applicant provided a revised Preliminary Plat after the pre-app meeting that proposes 32 residential lots and 1.86-acres of open space.
- For the Moser site specifically, the B/C Alternative identifies a 4.5-acre open space on the property. This natural area would serve as the primary open space for the SE Sherwood planning area and would connect to SW Murdock Rd. via a pedestrian corridor along the northern boundary of the site. Since the plan was created, the trees in this future open space area were removed by the property owner.
    - Staff is supportive of the proposed quantity and location of open space provided in the revised plans. The support assumes additional plantings and improvements not shown on the preliminary plat will be provided. This includes a 15 ft. wide tract or easement providing a pedestrian connection to SW Murdock Rd. between Tract B and Lot 6; a continuous trail system through the open space, new tree planting for the open space, and a usable improvement such as a gazebo in the open space.
    - While the amount of open space proposed is less than what is identified in the SE Sherwood Master Plan area, the proposal will provide usable open space for the neighborhood and public that meets the intent of the master plan. The Sherwood City Council is the final decision maker on this matter.
    - Staff recommends incorporating the historic cattle access lane as part of the open space design

| Development | Open Space | B/C Alternative |
|---|---|---|
| Lane | 21,002 SF | |
| Meadows | 36,574 SF | |
| Summit | 80,167 SF | |
| Moser | 81,143 SF | |

| | | |
|---|---|---|
| **Total** | **5.02 AC** | **11 AC** |

| **Development** | **Net Buildable Site** | **Units** | **Net Density** |
|---|---|---|---|
| Lane | 113,640 SF (2.60 AC) | 7 | 2.69 |
| Meadows | 144,480 (3.32 AC) | 13 | 3.92 |
| Summit | 535,016 (12.28 AC) | 41 | 3.33 |
| Moser (proposed) | 429,818 (9.87 AC) | 32 | 3.24 |
| **Total** | **28.07 AC** | **93** | **3.31** |
| **B/C Alternative** | **-** | **82** | **-** |

Conformance with the PUD Approval Criteria

- The application shall discuss why a PUD is being pursued, and how the exceptions from the underlying code are warranted by the unique design and amenities incorporated in the development plan. A list of the exceptions identified by staff is provided below.
- A minimum of 15% open space is required. For determining the "buildable portion" of the site please refer to the definition of "Net Developable Site" in SZCDC § 16.10.
    - Based on the revised Preliminary Plat, the proposed open space calculation is 20.3%. (108,583 SF / 87,143 SF = 20.3%)

Based on the preliminary plans, the following exceptions to the underlying code are being requested:

- Front yard setback, rear yard setback, corner lot street side setback (SZCDC § 16.12.030(C))
- Lot width at front property line (SZCDC § 16.12.030(C))
- Driveway width for access serving 3 or more residential units (SZCDC § 16.96.020(A))
- Cul-de-sac length (SZCDC § 16.106.040(E))
- Pedestrian and Bicycle Connectivity (SZCDC § 16.106.030(B)(6))

Land Division Standards

- All lots in a subdivision shall abut a public street (SZCDC § 16.128.030(B)).
- 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 (SZCDC 16.128.030(D).
- Complete land division standards are located under SZCDC Division VII.

Pedestrian Circulation

- The plans show pedestrian corridor widths at a minimum of 15 ft. which is consistent with the Denali Summit PUD design. Staff recommends using the same design the Denali Summit corridors (5 ft. landscaping on each side of a 5 ft. hard-surface pathway).
- A pedestrian connection to SW Murdock Rd. is required north of the new intersection of SW Curry Ridge Rd. and SW Murdock Rd.

Trees and Landscaping

- SW Murdock Rd. is an arterial street and requires a 15 ft. wide landscaped visual corridor (SZCDC § 16.142.040).
- A 40% tree canopy over the net development site is required for single-family residential development. Preservation of existing native trees in good health can be used to achieve the required canopy. The canopy of preserved trees can be counted twice in obtaining the 40% minimum (SZCDC § 16.142.070(E).
- All trees on the site shall be inventories and described per SZCDC § 16.142.070.

Environmental

- Regionally significant upland habitat is located on the site. Inventory and protection requirements are located in SZCDC § 16.144.020(C). The tree report provided with the application can be used to determine the extent and health of the resource.

Transportation

- A new public street system is proposed to connect to the Denali Meadows and Denali Summit subdivisions. The proposed 52 ft. local street ROW is appropriate for the development. Parking would be permitted on one side. The applicant is encouraged to provide a street parking exhibit with the submittal.
- 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. The application should discuss why a cul-de-sac is proposed based on the standard. An Engineering Design Modification is required for the cul-de-sac. The application should also address SZCDC § 16.106.020(E) for the proposed cul-de-sac.
- Please refer to the City of Sherwood Engineering and Oregon Department of Transportation comments for full transportation comments.

Water, Storm Water, and Other Public Utilities

Please refer to the City of Sherwood Engineering comments.

## AGENCY COMMENTS

**City of Sherwood Engineering Comments**
Please refer to the engineering comments from Craig Christensen, PE. Contact info listed below.

**City of Sherwood Building Division**
Please contact Scott McKie, Building Official, with questions at 503-625-4217 or mckies@sherwoodoregon.gov

**Tualatin Valley Fire & Rescue Comments**
Please contact Ty Darby, Deputy Fire Marshall, with questions at 503-259-1409 or ty.darby@tvfr.com

## APPLICANT QUESTIONS

- *We will be submitting under the PUD guidelines for the VLDR zoning district, which generally allows for some design flexibility. We are showing an interior public street that would meander through the property with one (1) short cul-de-sac street providing access to thirteen (13) lots, with Lots 1 - 3 being rear loaded to eliminate driveways on the Upper Roy extension. Do you see any issues with the proposed cul-de-sac as designed?*

**Response:** The distance between the SW Upper Roy St. and SW Willamette St. intersections along SW Murdock Rd. is approximately 1,000 ft. SW Murdock Rd. is an arterial street under City jurisdiction. The minimum spacing for intersections along an arterial street is 600 ft. and a new street connection between SW Upper Roy and SW Willamette would not meet City spacing standards.

The proposed cul-de-sac is greater than 200 ft. in length and the applicant is required to obtain a design modification from the City Engineering Dept. The application should also address SZCDC § 16.106.020(E). A pedestrian connection in lieu of a public street connection is also required north of SW Upper Roy.

- *Does the location for the proposed Open Space meet City requirements?*

**Response:** The proposed location of open space is consistent with the SE Sherwood Master Plan. The amount of open space provided in the revied plat is still less than what is identified in the master plan.

- *What are the requirements for half street improvements on Murdock?*

**Response:** See City of Sherwood Engineering comments.

- *Any special design considerations for Upper Roy intersection w/Murdock.*

**Response:** Yes, due to proximity of the intersection to Murdock Park and the curve south of the intersection. A design that includes enhanced pedestrian safety at the intersection may be required (e.g. flashing beacon).

- *How does the fee in lieu paid by Miller's project effect Upper Roy construction? Does the fee in lieu go to this developer?*

**Response:** See City of Sherwood Engineering comments or contact Craig Christensen.

- *Can the existing road easement on north line be terminated?*

**Response:** The easement can be terminated if use of the easement is no longer needed. A copy of the easement language and discussion of the need can be submitted with the application.

- *We would like to obtain an early grading permit to stockpile soil on this site the moment the land use approval is obtained. Can we discuss a path to this effort?*

**Response:** A grading permit can be issued after land use approval is received. Staff can discuss early review of a grading permit, however, issuance of a permit is also dependent on reviews from DEQ and CWS. Those reviews may require land use approval. Please also be aware that leading up to the hearing, staff focus will be on the land use application.

- *Another thing to think about is grading out the backs of Lots 1-5 on the Denali Summit PUD to the south of the Mosier property, which is being developed by the same developer. With the grading of Lots 1 – 5 in the Denali Summit PUD, now that the developer controls the Mosier property, is it possible to remove the boulder wall that has recently been discussed. Any thoughts on how to accomplish this task?*

**Response:** Please refer to the City of Sherwood Engineering comments or contact Craig Christensen.

- *Should we record a grading easement on the Denali Summit plat to allow for grading efforts required for this Mosier site? If so, would this be a temporary easement?*

**Response:** Please refer to the City of Sherwood Engineering comments or contact Craig Christensen.

- *Water looping and water zones were a topic at Denali Summit does this come into plan with this site?*

**Response:** Please refer to the City of Sherwood Engineering comments or contact Craig Christensen.

*Confirm density with proposed layout - City code reads as follows:*

*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.*

*Based on the submitted layout, does the design generally conforms to the concepts, goals and objectives of the SE Sherwood MP to achieve a maximum density of four (4.0) dwelling units per net buildable acre?*

**Response:** Please refer to the discussion above regarding conformance with the SE Sherwood Master Plan. Staff supports the location and quantity of open space shown in the revised plat, however, it is still short of what is shown in the master plan. Additional details to come to that conclusion were discussed during meetings are not shown on the plans. This includes a 15 ft. wide pedestrian connection to SW Murdock Rd., a gazebo in the open space tract, new tree plantings in the open space tract, and continuation of the trail system from the Denali Summit subdivision. The final decision maker on this matter is City Council.

# Contact Information and Helpful Links

## PLANNING DEPARTMENT INFORMATION

| | |
|---|---|
| **Colleen Resch,** Planning Technician | reschc@sherwoodoregon.gov / 503-625-4223 |
| **Eric Rutledge**, Associate Planner | rutledgee@sherwoodoregon.gov / 503-625-4242 |
| **Joy Chang,** Senior Planner | changj@sherwoodoregon.gov / 503-625-4214 |

**Current Project Page:**
https://www.sherwoodoregon.gov/projects?tid=All&field_project_status_value=All&field_project_type_tid=93&keys=&=Apply

**Planning Applications and Checklists:**
https://www.sherwoodoregon.gov/planning/page/land-use-applications-and-checklists

## ENGINEERING DEPARTMENT INFORMATION

| | |
|---|---|
| **Jo Guediri,** Engineering Program Associate | guedirij@sherwoodoregon.gov / 503-925-2309 |
| **Craig Christensen,** Civil Engineer P.E. | christensenc@sherwoodoregon.gov / 503-925-2301 |
| **Bob Galati,** City Engineer P.E. | galatib@sherwoodoregon.gov / 503-925-2303 |

**Engineering Department Home Page:** https://www.sherwoodoregon.gov/engineering

**Permit Process Packet:** www.sherwoodoregon.gov/engineering/page/eng-permit-process-packet-forms

**System Development Charges (SDC) Information:**
https://www.sherwoodoregon.gov/engineering/page/system-development-charges-sdc

## BUILDING DEPARTMENT INFORMATION

| | |
|---|---|
| **Karen Abdill,** Lead Building Permit Specialist | abdillk@sherwoodoreong.gov / 503-625-4226 |
| **Scott McKie,** Building Official | mckies@sherwoodoregon.gov / 503-625-4217 |

**Building Department Home Page:** https://www.sherwoodoregon.gov/building

**Building Permit Forms:** https://www.sherwoodoregon.gov/building/page/permit-forms

# Engineering Pre-Application Comments

| | |
|---|---|
| To: | Eric Rutledge, Associate Planner |
| From: | Craig Christensen, P.E., Engineering Department |
| Project: | PAC 2021-013 Denali Moser |
| Date: | October 22, 2021 |

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 Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

Sanitary Sewer

There is an existing 8-inch diameter public sanitary sewer main within SW Murdock Road from SW Upper Roy Street to 200 feet north of SW Upper Roy Street along the subject property frontage. The depth of this sanitary sewer makes it questionable as to its ability to serve some of the lower areas of the subject property. Sanitary sewer will need to be extended through the interior of the development to provide public sanitary sewer to all new lots.

Any existing septic system on the site will need to be abandon in accordance with all applicable regulations.

Water

There is an existing 12-inch diameter public water main within SW Murdock Road along the full length of the subject property frontage. This main provides all the needed service within this area. Therefore no extension of the existing water system is anticipated outside of that needed to serve the subject development.

The new water system interior to the subject development will likely be required to connect to the surrounding systems. There are 3 separate pressure zones in the area (380', 400' and 535'). The pressure zone to be used for this area is unknown at this time. Additional offsite work may be necessary if the 400' pressure zone is to serve the development.

Any well on the site will either need to be abandoned or maintained in accordance with all applicable regulations.

Storm Sewer

There is a 12-inch diameter existing storm sewer main located within SW Murdock Road along the northern portion of the property frontage receiving the runoff from a ditch on the east side of SW Murdock Road. This storm sewer discharges into a ditch which runs along the east side of SW Murdock Road further north of the subject property frontage. This storm water eventually flows to a water quality facility that may currently be inoperable. Extension of the storm sewer within SW Murdock Road will likely be required as necessary to receive storm runoff from the SW Murdock Road street improvements and will need to be extended through the interior of the development to provide public storm sewer to new public streets and to all new lots.

Water quality treatment and hydromodification will likely be required in compliance with Clean Water Services (CWS) standards. Street access to the water quality/hydro-modification facility will likely be required.

A storm water report meeting CWS standards will be required. As part of the storm water report, it will likely be required that a downstream analysis be provided to show that the downstream storm system has capacity for the proposed development.

Transportation

The subject property is bordered by SW Murdock Road (Arterial Street) to the west of the subject property. SW Murdock Road will likely be a 3-lane street along the frontage of the subject property to provide for a median left turn lane. SW Murdock Road will likely need to be widened to 50 feet of pavement from the curb on the opposite (west) side of SW Murdock Road with 5-foot wide landscape strip, 6-foot wide sidewalk, 1-foot wide buffer strip and right-of-way dedication as necessary to accommodate the street section. This street section will accommodate two 6-foot wide bike lanes, two 12-foot wide travel lanes and one 14-wide left turn lane. Street lighting along SW Murdock Road will likely be required as well as the undergrounding of overhead utility lines along the frontage of the subject property. Restriping of SW Murdock Road south of its intersection with SW Upper Roy Street will likely be required to create a north bound left turn lane south of the intersection. A landscaped median area may be required within SW Murdock Road outside of the left turn lane areas.

A rapid flashing beacon may be required at the SW Murdock Road/SW Upper Roy intersection.

The extension of SW Upper Roy Street eastward into the subject property and other interior streets will likely be required to provide for a 28-foot wide paved street with a 5-foot wide landscape strip, 6-foot wide sidewalk, 1-foot wide buffer strip. Street lighting will be required along new public streets.

Right-of-way dedication for the extension of SW Upper Roy on the property south of the subject property will be dedicated upon recording of the Denali Summit plat.

The proposed cul-de-sac shown appears to be in excess of the allowed 200-foot maximum. A code variance/design modification request will need to be approved.

A payment in lieu of constructing improvements along the extension of SW Upper Roy Street is being made by the property to the south as part of the requirements for that development. Upon final acceptance of the public improvements for the subdivision, the payment in lieu money being held by the city can be released to the developer of this development.

Other Engineering Issues:
A CWS Service Provider Letter is required.

A CWS Storm Water Connection Permit Authorization is required.

The subject development disturbance exceeds 5 acres, therefore a DEQ NPDES 1200-C permit will be required.

A Public Utility Easement with a minimum width of 8 feet will likely be required along all right-of-way frontage.

SW Murdock Road is an arterial status street. Arterial status streets are subject to visual corridor requirements meeting Sherwood Municipal Code standards.

There is an As-Built Request Form on the City of Sherwood website for acquisition of as-built plans.

A System Development Charge spreadsheet is available for use in the forms section on the City of Sherwood website.

Sherwood Broadband conduits and vaults shall be installed along all right-of-way frontages within the PUE.

Overhead utilities along the east side of SW Murdock Road will need be relocated underground.

If there are contaminants in site soils that require clean up, then the necessary permitting shall be obtained from DEQ for the clean up operations and a finding of “No Further Action” will need to be received.

END OF COMMENTS

DISCLAIMER: The comments provided above are initial in nature and are in no way binding as to what conditions may or may not be imposed upon the development in the Notice of Decision.

Case No. _____
Fee _____
Receipt #_____
Date _____
TYPE_____

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

**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:_____ Phone: _____
Applicant Address: _____ Email: _____
Owner:_____ Phone: _____
Owner Address: _____ Email: _____
Contact for Additional Information: _____

**Property Information:**

Street Location: _____
Tax Lot and Map No: _____
Existing Structures/Use: _____
Existing Plan/Zone Designation: _____
Size of Property(ies) _____

**Proposed Action:**

Purpose and Description of Proposed Action:

Proposed Use: _____

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 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.

# APPLICATION MATERIALS REQUIRED FOR

# SUBDIVISION PLAT

**Submit the following to the City of Sherwood Planning Department, 22560 SW Pine St., Sherwood, OR 97140: (503) 925-2308.**

**It is strongly suggested that you have a pre-application meeting with the City prior to submitting for a Subdivision. (See *Pre-application Process* form for information.)**

**Note:** The Clean Water Services (CWS) requires a pre-screening to determine if water quality sensitive areas exist on the property. If these sensitive areas exist, a Site Assessment and Service Provider Letter is required prior to submitting for a subdivision or minor land partition or undertaking any development. **This application will not be accepted without a completed Pre-Screening Form and if required a Service Provider Letter.** Please contact CWS at (503) 681-3600.

If the proposal is next to a Washington County roadway, the applicant must submit an Access Report (Traffic Study) to Washington County Department of Land Use and Transportation (503) 846-8761. **This application will not be accepted until an Access Report (Traffic Study) is submitted to Washington County and the Access Report is deemed complete by the County; or written verification from Washington County that an Access Report is not required is provided.**

**I.** **Fee -** See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at **www.sherwoodoregon.gov.** Click on Departments/Planning/ Fee Schedule.

**Note:** The above fee is required at the time you submit for a subdivision. Additional fees will be charged for building permit, system development charges, impact fees and other fees applicable to the development. These fees will be charged when you make application for building permit. Building permit application will not be accepted until the final plat is recorded.

**II.** **BACKGROUND INFORMATION** (all materials collated and folded (not rolled) to create fifteen (15) sets)

*****Note that the *final* application must contain fifteen (15) folded sets of the above, however, upon initial submittal of the application and prior to completeness review, the applicant may submit three (3) complete folded sets with the application in lieu of fifteen (15), with the understanding that fifteen (15) complete sets of the application materials will be required before the application is deemed complete and scheduled for review.

- ☐ **Application Form –** One original and fourteen (14) copies of a completed **City of Sherwood Application for Land Use Action** form. Original signatures from all owners must be on the application form.

- ☐ **Documentation of Neighborhood Meeting** - Affidavits of mailing, sign-in sheets and a summary of the meeting notes shall be included with the application.

- ☐ **Tax Map** - Fifteen (15) copies of the latest Tax Map available from the Washington County Assessor's Office showing property within at least 300 feet with scale (1"=100' or 1"= 200') north point, date and legend.

- ☐ **Mailing Labels –** Two (2) sets of mailing labels for property owners within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice. Mailing labels are available from the Washington County Assessors office or a private title insurance company. . Ownership records shall be based on the most current available information from the Tax Assessor's office. *It is the applicant's responsibility to provide mailing labels that accurately reflect all property owners that reside within 1,000 feet of the subject site.*

- ☐ **Vicinity Map –** Fifteen (15) copies of a vicinity map. A photocopy of the Thomas Guide is adequate, showing the City limits and the Urban Growth Boundary.

- ☐ **Narrative –** Fifteen (15) copies and **an electronic copy** of a narrative explaining the proposal in detail and a response to the Required Findings for Subdivision, located in Chapter 16 of the Municipal Code/Zoning & Development, Section 16.120. The Municipal Code/Zoning & Development is available online at www.sherwoodoregon.gov, City Government/Records.

- ☐ **Electronic Copy –** An electronic copy of the entire application packet. This should include all submittal materials (narrative, vicinity map, mailing labels, site plan, preliminary plat, etc.).

## III. REQUIRED PLANS

Submit fifteen (15) sets of the following folded full-size plans and **an electronic copy in PDF format**. Plans must have:

1) The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.
2) The name, address and phone of the owner, developer, applicant and plan producer.
3) North arrow,
4) Legend,
5) Date plans were prepared and date of any revisions
6) Scale clearly shown. Other than architectural elevations, all plans must be drawn to an engineer scale.
7) All dimensions clearly shown.

- ☐ **Existing Conditions Plan** - Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and utilities, existing vegetation including trees, any floodplains or wetlands and any easements on the property. The existing conditions plan shall also include the slope of the site at 5-foot contour intervals

☐ **Preliminary Development Plans-** Plans must be sufficient for the Hearing Authority to determine compliance with applicable standards. The following information is typically needed for adequate review:

1. The subject parcel(s), its dimensions and area and the buildable area of each lot.

2. The location and dimensions of proposed development, including the following:

Transportation

a. Public and private streets with proposed frontage improvements including curb, gutters, sidewalks, planter strip, street lighting, distances to street centerline, pavement width, right-of-way width, bike lanes and driveway drops.
b. Public and private access easements, width and location.
c. General circulation plan showing location, widths and direction of existing and proposed streets, bicycle and pedestrian ways and transit routes and facilities.
d. Show the location and distance to neighboring driveways and the width and locations of driveways located across the street.
e. The location and size of accesses, sight distance and any fixed objects on collectors or arterial streets.
f. Emergency accesses.

Grading and Erosion Control

g. Indicate the proposed grade at two (2)-foot contour intervals.
h. Indicate the proposed erosion control measures to CWS standards (refer to CWS R&O 07-20).
i. Show areas of cut and fill with areas of structural fill.
j. Show the location of all retaining walls, the type of material to be used, the height of the retaining wall from the bottom of the footing to the top of the wall and the exposed height of the wall.

Utilities

k. Utilities must be shown after proposed grade with 2-foot contour intervals.
l. Map location, purpose, dimensions and ownership of easements.
m. Fire hydrant locations and fire flows.
n. Water, sewer and stormwater line locations, types and sizes.
o. Clearly indicate the private and public portions of the system.
p. Above-ground utilities and manhole locations

Preliminary Stormwater Plan

q. Show location, size and slope of water quality facility.
r. Preliminary calculations justifying size of facility.
s. The total square footage of the new and existing impervious area.
t. Indicate a stormwater facility to CWS standards (CWS R&O 07-20).

Sensitive Areas

u. Show any and all streams, ponds, wetlands and drainage ways.
v. Indicate the vegetative corridor for sensitive areas to CWS standards. (R&O 07-20).
w. Indicate measures to avoid environmental degradation that meet CWS, DSL and Army Corp requirements.
x. Flood elevation.
y. Wetland delineation and buffering proposed.

Land Use

z. The square footage of each building and a break down of square footage by use. (i.e. retail, office, industrial, residential, etc.).
aa. Net buildable acres. (The land remaining after unbuildable areas are taken out, such as the floodplain and wetland areas.)
bb. Net density calculation for residential use.
cc. Existing trees proposed to remain and trees to be removed and the drip-lines of trees proposed to remain.
dd. Street tree location, size and type. (refer to Ch. 8, Section 8.304.06 of the Community Development Code).
ee. Location, size and height of proposed free-standing signs.
ff. Location, height and type of fencing and walls.
gg. For each lot indicated the building envelope.

☐ **Reduced - Proposed Development Plans –** One (1) reduced copy of the Proposed Development Plans on 8 1/2" by 11" sheets and fifteen (15) reduced copies on 11" by 17" sheets.

☐ **Lighting Plan** – Photometric lighting plan indicating foot candle power on and along the perimeter of the site. Proposed locations, height and size of lights. (If outdoor lighting is proposed).

☐ **Surrounding Land Uses –** Existing land use including nature, size and location of existing structures within 300 feet. .

## IV. DOCUMENTS REQUIRED

☐ **Title Report** – Two (2) copies of a current preliminary title report available from a private title insurance company.

☐ **CWS Service Provider Letter** – Four (4) copies of the CWS service provider letter.

☐ **Soils Analysis and/or Geotechnical Report** – Four (4) copies completed by a registered Soils Engineer or Geologist including measures to protect natural hazards. (If required by the City Engineer).

☐ **Traffic Study –** Four (4) copies of a traffic study. (If required by the City Engineer

## V. ADDITIONAL DOCUMENTS THAT MAY BE REQUIRED

☐ **Army Corps and DSL wetland applications and/or permits –** Four (4) copies of required Divisions of State Lands and/or Army Corp of Engineers permits and/or permit applications if applicable.

☐ **Trip Analysis** - verifying compliance with the Capacity Allocation Program, if required per 16.108.070.

☐ **Tree Report –** Two (2) copies of a tree report prepared by an arborist, forester, landscape architect, botanist or other qualified professional. (If trees are on-site).

- ☐ **Natural Resource Assessment –** If required by Clean Water Services (CWS). The CWS Pre-Screening indicates as to whether this report is required or not.

- ☐ **Wetland Delineation Study –** if required by Oregon Division of State Lands (DSL) or the Army Corps of Engineers.

- ☐ **Other Special Studies and/or Reports –** if required by the Planning Director or the City Engineer to address issues identified in the pre-application meeting or during project review.

- ☐ Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County

## 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.

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.
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.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
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.
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.
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 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.

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.

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.

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

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).

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

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

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

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

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.

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).

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.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 1; 98-1053; Ord. 86-851, § 3)

# PLANNING DEPARTMENT NEIGHBORHOOD MEETING PACKET

**(Required for all Type III, IV or V projects)**

Submit the following with land use application materials to the City of Sherwood Planning Department, 22560 SW Pine St., Sherwood, OR 97140: (503) 625-5522.

The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development per Sherwood Zoning and Community Development Code 16.70.020. The meeting must be held in a public location **prior** to submitting a land use application.

☐ Affidavits of mailing to adjacent property owners that are within 1,000 feet of the subject application.

☐ Sign-in sheet(s)

☐ Summary of the meeting notes

*(Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in 16.72.020.)*

# Affidavit of Mailing

DATE:

STATE OF OREGON )
)
Washington County )

I, _____, representative for the _____ proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on _____.

_____
Representatives Name:
Name of the Organization:

# NEIGHBORHOOD MEETING SIGN IN SHEET

**Proposed Project:** _____

**Proposed Project Location:** _____

**Project Contact:** _____

**Meeting Location:** _____

**Meeting Date:** _____

| **Name** | **Address** | **E-Mail** | **Please identify yourself (check all that apply)** | | | |
|---|---|---|---|---|---|---|
| | | | Resident | Property owner | Business owner | Other |
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**Continued sign-in sheet for proposed project:_____Date:_____**

| Name | Address | E-Mail | Please identify yourself (check all that apply) | | | |
|---|---|---|---|---|---|---|
| | | | Resident | Property owner | Business owner | Other |
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# NEIGHBORHOOD MEETING LOCATIONS

Neighborhood meetings must be held in the City of Sherwood, preferably near the proposed project location. The following is a list of potential meeting locations but is not all inclusive.

Chamber of Commerce (tentative) – 16065 SW Railroad Street ……..…503-625-7800
(Contact the Chamber of Commerce for more information.)

Sherwood School District
Archer Glen Elementary School -16155 SW Sunset Blvd
Edy Ridge Elementary School - 21472 SW Copper Terrace
Hopkins Elementary School - 21920 SW Sherwood Blvd
Laurel Ridge Middle School - 21416 SW Copper Terrace
Middleton Elementary School - 23505 SW Old Hwy 99W
Sherwood Charter School - 23264 SW Main Street
Sherwood Middle School - 21970 SW Sherwood Blvd
Sherwood High School - 16956 SW Meinecke Road

Contact Liz Gally……503-825-5922
*The school district rents their facilities. The fee schedule is available on their website at http://sherwood.k12.or.us/*

Marjory Stewart Senior Center – 21907 SW Sherwood Blvd…….503-625-5644

Sherwood City Hall - 22560 SW Pine Street……503-625-5522

Sherwood Police Department - 20495 SW Borchers Drive……..…503-625-5523

Tualatin Valley Fire & Rescue - 15440 SW Oregon Street…….503-649-8577
(Contact administrative office and request to set up a meeting at Sherwood fire department.)

YMCA – 23000 SW Pacific Highway .....503-625-9622
(Contact Lauren O'Halloran)

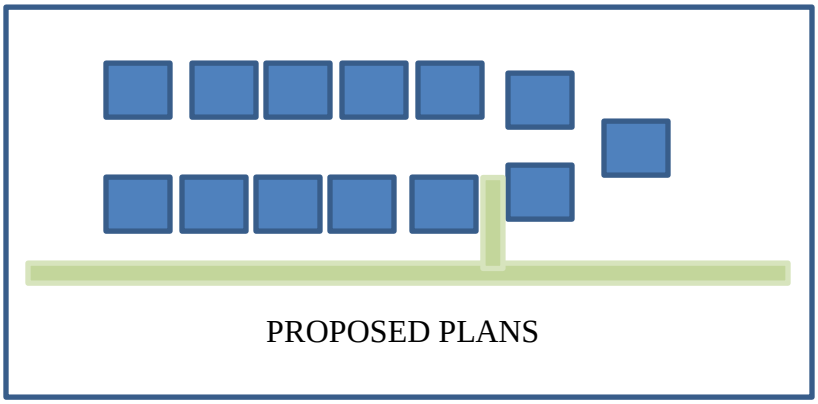
Other locations could include churches, coffee shops, developer's office, onsite, etc. provided they are open to the public to attend, conveniently located and are within the City of Sherwood.

# EXAMPLE NOTICE A

# NOTICE OF NEIGHBORHOOD MEETING

A Neighborhood Meeting will be held on January 1, 2011 at 123 SW Local Street (Subject site) to inform the community about our proposed subdivision. Interested community members are encouraged to attend this meeting. Please contact John Doe at 555-555-5555 for additional information.

**PROJECT PROPOSAL**: The ABC Group is proposing a thirteen (13) Lot subdivision at 123 Local Street. The subdivision will have single family homes that are all constructed in one phase. We are also proposing a pathway connecting this subdivision to the adjacent neighborhoods.



PROPOSED PLANS

## Agenda

6:30PM – Welcome
7 PM - Project Presentation
8 PM – Question and Answer
9 PM – Meeting Adjourn

## Meeting Information

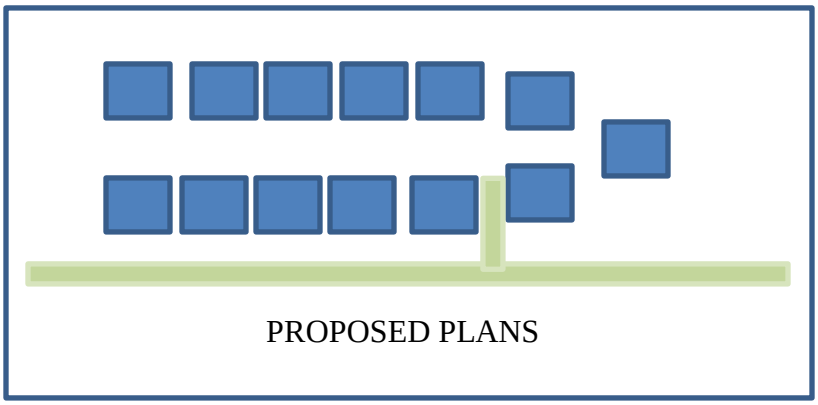
DATE: January 1, 2011
TIME: 7 PM
LOCATION: 123 SW Local Street (Subject site)
CONTACT: John Doe, Project Manager at ABC Group 555-555-5555

# EXAMPLE NOTICE B

# *NOTICE OF NEIGHBORHOOD MEETING*

A Neighborhood Meeting will be held on January 1, 2011 at 123 SW Local Street (Subject site) to inform the community about our proposed subdivision. Interested community members are encouraged to attend the open house. Please contact John Doe at 555-555-5555 for additional information.

**PROJECT PROPOSAL:** The ABC Group is proposing a thirteen (13) Lot subdivision at 123 Local Street. The subdivision will have single family homes that are all constructed in one phase. We are also proposing a pathway connecting this subdivision to the adjacent neighborhoods.



PROPOSED PLANS

**Open House Information**

DATE: January 1, 2011
TIME: 7 – 9PM
LOCATION: 123 SW Local Street (Subject site)
CONTACT: John Doe, Project Manager at ABC Group  555-555-555

CITY OF SHERWOOD
COVID-19 VIRTUAL NEIGHBORHOOD MEETING REQUIREMENTS

May 11, 2020

Effective immediately due to the Coronavirus (Covid-19) outbreak, the City of Sherwood Planning Department will accept a virtual meeting alternative in place of an in-person Neighborhood Meeting. This option will allow land use applications to move forward while still providing an opportunity for community members to provide valuable input on development projects. The virtual meeting alternative will be in effect until the City determines it is no longer necessary based on official County and State restrictions related to Covid-19.

This is a temporary option for holding a Neighborhood Meeting during the time covered by the Governor's order and does not permanently replace any portion of current Sherwood Zoning and Community Development Code's requirements for Neighborhood Meetings under SZCDC § 16.70.020. The Virtual Neighborhood Meeting Requirements are described below.

1. The applicant's Virtual Neighborhood Meeting notice materials shall be mailed to property owners and recognized neighborhood organizations within 1,000 ft. of the subject application site and shall include all the following:

    - A written narrative explaining the development proposal.
    - A legible (preferably rendered) site plan.
    - A URL for the virtual meeting (to be held on Zoom, Skype, Go-to-Meeting, Microsoft Teams, or other similar online platform), and information on how members of the public can access the virtual meeting.
    - A toll-free phone number providing an alternative for participation by phone.
    - Addresses where written comments and questions can be submitted via email and US Postal Service prior to the meeting.
    - A URL for a website, Dropbox, or other online platform hosted by the applicant providing public access to a copy of the mailing materials and other typical neighborhood meeting materials (grading plan, landscape plan, renderings, etc.). These materials shall be posted online the same day the meeting notice is mailed.

2. In executing the Virtual Neighborhood Meeting, the applicant shall:

    - Hold the online meeting at the time and virtual location posted in the notice.
    - During the meeting, collect names and contact information of all participants and provide that information with the meeting summary (in lieu of a sign-in sheet).
    - During the meeting, solicit input and exchange information about the proposed development

- During the meeting address all questions and comments submitted prior to the meeting by email or USPS.

3. The following information is required to be submitted with the land use application:

- An affidavit of mailing to adjacent property owners and recognized neighborhood organizations within 1,000 ft. of the subject application site
- A sign in sheet (name and contact info of participants collected during the meeting)
- Any correspondence (email or USPS) the applicant receives regarding the meeting
- A summary of the meeting notes

*Please note that if the virtual meeting is to be recorded, all participants shall be notified that the meeting is being recorded.*

***Sherwood Zoning and Community Development Code (for reference)***
***16.70.020 - Neighborhood Meeting***

*A. The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development.*

*B. Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes must be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.*

*1. Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in 16.72.020.*

April 25, 2022

JT Roth VIA EMAIL
Attn: Tim Roth
12600 SW 72nd Avenue, Ste. 200
Portland, OR 97223

RE: 22900 SW Murdock Road – ESA Compliance for Early Grading Permits
(TL: 2S133BC01700)

Dear Tim:

As requested, ES&A did a review of potential listed threatened and endangered species occurring within the proposed early grading for the site. The potential for listed species occurrence on site was evaluated based on the site investigation completed for the natural resource assessment for the Clean Water Services (CWS) Service Provider Letter (SPL).

The attached CWS Site Assessment report provides a summary of the existing habitat on site and the extent of any regulated water resource sensitive areas or associated vegetated corridor (VC) buffers. The entire site was investigated for sensitive habitat as well as migratory bird nests.

***Site Conditions***

The site has an existing residential building and ancillary structures in the western end of site with a gravel driveway entering the site from SW Murdock Road. The northwest quadrant of the project area is a weedy field. Trees have been largely removed from this end of site, but there are a few Pacific madrone trees (*Arbutus menziesii*) scattered throughout.

The eastmost two-thirds of the property is characterized by steeper slopes, with large patches of Himalayan blackberry creating a mosaic with open grassy areas. This portion of the site was logged sometime after 2006. Scattered clusters of Pacific madrone trees are found throughout this part of the property. The southeastern portion of the property with its meandering logging roads, hosts bigleaf maple and Pacific madrone intermixed in large patches of invasive blackberry.

The most likely location on site for any potential species presence is within the undisturbed perimeter of site in the north and eastern edges of site within mature trees along the property boundary. An extensive riparian forest borders the eastern edge of the site and extends east down to the Rock Creek floodplain. The off-site riparian forest is the most likely habitat for listed species. No impacts to offsite forest habitat is proposed with site development and this area will remain protected as open space.

### *USFWS Regulated Species*

A list of ESA species potentially present within the project vicinity was obtained through the USFWS on-line Information, Planning and Conservation System (IPAC) (USFWS 2020). The USFWS Endangered Species Program lists a total of seven (7) threatened or endangered species potentially occurring within the project vicinity, including three bird species and five plant species.

The two bird species listed on the USFWS Planning and Conservation System are the northern spotted owl (*Strix occidentalis caurina*) and streaked horned lark (*Eremophila alpestris strigata*). Habitat requirements for the northern spotted owl include old growth coniferous forests and the streaked horned lark requires open dry grassland. Neither of these habitat types is present within the project site. The site has been logged so no old-growth forest habitat is present and existing habitat is scrub and small sapling vegetation with no suitable grassland.

The two insect species include listed Threatened Fender's Blue Butterfly (*Icaricia icarioides fenderi)* and Candidate Monarch Butterfly (*Danaus plexippus)*. Habitat requirements for Fender's Blue Butterfly include native prairie and oak savannah, and it requires Kincaid's lupine (*Lupinus sulphureus)* as a host plant. Neither of these habitat types is present within the project site. Monarch butterfly habitat requirements include flowering plants and milkweed for breeding which can occur in a wide range of conditions such as grassland, tundra, urban cities, rural agricultural habitat, wetland, mountain, and coastal habitats. There was no observed suitable flowing plants or milkweed observed on site. While there is potential for suitable habitat for this species, the probability of constant annual Monarch presence is low give the highly disturbed and significantly altered conditions by past clearing.

The three (3) listed plants include Kincaid's lupine (*Lupinus sulphureus ssp. kincaidii*), Nelson's checker-mallow (*Sidalcea nelsoniana*), and Willamette Daisy (*Erigeron decumbens var. decumbens*). Habitat requirements for the three species include wet prairie and upland prairie. Neither of these habitat types is present within or adjacent to the project site.

Nelson's checker-mallow may occur in wet ditches and emergent wetland. However, the probability that Nelson's checker-mallow would be present given the highly disturbed condition of the on-site emergent wetland on site is extremely low.

### *NMFS Regulated Species*

There are no streams or riparian habitat within the site. The nearest stream is Rock Creek, which is approximately 200 feet offsite to the east of the project area. According to Oregon Fish Habitat Distribution Barriers provided by the Oregon Department of Fish and Wildlife (ODFW), Rock Creek is within the fish district NWWD-Coast Range Unit.

Three species of listed anadromous fish under the jurisdiction of NMFS are present in Rock Creek. There are no offsite barriers downstream, northeast of the site and all three of these fish species show up on the *ODFW* Oregon Fish Habitat Distribution and Barriers database as being present in the waterways (StreamNet 2019).

*Listed Species Review*

The ODFW Oregon Fish Habitat Distribution and Barriers database documented four (4) potential federal or state listed or sensitive species within proximity of the project site:

1. Coho salmon (Lower Columbia River ESU) (*Oncorhynchus kisutch*)
2. Steelhead (Lower Columbia River ESU, winter run) (*Oncorhynchus mykiss*)
3. Chiselmouth chub (Lower Columbia River ESU) (*Acrocheilus alutaceus)*

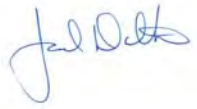
*Sensitive:*

4. Pacific lamprey (*Lampetra tridentata*)

The proposed project will not alter the Rock Creek channel stream habitat used by these species and the project will meet local stormwater treatment and detention requirements to minimize impacts to water quality and quantity in the offsite creek. Current habitat use by these species will not be impacted by project.

Please let me know if you have any questions about this review.

Sincerely,



Jack Dalton
Environmental Science & Assessment, LLC

Cc: Steve Miller Emerio Design.

Attachments:
CWS Site Assessment-Murdock Road

Clean Water Services

# SENSITIVE AREA CERTIFICATION FORM

**Clean Water Services File Number**

**1. Property Information** (example 1S234AB01400)

Tax lot ID(s): 2S133BC01700

Site Address: 22900 SW Murdock Rd

City, State, Zip: Sherwood, Oregon, 97140

Nearest cross street: SW Upper Roy St

**2. Owner Information**

Name: Tim Roth

Company: JT Roth Construction

Address: 12600 SW 72nd Ave., Ste. 200

City, State, Zip: Portland, OR 97223

Phone/Fax:

E-Mail: timr@jtrothinc.com

**3. 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 Early Grading - Residential development

**4. Applicant Information**

Name: Tim Roth

Company: JT Roth

Address: 12600 SW 72nd Ave., Ste. 200

City, State, Zip: Portland, OR 97223

Phone/Fax:

E-Mail: kenzier@jtrothinc.com

**5. Check any of the following that apply to this project**

- ☐ Adds less than 500 square feet of impervious surface.
- ☐ Does not encroach closer to the Sensitive Area than existing development on the property.
- ☒ Is not located on a slope greater than 25%.

**6. Applicant Information**

Name: Jack Dalton

Company: Environmental Science & Assessment, LLC

Address: 4831 NE Fremont Street, Ste., 2B

City, State, Zip: Portland, OR 97213

Phone/Fax: (503) 478-0424

E-Mail: jack@esapdx.com

**7. Will the project involve any off-site work?** ☐ Yes ☒ No ☐ Unknown (check appropriate box)

If yes, location and description of off-site work:

**8. Additional comments or information that may be needed to understand your project:**

**9. An on-site, water quality sensitive area reconnaissance was completed on:**

Date 11/10/21 By Jack Dalton, Alex Sherman

Title Wetland Scientist Company Environmental Science & Assessment, LLC

Clean Water Services

# SENSITIVE AREA CERTIFICATION FORM

**Clean Water Services File Number** _____

**10. Existence of Water Quality Sensitive Areas** (check all appropriate boxes)

As defined in the District's Design and Construction Standards:

A. Water Quality Sensitive Areas ☒ do ☐ do not exist on the tax lot.

B. Water Quality Sensitive Areas ☒ do ☐ do not exist within 200' on adjacent properties, or ☐ unable to evaluate adjacent property.

C. Vegetated corridors ☒ do (7519 SF) ☐ do not exist on the tax lot.

D. Vegetated corridors ☒ do ☐ do not exist within 200' on adjacent properties, or ☐ unable to evaluate adjacent property.

E. Impacts to sensitive areas and/or vegetated corridors will occur ☐ On-site ☐ Off-site ☒ None proposed at this time.

F. If impacts, mitigation is ☐ On-site ☐ Off-site ☐ Other _____

**11. Simplified Site Assessment containing the following information:** (check only items submitted)

Please refer to Design and Construction Standards 19-5 section 3.02.2, as amended by Resolution and Order 19-22, for application requirements.

☐ Complete Certification Form (2 pages)

☐ Written description of the site and proposed activity.

☐ Site plan of the entire property.

☐ Photographs of the site labeled and keyed to the site plan.

**12. Standard Site Assessment containing the following information:** (check only items submitted)

Please refer to Design and Construction Standards 19-5 section 3.02.2, as amended by Resolution and Order 19-22, for application requirements.

☒ Complete Certification Form (2 pages)

☒ Written description per Design and Construction Standards 19-5 section 3.13.3 b. 1, as amended by Resolution and Order 19-22

☒ Wetland Data sheets

☒ Vegetated Corridor Data sheets

☒ Existing Site Condition Figures

☒ Proposed Development Figures

**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.**

**Applicant:**

Print/Type Name Jack Dalton Print/Type Title Wetland Scientist

Signature _____ Digitally signed by Jack Dalton DN: cn=Jack Dalton, o=ES&A LLC, ou, email=jack@esapdx.com, c=US Date: 2022.04.01 14:30:42 -07'00' Date 4/1/22

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**APPENDIX A: FIGURES**
**APPENDIX B: SITE PHOTOGRAPHS**
**APPENDIX C: WETLAND DELINEATION DATA FORMS**
**APPENDIX D: VEGETATED CORRIDOR DATA FORMS**

## INTRODUCTION

Environmental Science & Assessment, LLC (ES&A) conducted a Site Assessment for a subdivision development project at 22900 SW Murdock Road in Sherwood, Oregon (Figure 1). The 12.4-acre study area is a single tax lot (TL# 2S133BC01700) located in the northwest quarter of Section 33 in Township 2 South, Range 1 West.

The following appendices are included with this report:
Appendix A: Figures
Appendix B: Site Photographs
Appendix C: Wetland Delineation Data Forms
Appendix D: Vegetated Corridor Data Forms

## METHODOLOGY

The primary guidance document for this report is the *Design and Construction Standards for Sanitary Sewer and Surface Water Management*, R&O 19-5 as amended by R&O 19-22 (Clean Water Services, 2019), which provides the methodology for assessing the presence and extent of Sensitive Areas (SAs) within the development site and within 200 feet of the site, and the required Vegetated Corridors (VCs) adjacent to them.

Two levels of investigation were used to evaluate the presence or absence of Sensitive Areas. The first level included a review of existing and available background data. The second level consisted of a data collection effort conducted during an on-site evaluation.

Reviewed background data included the following information:

- Aerial Photography and Topography (Metro Data Resource Center's MetroMap, 2019)
- City of Sherwood Local Wetland Inventory (LWI) (David Evans & Associates, 1992)
- Natural Resource Conservation Service (NRCS) Soil Survey of Washington County, Oregon (Web Soil Survey, 2021)
- U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) Map Washington County, Oregon area (USFWS, 2021);

ES&A staff conducted the site evaluation on November 10, 2021. Relevant field data was collected to identify and characterize the nature and condition of the site and to determine the extent of Sensitive Areas and associated VC (Figure 3).

Wetland delineation data was collected at four (4) locations onsite (DPs 1-2) (Figure 3) (Appendix C). Vegetated Corridor data was recorded at two (2) locations to characterize the adjacent VCs (Appendix D).

The wetland delineation data was collected using the methodology provided in the *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)* (USACE, 2010). The Sensitive Area boundaries were mapped in the field using know locations.

**SITE DESCRIPTION**

The site is located at 22900 SW Murdock Road in Washington County (Figure 1). The study area includes one tax lot on the east side of SW Murdock Road, just north of SW Upper Roy Street (TL# 2S133BC01700). The site includes a single-family residence, a separate garage unit, and a barn (Figure 2).

The topography of the site generally slopes towards the north boundary with the steepest slopes that measure greater than 25 percent being found along the eastern boundary of the property. The site elevations are highest at 285 feet on the middle section of the southern tax lot boundary, and slope down to lower elevations between 240 to 250 feet on the northwest corner and 210 to 220 feet on the northeast corner (Figure 2).

The western third of the property is characterized by a weedy field. The building structures are located in the middle of the western half. A gravel driveway connects SW Murdock Road to the housing in the middle and western end of property (Photo 1). The northwest quadrant of the project area is a weedy field (Photo 2) that has a vegetation community composed of tall fescue (*Festuca arundinacea*), meadow foxtail (*Alopecurus pratensis*), reed canarygrass (*Phalaris arundinacea*), orchard grass (*Dactylis glomerata*), and Agrostis grass species with weedy herbaceous species including creeping thistle (*Cirsium arvense*), ribwort plantain (*Plantago lanceolata*), white clover (*Trifolium repens*), common teasel (*Dipsacus sylvestris*), wild carrot (*Daucus carota*). Trees have been largely removed from this end of site, but there are a few Pacific madrone trees (*Arbutus menziesii*) scattered throughout.

The southwest corner of the tax lot is higher in elevation with an herbaceous vegetation community similar to what is found in the northwest quadrant, but with a more tree species, including Pacific madrone, Doug fir (*Pseudotsuga menziesii*), Oregon white oak (*Quercus garryana*), bigleaf maple (*Acer macrophyllum*). Invasive species in this area include Himalayan blackberry (*Rubus armeniacus*) and Scotch broom (*Cytisus scoparius*).

The eastmost two-thirds of the property is characterized by steeper slopes, with large patches of Himalayan blackberry (visible in aerial photographs) creating a mosaic with open grassy areas. This is the disturbed habitat that resulted from the logging of the property sometime after 2006. Pacific madrone trees are more numerous in this part of the property. The northern fence line area hosts species: One-seed hawthorn (*Crataegus monogyna*), cascara (*Rhamnus purshiana*), Oregon white oak, some Douglas fir, and poison oak (*Toxicodendron diversilobum*). The southeastern portion of the property with its meandering logging roads, hosts bigleaf maple and Pacific madrone intermixed in large patches of invasive blackberry.

The northeastern edge of the property, delineated by a logging road, bordering an offsite sloped forest includes oceanspray (*Holodiscus discolor*), trumpet honeysuckle (*Lonicera ciliosa*), snowberry (*Symphoricarpos albus*), bigleaf maple, and Himalayan blackberry (Photo 4). The bottom of the offsite forest slope east of site extends down to the Rock Creek floodplain approximately 200 feet from the property boundary (Figure 2).

Soil survey mapping indicates most of the site to be underlain by non-hydric Saum silt loam with 7 to 12 percent slopes (Map Unit 38C) with Xerochrepts-Rock outcrop complex (Map Unit 4D) in the northeastern part of the property (NRCS, Web Soil Survey, 2021).

Surrounding land use is zoned as Single Family Residential. The eastern property boundary borders the riparian forest habitat along Rock Creek which is zoned as Exclusive Farm or Forest Use.

*Sensitive Areas*

Sensitive Areas were identified onsite. A small slope wetland (Wetlandd A) was mapped from wetland determination data plots near the mid northern part of the site that met wetland criteria for all three indicators, including soils, vegetation, and hydrology (DPs 1-4, Appendix C). The isolated slope wetland (Photo 5) has an area of 2,059 square feet (Figure 3). The wetland is on a slight slope with a hummocky ground texture and is classified as Palustrine Emergent Persistent with a Seasonal Flooding water regime (PEM1C).

The wetland is mostly covered by an herbaceous vegetation community that includes tall fescue and creeping bentgrass (*Agrostis stolonifera*). A patch of cluster rose (*Rosa pisocarpa*) inhabits the northwestern portion of the wetland.

No other sensitive areas are present on site.

*Off-site Sensitive Areas*

ES&A staff identified two off-site Sensitive Areas: the Rock Creek floodplain and slopes exceeding 25 percent. The stream flows from south to east, with the channel approximately 360 feet away from the eastmost edge of the project area. The Rock Creek Floodplain ranges between 410 to 450 feet in width; it is an expanse of reed canarygrass bordered by invasive blackberry and red-osier dogwood (Photo 6). At the time of the site visit, the creek was flooded up to the edge of the floodplain, which is at the base of the forested slopes (Figure 2).

The forest with slopes exceeding 25 percent, leading from the eastern edge of the tax lot down to the edge of the floodplain, can be characterized as a mixed forest with deciduous and evergreen trees: bigleaf maple, Douglas fir, and western redcedar (*Thuja plicata*). The understory is inhabited by beaked hazelnut (*Corylus cornuta*), sword fern (*Polystichum munitum*), licorice fern (*Polypodium glycyrrhiza*), trailing blackberry (*Rubus ursinus*), and dull Oregon grape (*Mahonia nerv*osa). The forest floor features an abundance of large woody debris (LWD) that compose part of the habitat.

Both the United States Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) and the city of Sherwood Local Wetland Inventory (LWI) have the adjacent Rock Creek Floodplain partially mapped as wetland. The NWI categorizes the wetland unit in terms of Cowardin classification as PEMC1: Palustrine Emergent, dominated by persistent vegetation with a seasonally flooded hydroperiod.

*Vegetated Corridors (VC)*

The VC for the onsite wetland, given that it is isolated, less than half an acre, exhibiting slopes less than 25 percent, should be assigned a VC buffer width of 25 feet according to Table 3-1 of CWS's *Design and Construction Standards for Sanitary Sewer and Surface Water Management.* The VC area totals 6,974 square feet located in the middle of the northern boundary of the project area (Figure 3).

A patch of snowberry occupies the northern portion of the VC, which is the only shrub cover within the VC. Most of the VC is composed of the hummocky and grassy field with an herbaceous community that includes tall fescue, bentgrass (*Agrostis sp.*), and annual bluegrass (*Poa annua*). Outside the 25-ft VC, there are a small number of shrub-size Oregon ash (Fraxinus latifolia) trees with diameter-at-breast-height (DBH) that is less than 2 inches. The vegetation adjacent to the open grass area consists of large patches of Himalayan blackberry intermixed with tall Oregon grape (*Mahonia aquifolium*), cascara, and one-seed hawthorn. The VC has been graded to be in degraded condition given the complete lack of tree canopy cover with the herbaceous community being composed mostly of non-native species (VC-1; Appendix D).

The VC area from the offsite resources beyond the northeast boundary is the outer edge of the VC slope setback extending into the project area only slightly, creating a thin sliver measuring 545 square feet along the most northeast border. Rock Creek was assigned a 200-foot buffer extending from the floodplain edge given its perennial flow and slopes that meet or exceed 25 percent. The VC has been scored to be in good condition due to ample canopy cover from native trees, a robust understory with native species and minimal invasive cover (VC-2; Appendix D).

**PROPOSED SITE PLAN**

The site development at this point includes an early grading permit as the initial stages of a subdivision development project. Grading is proposed for the southeast and northeast end of site, with a construction access road temporarily extending east from SW Murdock Rd to the area southeast of the barn. The grading plan will maintain a minimum 75-foot buffer from the small wetland to ensure there are no impacts to sensitive area or 25-foot VC (Figure 4).

**VEGETATED CORRIDOR ENHANCEMENT**

VC enhancement for Wetland A is required to bring the VC up to good condition. No enhancement is required for the VC on east side associated with the off-site Rock Creek wetland, since the VC is in Good condition with exceptional native cover throughout the herbaceous, shrub, and tree stratums.

The enhancement planting is proposed at the full minimum CWS density. Most of the wetland's VC is grass with a few bunches of shrub species, but it lacks tree cover. The proposed tree and shrub planting:

| | |
|---|---|
| Trees | 75 |
| Shrubs | 376 |
| Total | 451 |

The table below shows the suggested plant species and quantities for enhancing the VC.

**Table 1. Wetland Enhancement Planting List**

| Plant Species name: | Wetland VC Enhancement (6,974 sq. ft.) | Plant size: | Spacing: | Spacing format: |
|---|---|---|---|---|
| Trees | | | | |
| *Rhamnus purshiana (cascara)* | 30 | 2 gal. | 10 ft o.c. | Single |
| *Alnus rubra* (red alder) | 25 | 1 gal. | 10 ft o.c. | Single |
| *Acer macrophyllum* (bigleaf maple) | 20 | 2 gal. | 10 ft o.c. | Single |
| Scrub-shrub | | | | |
| *Mahonia aquifolium (tall Oregon grape)* | 50 | 1 gal. | 5 ft o.c. | Cluster |
| *Rosa gymnocarpa* (baldhip rose) | 100 | 1 gal. | 5 ft o.c. | Cluster |
| *Symphoricarpus albus (snowberry)* | 126 | 1 gal. | 5 ft o.c. | Cluster |
| *Acer circinatum (vine maple)* | 50 | 1 gal. | 5 ft o.c. | Single |
| *Holodiscus discolor (oceanspray)* | 50 | 1 gal. | 5 ft o.c. | Single |
| Total: | 451 | | | |

**REFERENCES**

Clean Water Services, 2019. *Design and Construction Standards for Sanitary Sewer and Surface Water Management. R&O 19-5 as amended by R&O 19-22*. 2019.

Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual*. Technical Report Y-87-1, US Army Engineer Waterways Experiment Station, Vicksburg, MS.

Google Earth. 2021. Aerial Photography. Available online at: http://earth.google.com/. Accessed November 2021.

Metro. 2019. Metro Data Resource Center's MetroMap GIS Application. http://gis.oregonmetro.gov/metromap/. Accessed November 2021.

Natural Resources Conservation Service, United Stated Department of Agriculture. *Web Soil Survey for Washington County, Oregon*. Available online at: http://websoilsurvey.nrcs.usda.gov/. Accessed November 2021.

U.S. Army Corps of Engineers (USACE). 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)*, ed. J.S. Wakeley, R. W. Lichvar, and C.V. Noble. ERDC/EL TR-10-3. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

## APPENDIX A: FIGURES




Source: Metro Data Resource Center. http://gis.oregonmetro.gov/metromap/

| | | |
|---|---|---|
| Environmental Science & Assessment, LLC<br>e s & a | Vicinity Map<br>22900 SW Murdock Rd<br>Sherwood, Oregon | Figure 1<br>Approx. Scale:<br>1in. = 4000 ft. |

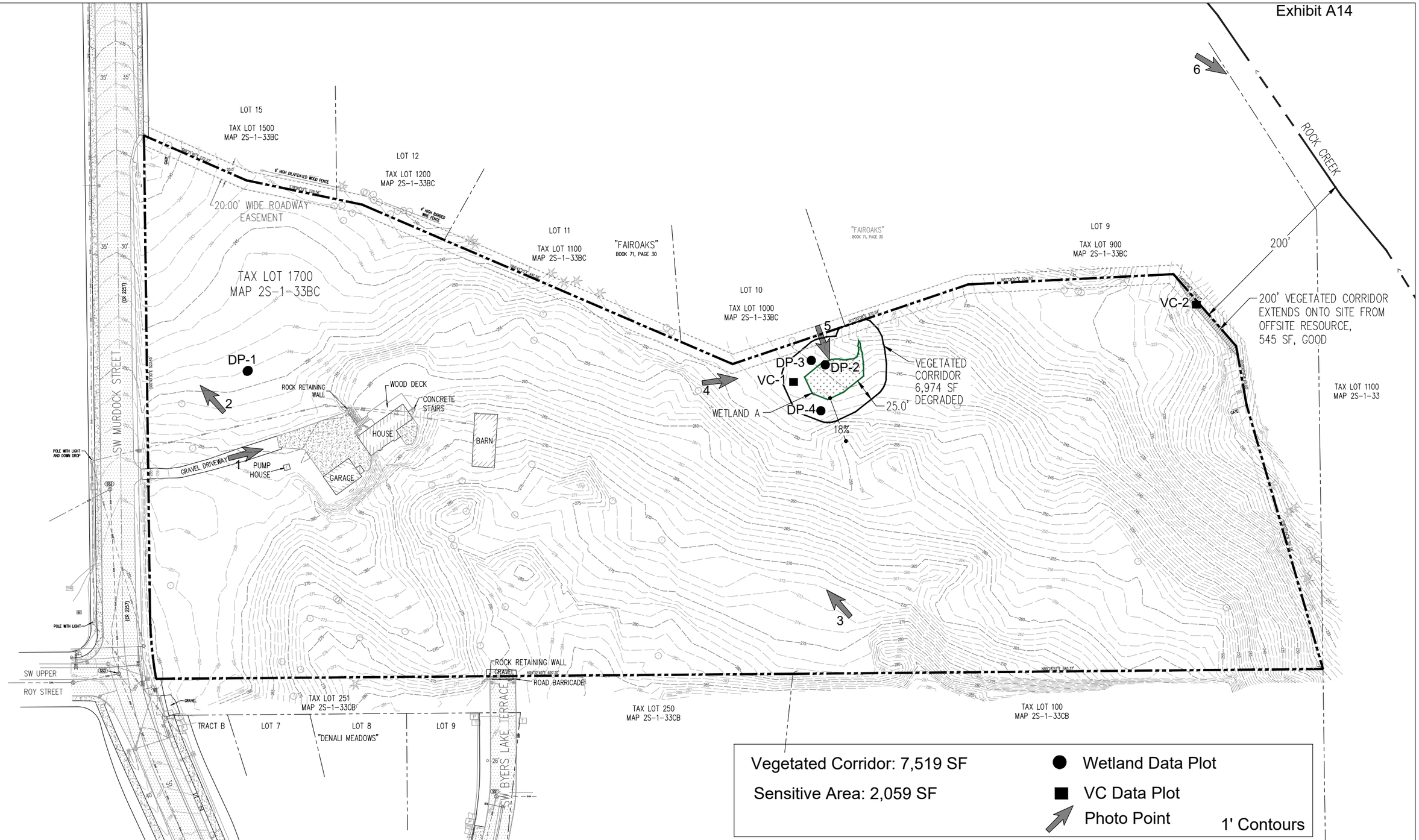



Source: earth.google.com

Imagery Date: 06/17/2021

| | | |
|---|---|---|
| Environmental Science & Assessment, LLC | Aerial Photograph<br>22900 SW Murdock Rd<br>Sherwood, Oregon | Figure 2<br>0 142.5 285 ft |

Exhibit A14




Vegetated Corridor: 7,519 SF

Sensitive Area: 2,059 SF

- Wetland Data Plot
- VC Data Plot
- Photo Point

1' Contours


Environmental Science & Assessment, LLC

4831 NE Fremont St., Suite 2B
Portland, OR 97213
Phone: 503.478.0424
www.esapdx.com


# Existing Conditions Map
# 22900 SW Murdock Street
# Sherwood, Oregon

| | |
|---|---|
| Base Map Source: | Northwest Surveying, Inc. |
| Modified By: | KR |
| Date: | 2/22 |
| Rev: | 00/00 |
| Proj. # | 21055 |

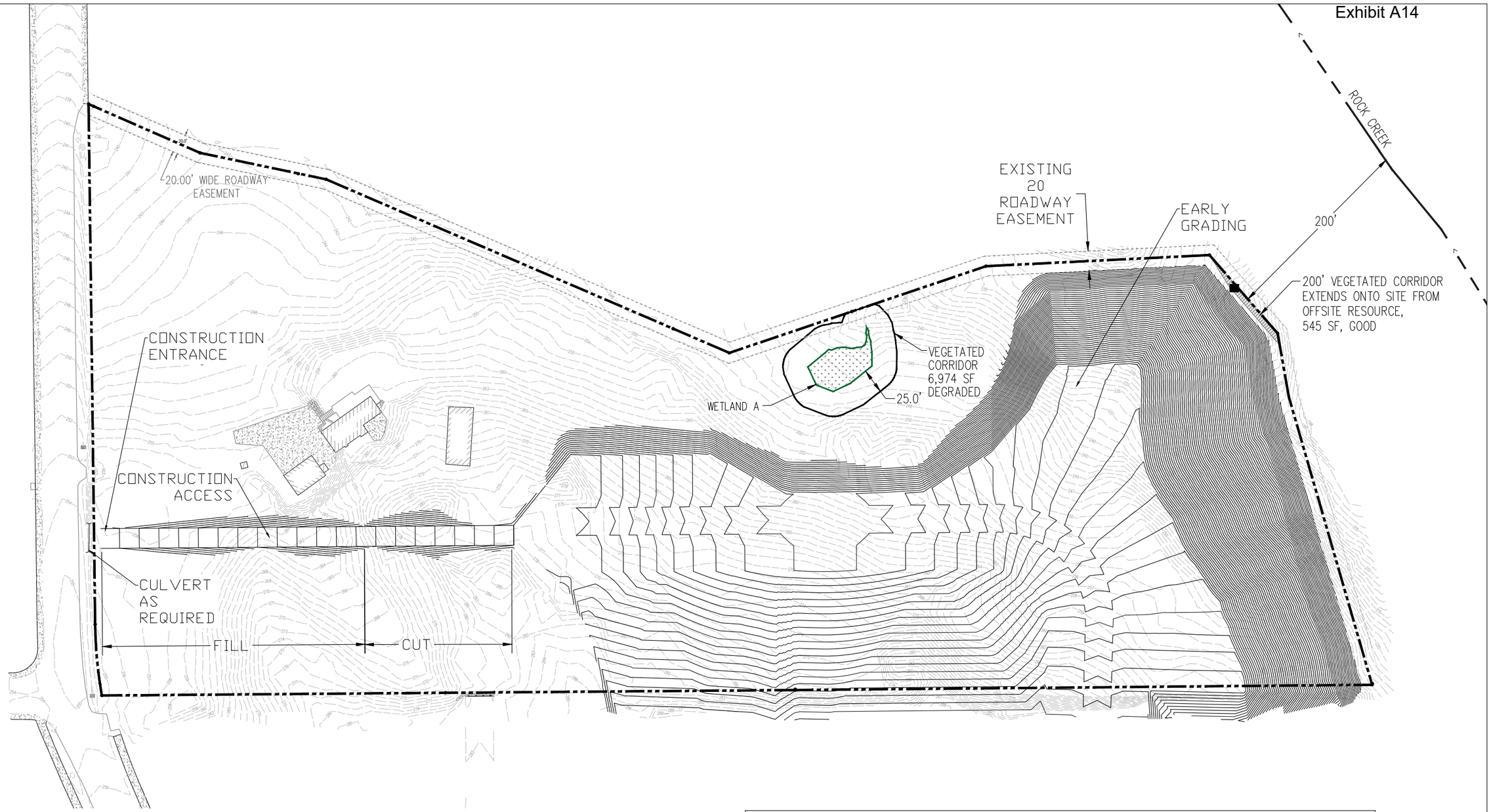
N

Figure 3

1"=100'

0 50 100

Exhibit A14




To Remain: Vegetated Corridor: 7,519 SF

VC Enhancement: 6,974 SF
Trees 75 & 376 Shrubs

Sensitive Area: 2,059 SF


Environmental Science & Assessment, LLC

e s & a

4831 NE Fremont St., Suite 2B
Portland, OR 97213
Phone: 503.478.0424
www.esapdx.com


# Site Plan Map
## 22900 SW Murdock Street
## Sherwood, Oregon

| | |
|---|---|
| Base Map Source: Northwest Surveying, Inc. | |
| Modified By: | KR |
| Date: | 2/22 |
| Rev: | 00/00 |
| Proj. # | 21055 |

N

Figure 4

1"=100'

0 50 100

## APPENDIX B: SITE PHOTOGRAPHS



Photo 1. Building structures in the project area, looking east.



Photo 2. Grass field west of the house, looking northwest.



Photo 3. Characteristic vegetation community from logged area east of the house, looking northwest.



Photo 4. Looking east along northern property boundary.



Photo 5. Habitat of Wetland A, looking south.



Photo 6. Rock Creek floodplain and offsite riparian habitat at the toe of steep slopes, looking southeast.

## APPENDIX C: WETLAND DELINEATION DATA FORMS

# WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: 22900 SW Murdock Road City/County: Sherwood / Washington Sampling Date: 11/10/2021

Applicant/Owner: JT Roth State: OR Sampling Point: DP-1

Investigator(s): Jack Dalton & Alex Sherman Section, Township, Range: S33 T2S R1W

Landform (hillslope, terrace, etc.): prairie Local relief (concave, convex, none): none Slope (%): <5

Subregion (LRR): A-Northwest Forests and Coasts Lat: 45.354333 Long: 122.825432 Datum: NAD 83

Soil Map Unit Name: Saum silt loam, 7 to 12 percent slopes (38C) Rating=0 NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes X | No _____ | **Is the Sampled Area within a Wetland?** Yes _____ No X |
| Hydric Soil Present? | Yes _____ | No X | |
| Wetland Hydrology Present? | Yes _____ | No X | |

Remarks: Data plot location in the middle of grassy field; north of driveway, west of housing.

## VEGETATION – Use scientific names of plants.

| Tree Stratum (Plot size: 30' diameter) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| | _____ = Total Cover | | |
| **Sapling/Shrub Stratum (Plot size: 30' diameter)** | | | |
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| | _____ = Total Cover | | |
| **Herb Stratum (Plot size: 5' diameter)** | | | |
| 1. Agrostis sp. | 50 | Y | FAC |
| 2. Alopecurus pratensis | 15 | | FAC |
| 3. Festuca arundinacea | 25 | Y | FAC |
| 4. Cirsium arvense | 10 | | FAC |
| 5. Holcus lanatus | 5 | | FAC |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| | 105 = Total Cover | | |
| **Woody Vine Stratum (Plot size: 30' diameter)** | | | |
| 1. | | | |
| 2. | | | |
| | 0 = Total Cover | | |

% Bare Ground in Herb Stratum _____

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | Multiply by: |
|---|---|
| OBL species _____ | x 1 = _____ |
| FACW species _____ | x 2 = _____ |
| FAC species _____ | x 3 = _____ |
| FACU species _____ | x 4 = _____ |
| UPL species _____ | x 5 = _____ |
| Column Totals: _____ (A) | _____ (B) |

Prevalence Index = B/A = _____

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ 5 - Wetland Non-Vascular Plants[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes X No _____

Remarks:

## SOIL

Sampling Point: DP-1

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth (inches) | Matrix Color (moist) | Matrix % | Redox Features Color (moist) | Redox Features % | Redox Features Type[1] | Redox Features Loc[2] | Texture | Remarks |
|---|---|---|---|---|---|---|---|---|
| 0-4 | 10YR 3/2 | 100 | | | | | silty clay loam | |
| 4-12 | 10YR 4/4 | 100 | | | | | silty clay loam | |
| 12-18 | 10YR 4/3 | 100 | | | | | silty clay loam | |
| 18-20 | 10YR 4/4 | 100 | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

**Indicators for Problematic Hydric Soils[3]:**

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if present):**

Type: _____

Depth (inches): _____

**Hydric Soil Present? Yes _____ No X**

Remarks: No redox features found in upper 12 inches

## HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

**Field Observations:**

Surface Water Present? Yes _____ No ✓ Depth (inches): _____

Water Table Present? Yes _____ No ✓ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No ✓ Depth (inches): _____

**Wetland Hydrology Present? Yes _____ No X**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

# WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: 22900 SW Murdock Road City/County: Sherwood / Washington Sampling Date: 11/10/2021

Applicant/Owner: JT Roth State: OR Sampling Point: DP-2

Investigator(s): Jack Dalton & Alex Sherman Section, Township, Range: S33 T2S R1W

Landform (hillslope, terrace, etc.): prairie Local relief (concave, convex, none): none Slope (%): <5

Subregion (LRR): A-Northwest Forests and Coasts Lat: 45.354353 Long: 122.822979 Datum: NAD 83

Soil Map Unit Name: Xerochrepts-Rock outcrop complex (47D) Rating=0 NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | |
|---|---|---|
| Hydrophytic Vegetation Present? | Yes X No _____ | **Is the Sampled Area within a Wetland?** Yes X No _____ |
| Hydric Soil Present? | Yes X No _____ | |
| Wetland Hydrology Present? | Yes X No _____ | |

Remarks: Sample plot on wetland side of delineated boundary. Plot located in the lone wetland of study area

## VEGETATION – Use scientific names of plants.

| Tree Stratum (Plot size: 30' diameter) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| | = Total Cover | | |
| **Sapling/Shrub Stratum (Plot size: 30' diameter)** | | | |
| 1. Rosa pisocarpa | | Y | FAC |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| | = Total Cover | | |
| **Herb Stratum (Plot size: 5' diameter)** | | | |
| 1. Festuca arundinacea | 75 | Y | FAC |
| 2. Agrostis stolonifera | 20 | | FAC |
| 3. Geranium dissectum | 5 | | FAC |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| | 100 = Total Cover | | |
| **Woody Vine Stratum (Plot size: 30' diameter)** | | | |
| 1. | | | |
| 2. | | | |
| | 0 = Total Cover | | |

% Bare Ground in Herb Stratum _____

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | Multiply by: |
|---|---|
| OBL species _____ | x 1 = _____ |
| FACW species _____ | x 2 = _____ |
| FAC species _____ | x 3 = _____ |
| FACU species _____ | x 4 = _____ |
| UPL species _____ | x 5 = _____ |
| Column Totals: _____ (A) | _____ (B) |

Prevalence Index = B/A = _____

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

✓ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ 5 - Wetland Non-Vascular Plants[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes X No _____

Remarks:

## SOIL

Sampling Point: DP-2

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth (inches) | Matrix Color (moist) | Matrix % | Redox Features Color (moist) | Redox Features % | Type[1] | Loc[2] | Texture | Remarks |
|---|---|---|---|---|---|---|---|---|
| 0-7 | 5YR 3/2 | 100 | | 0 | | | silt loam | |
| 7-10 | 5YR 3/2 | 95 | 7.5YR 4/4 | 5 | | | silty loam | 10% gravel |
| 10-16 | 5YR 3/2 | 90 | 7.5YR 4/4 | 10 | | | silty loam | |
| >16 | | | | | | | rock/refuse | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ✓ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

**Indicators for Problematic Hydric Soils[3]:**

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if present):**

Type: _____

Depth (inches): _____

**Hydric Soil Present?** **Yes** X **No** _____

Remarks:

## HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ✓ High Water Table (A2)
- ✓ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

**Field Observations:**

Surface Water Present? Yes _____ No ✓ Depth (inches): _____

Water Table Present? Yes ✓ No _____ Depth (inches): 5

Saturation Present? (includes capillary fringe) Yes ✓ No _____ Depth (inches): 0

**Wetland Hydrology Present?** **Yes** X **No** _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

# WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: 22900 SW Murdock Road City/County: Sherwood / Washington Sampling Date: 11/10/2021

Applicant/Owner: JT Roth State: OR Sampling Point: DP-3

Investigator(s): Jack Dalton & Alex Sherman Section, Township, Range: S33 T2S R1W

Landform (hillslope, terrace, etc.): prairie Local relief (concave, convex, none): none Slope (%): <5

Subregion (LRR): A-Northwest Forests and Coasts Lat: 45.354364 Long: 122.823026 Datum: NAD 83

Soil Map Unit Name: Xerochrepts-Rock outcrop complex (47D) Rating=0 NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes X | No _____ | **Is the Sampled Area within a Wetland?** Yes _____ No X |
| Hydric Soil Present? | Yes _____ | No X | |
| Wetland Hydrology Present? | Yes X | No _____ | |

Remarks: Sub-surface saturation present, but hydric soils have not developed at north end.

## VEGETATION – Use scientific names of plants.

| Tree Stratum (Plot size: 30' diameter) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| | _____ = Total Cover | | |
| **Sapling/Shrub Stratum (Plot size: 30' diameter)** | | | |
| 1. Rosa pisocarpa | 10 | Y | FAC |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| | 10 = Total Cover | | |
| **Herb Stratum (Plot size: 5' diameter)** | | | |
| 1. Festuca arundinacea | 35 | Y | FAC |
| 2. Agrostis sp. | 15 | | FAC |
| 3. Geranium dissectum | 20 | Y | NL |
| 4. Vicia americana | 15 | | FAC |
| 5. Poa annua | 20 | Y | FAC |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| | 100 = Total Cover | | |
| **Woody Vine Stratum (Plot size: 30' diameter)** | | | |
| 1. | | | |
| 2. | | | |
| | 0 = Total Cover | | |

% Bare Ground in Herb Stratum _____

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 75 (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | Multiply by: |
|---|---|
| OBL species _____ | x 1 = _____ |
| FACW species _____ | x 2 = _____ |
| FAC species _____ | x 3 = _____ |
| FACU species _____ | x 4 = _____ |
| UPL species _____ | x 5 = _____ |
| Column Totals: _____ (A) | _____ (B) |

Prevalence Index = B/A = _____

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

✓ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ 5 - Wetland Non-Vascular Plants[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes X No _____

Remarks:

## SOIL

Sampling Point: DP-3

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth (inches) | Matrix Color (moist) | Matrix % | Redox Features Color (moist) | Redox Features % | Redox Features Type[1] | Redox Features Loc[2] | Texture | Remarks |
|---|---|---|---|---|---|---|---|---|
| 0-10 | 7.5YR 3/3 | 100 | | | | | silt loam | |
| >10 | | | | | | | rock/refusal | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

**Indicators for Problematic Hydric Soils[3]:**

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if present):**

Type: _____

Depth (inches): _____

**Hydric Soil Present?** **Yes** _____ **No** ×

Remarks:

## HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ✓ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

**Field Observations:**

Surface Water Present? Yes _____ No ✓ Depth (inches): _____

Water Table Present? Yes _____ No ✓ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ✓ No _____ Depth (inches): 10

**Wetland Hydrology Present?** **Yes** × **No** _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

# WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: 22900 SW Murdock Road City/County: Sherwood / Washington Sampling Date: 11/10/2021

Applicant/Owner: JT Roth State: OR Sampling Point: DP-4

Investigator(s): Jack Dalton & Alex Sherman Section, Township, Range: S33 T2S R1W

Landform (hillslope, terrace, etc.): prairie Local relief (concave, convex, none): none Slope (%): <5

Subregion (LRR): A-Northwest Forests and Coasts Lat: 45.354211 Long: 122.822989 Datum: NAD 83

Soil Map Unit Name: Xerochrepts-Rock outcrop complex (47D) Rating=0 NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes X | No _____ | **Is the Sampled Area within a Wetland?** Yes _____ No X |
| Hydric Soil Present? | Yes _____ | No X | |
| Wetland Hydrology Present? | Yes _____ | No X | |

Remarks: Hydrology an soils do not meet criteria south of delin wetland.

## VEGETATION – Use scientific names of plants.

| Tree Stratum (Plot size: 30' diameter) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| | = Total Cover | | |
| **Sapling/Shrub Stratum (Plot size: 30' diameter)** | | | |
| 1. Crataegus monogyna | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| | = Total Cover | | |
| **Herb Stratum (Plot size: 5' diameter)** | | | |
| 1. Festuca arundinacea | 30 | Y | FAC |
| 2. Agrostis sp. | 30 | Y | FAC |
| 3. Geranium dissectum | 5 | | NL |
| 4. Vicia americana | 5 | | FAC |
| 5. Poa annua | 30 | Y | FAC |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| | 100 = Total Cover | | |
| **Woody Vine Stratum (Plot size: 30' diameter)** | | | |
| 1. | | | |
| 2. | | | |
| | 0 = Total Cover | | |

% Bare Ground in Herb Stratum _____

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | Multiply by: |
|---|---|
| OBL species _____ | x 1 = _____ |
| FACW species _____ | x 2 = _____ |
| FAC species _____ | x 3 = _____ |
| FACU species _____ | x 4 = _____ |
| UPL species _____ | x 5 = _____ |
| Column Totals: _____ (A) | _____ (B) |

Prevalence Index = B/A = _____

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

✓ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ 5 - Wetland Non-Vascular Plants[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes X No _____

Remarks:

## SOIL

Sampling Point: DP-4

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth (inches) | Matrix Color (moist) | Matrix % | Redox Features Color (moist) | Redox Features % | Redox Features Type[1] | Redox Features Loc[2] | Texture | Remarks |
|---|---|---|---|---|---|---|---|---|
| 0-11 | 5YR 3/2 | 100 | | | | | silt loam | |
| 11-14 | 5YR 3/3 | 100 | | | | | silt loam | |
| 14-16 | 5YR 3/3 | 99 | 7.5YR 4/4 | 1 | C | M | silt loam | |
| 16-20 | 5YR 3/3 | 99 | 7.5YR 4/4 | 1 | C | M | silt loam | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

**Indicators for Problematic Hydric Soils[3]:**

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if present):**

Type: _____

Depth (inches): _____

**Hydric Soil Present? Yes _____ No X**

Remarks: Not enough REDOX to meet hydric soil indicators

## HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

**Field Observations:**

Surface Water Present? Yes _____ No ✓ Depth (inches): _____

Water Table Present? Yes _____ No ✓ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No ✓ Depth (inches): _____

**Wetland Hydrology Present? Yes _____ No X**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

## APPENDIX D: VEGETATED CORRIDOR DATA FORMS

## VEGETATED CORRIDOR DATA SHEET

| | | |
|---|---|---|
| **Client/Project Name: JT Roth/Murdock** | **Site Address: 22900 SW Murdock Road, Sherwood, OR** | **Plot ID: VC-1** |
| **Township/Range/Section: T2S R1W S33** | | |
| **Tax Map: 2S133BC** | **Lot(s): 01700** | |
| **Brief Description of Plot Location: VC of lone wetland in project area** | | |
| **Site Investigator Name: Jack Dalton, Alex Sherman** | **Date of Investigation: 11/10/21** | |
| **Plant Community Type: Upland herbaceous** | | |

| Herbaceous Stratum | Percent Aerial Cover | Percent Relative Cover | Native? (1) | | Noxious?( 2) | | Invasive? (3) | |
|---|---|---|---|---|---|---|---|---|
| | | | Yes | No | Yes | No | Yes | No |
| 1 *Festuca arundinacea* | 35 | 30 | | x | | x | x | |
| 2 *Agrostis stolonifera* | 15 | 13 | | x | | x | x | |
| 3 *Geranium dissectum* | 20 | 17 | | x | | x | x | |
| 4 *Vicia americana* | 15 | 13 | x | | | x | | x |
| 5 *Poa annua* | 20 | 17 | | x | | x | x | |
| 6 | | 0 | | | | | | |
| 7 | | 0 | | | | | | |
| 8 | | 0 | | | | | | |
| 9 | | 0 | | | | | | |
| 10 | | 0 | | | | | | |
| **Shrub Stratum** | | 0 | | | | | | |
| 1 *Rosa pisocarpa* | 10 | 9 | x | | | x | | x |
| 2 | | 0 | | | | | | |
| 3 | | 0 | | | | | | |
| 4 | | 0 | | | | | | |
| 5 | | 0 | | | | | | |
| 6 | | 0 | | | | | | |
| 7 | | 0 | | | | | | |
| 8 | | 0 | | | | | | |
| 9 | | 0 | | | | | | |
| 10 | | 0 | | | | | | |
| **Tree Stratum** | | 0 | | | | | | |
| 1 | | 0 | | | | | | |
| 2 | | 0 | | | | | | |
| 3 | | 0 | | | | | | |
| 4 | | 0 | | | | | | |
| 5 | | 0 | | | | | | |
| 6 | | 0 | | | | | | |
| 7 | | 0 | | | | | | |
| 8 | | 0 | | | | | | |
| 9 | | 0 | | | | | | |
| Total | 115 | 100 | | | | | | |

| | |
|---|---|
| **Total percent relative native species cover** | **22%** |
| **Total percent aerial cover of tree canopy** | **0%** |
| **Total percent relative cover of non-native, noxious, and invasive species** | **78%** |

| | |
|---|---|
| | Good Condition (native species >80% of the community and tree canopy >50% aerial cover) |
| | Marginal Condition (native species 50-80% of the community and tree canopy 26-50% aerial cover) |
| **X** | Degraded Condition (native species <50% of the community and tree canopy <25% aerial coverage) |

**Comments: This VC, upon observation, is in poor condition due to its expanisve cover of non-native grasses and a complete lack of tree canopy cover. Shrub species presence is minimal as well.**

(1) Portland Plant List, 2011.
(2) Noxious Weed List, ODA.
(3) R 07-20, Clean Water Services, June, 2007.

## VEGETATED CORRIDOR DATA SHEET

| Client/Project Name: JT Roth/Murdock | Site Address: 22900 SW Murdock Road, Sherwood, OR | Plot ID: VC-2 |
|---|---|---|
| Township/Range/Section: T2S R1W S33 | | |
| Tax Map: 2S133BC | Lot(s): 01700 | |
| Brief Description of Plot Location: VC of riparian forest off of Rock Creek floodplain | | |
| Site Investigator Name: Jack Dalton, Alex Sherman | Date of Investigation: 11/10/21 | |
| Plant Community Type: Slope forest (mixed) | | |

| Herbaceous Stratum | Percent Aerial Cover | Percent Relative Cover | Native? (1) Yes | Native? (1) No | Noxious?( 2) Yes | Noxious?( 2) No | Invasive? (3) Yes | Invasive? (3) No |
|---|---|---|---|---|---|---|---|---|
| 1 *Polystichum munitum* | 10 | 8 | x | | | x | | x |
| 2 *Rubus armeniacus* | 15 | 12 | | x | x | | x | |
| 3 *Polypodium glycyrrhiza* | 3 | 2 | x | | | x | | x |
| 4 *Rubus ursinus* | 5 | 4 | x | | | x | | x |
| 5 | | 0 | | | | | | |
| 6 | | 0 | | | | | | |
| 7 | | 0 | | | | | | |
| 8 | | 0 | | | | | | |
| 9 | | 0 | | | | | | |
| 10 | | 0 | | | | | | |
| **Shrub Stratum** | | 0 | | | | | | |
| 1 *Symphoricarpus albus* | 10 | 8 | x | | | x | | x |
| 2 *Corylus cornuta* | 20 | 16 | x | | | x | | x |
| 3 *Cytisus scoparius* | 3 | 2 | | x | x | | x | |
| 4 | | 0 | | | | | | |
| 5 | | 0 | | | | | | |
| 6 | | 0 | | | | | | |
| 7 | | 0 | | | | | | |
| 8 | | 0 | | | | | | |
| 9 | | 0 | | | | | | |
| 10 | | 0 | | | | | | |
| **Tree Stratum** | | 0 | | | | | | |
| 1 *Acer macrophyllum* | 35 | 28 | x | | | x | | x |
| 2 *Pseudotsuga menziesii* | 15 | 12 | x | | | x | | x |
| 3 *Quercus garryana* | 3 | 2 | x | | | x | | x |
| 4 *Thuja plicata* | 5 | 4 | | | | | | |
| 5 | | 0 | | | | | | |
| 6 | | 0 | | | | | | |
| 7 | | 0 | | | | | | |
| 8 | | 0 | | | | | | |
| 9 | | 0 | | | | | | |
| Total | 124 | 100 | | | | | | |

| | |
|---|---|
| Total percent relative native species cover | 81% |
| Total percent aerial cover of tree canopy | 58% |
| Total percent relative cover of non-native, noxious, and invasive species | 15% |

| | |
|---|---|
| x | Good Condition (native species >80% of the community and tree canopy >50% aerial cover) |
| | Marginal Condition (native species 50-80% of the community and tree canopy 26-50% aerial cover) |
| | Degraded Condition (native species <50% of the community and tree canopy <25% aerial coverage) |

**Comments: This riparian slope forest is considered to be in good condition as it contains a mix of deciduous and confier tree species, although the cover is dominated by bigleaf maple. Invasive species are mostly found on the edge of the forest, adjacent to an old logging road. There is an understody of plants typically found on the forest floor (have an affinity for shade) including native hazelnut, ferns, and a substantial amount of trailing blackberry. There are also snags and downed woody debris which contribute to its habitat utility for wildlife.**

(1) Portland Plant List, 2011.
(2) Noxious Weed List, ODA.
(3) R 07-20, Clean Water Services, June, 2007.

April 18, 2022

JT Roth VIA EMAIL
Attn: Tim Roth
12600 SW 72nd Avenue, Ste. 200
Portland, OR 97223

RE: 22900 SW Murdock Road - MBTA Impact BMPs and Guidelines
(TL: 2S133BC01700)

Dear Tim:

As requested, I am providing an outline of Best Management Practices (BMPs) for avoiding impacts to native migratory birds protected under the Federal Migratory Bird Treaty Act (MBTA). Migratory birds may be present within the existing tree stands on site and along the eastern edge of site along the off-site Rock Creek riparian forest. These BMPs are meant to be used as a guide to avoid impacts to nests and nestlings within the project disturbance area. These guidelines are not intended to provide procedures for avoiding all potential bird species on site, but rather to avoid impacts to individual birds and nests of larger species that may not be as tolerant of human disturbances.

***Site Conditions***

The site has an existing residential building and ancillary structures in the western end of site with a gravel driveway entering the site from SW Murdock Road. The northwest quadrant of the project area is a weedy field. Trees have been largely removed from this end of site, but there are a few Pacific madrone trees (*Arbutus menziesii*) scattered throughout.

The eastmost two-thirds of the property is characterized by steeper slopes, with large patches of Himalayan blackberry creating a mosaic with open grassy areas. This portion of the site was logged sometime after 2006. Scattered clusters of Pacific madrone trees are found throughout this part of the property. The southeastern portion of the property with its meandering logging roads, hosts bigleaf maple and Pacific madrone intermixed in large patches of invasive blackberry.

The most likely location for nesting birds is along the north and eastern edges of site within mature trees along the property boundary. An extensive riparian forest borders the eastern edge of the site and extends east down to the Rock Creek floodplain. The off-site riparian forest is the most likely habitat for nesting birds. No impacts to native birds or nests will occur in the offsite forest, which will remain protected as open space.

### *Nesting Survey and Site Visits*

The project site was investigated multiple times with the first site investigation and resource mapping in November 2021. A more recent site visit was conducted on April 15, 2022, to survey existing remaining trees on site for nests within the primary nesting season. The remaining trees in the interior of site will be impacted by the proposed early grading. The investigation included a pedestrian survey of the entire site, with particular attention focused on the riparian corridor along the eastern edge of site.

No active nests for large avian species that would return annually to a nesting site (i.e., bald eagle, hawks, great blue heron, owls, etc.) were observed during site field investigation within the site or immediately adjacent to site.

### *Bird Nesting Behavior and Habitats*

Bird nesting begins in the Portland Metro area for early nesting species between February 1 and April 15. Primary nesting for most species occurs between April 15 and July 31. Nesting can occur in trees and shrubs commonly but, depending on the species, can also occur in cavities of standing snags or on the ground. A few species will nest in the sides of stream banks.

### *Work Window and BMPs*

- August 1 – January 31 Best time for tree removal
- February 1 – April 15 Survey Area, note any nest structures
- April 15 – July 31 Avoid Disturbance if possible; conduct nest survey if nests are present or suspected -

### Site Work Guidelines

If site work resulting in tree and shrub removal or site grading cannot be avoided during early or primary nesting season, contractors should follow the guidance for survey, monitoring and protecting bird nests. Contractor should coordinate completion of this work with a biologist familiar with bird species and active nest determination procedures.

This guidance is taken from City of Portland Bureau of Environmental Services guidance document: *Protecting Nesting Birds – Best Management Practices for Vegetation and Construction Projects (*2017 City of Portland).

If a nest is found or suspected within a disturbance area, the contractor should do the following:

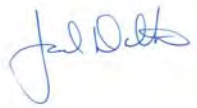
1. Conduct a pedestrian survey prior to work of the disturbance area and determine if any noticeable nest material is present in work disturbance

area. This might include a stick cluster in the trees or shrubs, other nest materials in trees at the base of branches or material hanging down from branches, or regular bird activity around a standing snag or other structure.

2. If a nest is discovered, stop work and flag the tree/shrub/area and contact a Biologist to complete a nest survey
3. If a nest is determined by biologist to be active, placement of a protective buffer should be established around the nest. Buffer size is dependent on the bird species, but for riparian or upland forest species generally are 30 to 60 feet.
4. Biologist will monitor the nest to determine when nestlings hatch and determine when the nestlings fledge or leave the nest. Generally, a timeframe can be provided by the biologist of when the fledglings will leave nest depending on the species.
5. Once the fledglings have left the nest, birds will move out of area and will no longer be susceptible to harm. The buffer protection can then be removed, and tree removal or disturbance can be resumed

Please let me know if I can provide any clarification to these guidelines. I would be happy to assist with additional site investigation with the contractor prior to site grading.

Sincerely,



Jack Dalton
Environmental Science & Assessment, LLC

Cc: Steve Miller Emerio Design.

# Land Use Compatibility Statement

| Section 1 – To be completed by the applicant | |
|---|---|
| 1A. Applicant Name: J.T. Roth Construction Inc | 1B. Project Name: Mosier Subdivision |
| Contact Name: Tim Roth | Physical Address: 22900 SW Murdock Rd |
| Mailing Address: 12600 SW 72nd Ave #200 | City, State, Zip: Sherwood, OR 97140 |
| City, State, Zip: Tigard, OR 97223 | Tax Lot #: 1700 |
| Telephone: 503-639-2639 | Township: 2S Range: 1W Section: 33BC |
| Tax Account #: | Latitude: 45.352 |
| | Longitude: -122.823 |

1C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):

Early grading permit need in order to move dirt from the neighboring project to the south on to this site. The site will be a 32 lot subdivision in the future.

1D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.

- ☐ Air Quality Notice of Construction
- ☐ Air Contaminant Discharge Permit
- ☐ Air Quality Title V Permit
- ☐ Air Quality Indirect Source Permit
- ☐ Parking/Traffic Circulation Plan
- ☐ Solid Waste Land Disposal Site Permit
- ☐ Solid Waste Treatment Facility Permit
- ☐ Solid Waste Composting Facility Permit (includes Anaerobic Digester)
- ☐ Conversion Technology Facility Permit
- ☐ Solid Waste Letter Authorization Permit
- ☐ Solid Waste Material Recovery Facility Permit
- ☐ Solid Waste Energy Recovery Facility Permit
- ☐ Solid Waste Transfer Station Permit
- ☐ Waste Tire Storage Site Permit
- ☐ Pollution Control Bond Request
- ☐ Hazardous Waste Treatment, Storage or Disposal Permit
- ☐ Clean Water State Revolving Fund Loan Request
- ☐ Wastewater/Sewer Construction Plan/ Specifications (includes review of plan changes that require use of new land)
- ☐ Water Quality NPDES Individual Permit
- ☐ Water Quality WPCF Individual Permit (for onsite construction-installation permits use the DEQ Onsite LUCS form)
- ☒ Water Quality NPDES Stormwater General Permit (1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z)
- ☐ Water Quality General Permit (all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile)
- ☐ Water Quality 401 Certification for federal permit or license

This application is for: ☐ Permit Renewal ☒ New Permit ☐ Permit Modification ☐ Other:

**Section 2 – To be completed by city or county planning official**

Applicant name: J.T. Roth Construction, LLC

Project name: Mosier Subdivision

Instructions: Written findings of fact for all local decisions are required; written findings from previous actions are acceptable. For uses allowed outright by the acknowledged comprehensive plan, DEQ will accept written findings in the form of a reference to the specific plan policies, criteria, or standards that were relied upon in rendering the decision with an indication of why the decision is justified based on the plan policies, criteria, or standards.

2A. The project proposal is located: ☒ Inside city limits ☐ Inside UGB ☐ Outside UGB

2B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use): City of Sherwood

2C. ☐ This project is not within the jurisdiction of any other land use, zoning, or planning entity
☐ This project is also within the jurisdiction of the following land use, zoning, or planning entity _____

2D. Is the activity allowed under Measure 49 (2007)? ☒ No, Measure 49 is not applicable ☐ Yes, if yes, then check one:

☐ Express; approved by DLCD order #:

☐ Conditional; approved by DLCD order #:

☐ Vested; approved by local government decision or court judgment docket or order #:

2E. Is the activity a composting facility?
☒ No ☐ Yes; Senate Bill 462 (2013) notification requirements have been met.

2F. Is the activity or use compatible with your acknowledged comprehensive plan as required by OAR 660-031? Please complete this form to address the activity or use for which the applicant is seeking approval (see 1.C on the previous page). If the activity or use is to occur in multiple phases, please ensure that your approval addresses the phases described in 1C. For example, if the applicant's project is described in 1C. as a subdivision and the LUCS indicates that only clearing and grading are allowed outright but does not indicate whether the subdivision is approved, DEQ will delay permit issuance until approval for the subdivision is obtained from the local planning official.

☐ The activity or use is specifically exempt by the acknowledged comprehensive plan; explain:

☐ Yes, the activity or use is pre-existing nonconforming use allowed outright by (provide reference for local ordinance):

☐ Yes, the activity or use is allowed outright by (provide reference for local ordinance):

☐ Yes, the activity or use received preliminary approval that includes requirements to fully comply with local requirements; findings are attached.

☐ Yes, the activity or use is allowed; findings are attached.

☐ No, see 2D. above, activity or use allowed under Measure 49; findings are attached.

☒ No, (complete below or attach findings for noncompliance and identify requirements the applicant must comply with before compatibility can be determined):
Relevant specific plan policies, criteria, or standards: See attached sheet

Provide the reasons for the decision:

Additional comments (attach additional information as needed):

Planning Official Signature: ERIKA PALMER, PLANNING MANAGER Title:

Print Name: ERIKA PALMER Telephone #: 503.625.4208 Date: 6.9.2022

If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:

Planning Official Signature: Title:

Print Name: Telephone #: Date:

## 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.

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

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

**Mayor**
Keith Mays

**Council President**
Tim Rosener

**Councilors**
Renee Brouse
Sean Garland
Russell Griffin
Doug Scott
Kim Young

**City Manager**
Keith Campbell

June 9, 2022

RE: DEQ LUCS Statement

To Whom It May Concern:

The applicant must have an approved site plan grading permit in order to proceed with this project. The applicant has submitted a land-use application for site plan grading approval. The Planning Director will render a decision on the application (LU-2022-010-SP Mosier Grading) after June 24, 2022.

Sincerely,

Erika Palmer

Erika Palmer
Planning Manager
City of Sherwood

Phone: 503-625-4208
Email: PalmerE@SherwoodOregon.gov

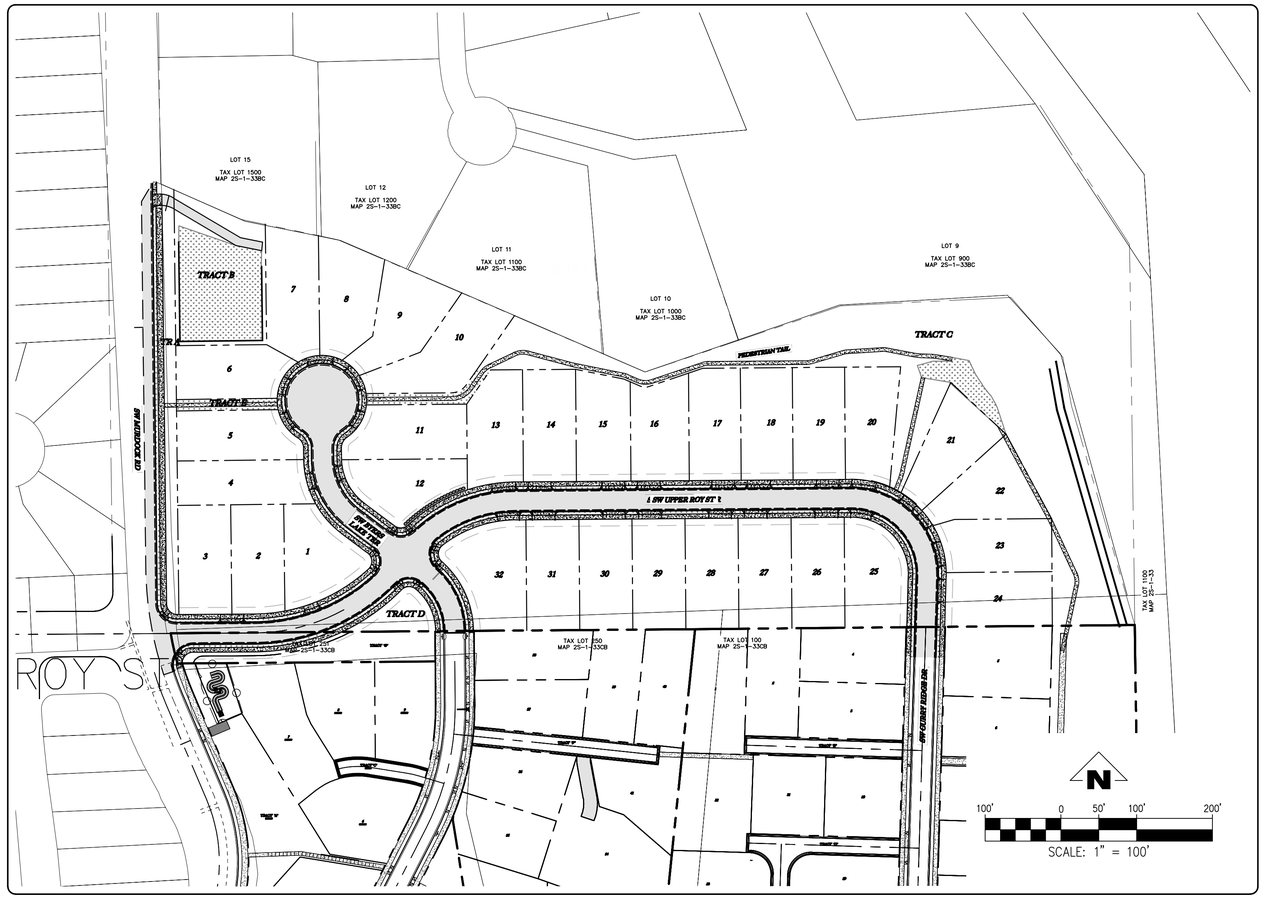
**Updated Preliminary Plans**

# MOSER PASS AT DELANI

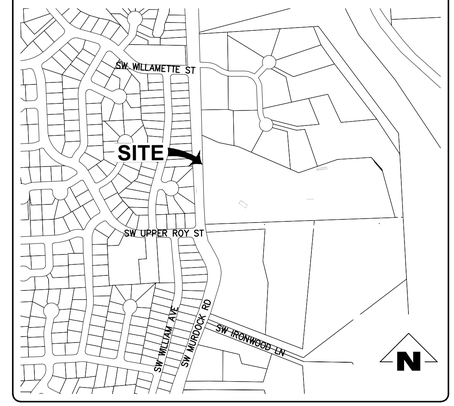
## LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 33, T.2S., R.1E., W.M. SHERWOOD, OREGON

### DRAWING INDEX


| SH | TITLE |
|---|---|
| 01 | COVER SHEET |
| 02 | EXISTING CONDITIONS PLAN |
| 03 | TREE REMOVAL & PROTECTION PLAN |
| 04 | PRELIMINARY PLAT |
| 05 | GRADING & EROSION CONTROL PLAN |
| 06 | SW CURRY RIDGE DR STA 29+50 TO 34+75 PLAN & PROFILE |
| 07 | SW CURRY RIDGE DR STA 25+25 TO 29+50 PLAN & PROFILE |
| 08 | SW CURRY RIDGE DR STA 22+00 TO 25+25 PLAN & PROFILE |
| 09 | SW BYERS LAKE TER PLAN & PROFILE |
| 10 | SW MURDOCK RD STA 7+75 TO 11+25 PLAN & PROFILE |
| 11 | SW MURDOCK RD STA 4+25 TO 7+75 PLAN & PROFILE |
| 12 | WATER QUALITY POND PLAN |
| 13 | PRELIMINARY UTILITY PLAN |
| 14 | AERIAL & NEIGHBORHOOD CIRCULATION MAP |
| -- | LANDSCAPING & STREET TREE PLAN (BY OTHERS) |


### VICINITY MAP




### LEGEND

| EXISTING | DESCRIPTION | PROPOSED |
|---|---|---|
| | MAILBOX | N/A |
| N/A | CLEANOUT | |
| | SEWER MANHOLE | |
| | STORM MANHOLE | |
| | STORM CATCH BASIN | |
| | SIGN | |
| | GUY ANCHOR | N/A |
| | UTILITY POWER POLE | N/A |
| | POWER TRANSFORMER | N/A |
| | STREET LIGHT | |
| | FIRE HYDRANT | |
| | BLOWOFF ASSEMBLY | |
| | WATER VALVE | |
| N/A | WATER BEND | |
| N/A | WATER TEE | |
| W | WATER METER | |
| | TELEPHONE VAULT | N/A |
| | TELEPHONE | N/A |
| | UNDERGROUND POWER | N/A |
| XOH | OVERHEAD POWER | N/A |
| X | FENCE | N/A |
| N/A | TREE PROTECTION FENCE | |
| XSS | SANITARY SEWER | SS |
| XSD | STORM DRAINAGE | |
| XG | GAS | N/A |
| XW | UNDERGROUND WATER | W |
| | GRAVEL | N/A |
| | CONCRETE | |
| | ASPHALT | |

ISSUANCE OF GRADING PERMIT DOES NOT CONVEY ACCEPTANCE OF PUBLIC IMPROVEMENTS-GRADING MAY CHANGE BASED UPON FINAL CITY APPROVED PUBLIC IMPROVEMENT PLANS

### NOTICE TO EXCAVATORS:

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1987).

POTENTIAL UNDERGROUND FACILITY OWNERS

**Dig Safely.**

Call the Oregon One-Call Center

DIAL 811 or 1-800-332-2344

EMERGENCY TELEPHONE NUMBERS

| | |
|---|---|
| NW NATURAL GAS | |
| M-F 7am-6pm | 503-226-4211 Ext.4313 |
| AFTER HOURS | 503-226-4211 |
| PGE | 503-464-7777 |
| QWEST | 1-800-573-1311 |
| VERIZON | 1-800-483-1000 |
| COMCAST | 1-888-824-8264 |
| CLEANWATER SERVICES | 503-681-3600 |
| CITY OF SHERWOOD | 503-925-2309 |
| CITY OF SHERWOOD WATER DEPARTMENT | 503-925-2319 |

### PROJECT CONTACTS


**OWNER:**
JT ROTH CONSTRUCTION, INC
12600 SW 72ND, #200
PORTLAND, OREGON 97223
CONTACT: TIM ROTH
(503) 639-2639

**CIVIL ENGINEER:**
EMERIO DESIGN, LLC
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
ENGINEERING CONTACT: ROY HANKINS
(503) 746-8812

**APPLICANT:**
EMERIO DESIGN, LLC
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
ENGINEERING CONTACT: STEVE MILLER
(541) 318-7487


### ENGINEER'S NOTE TO CONTRACTOR:

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS.

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.

THIS DESIGN COMPLIES WITH ORS 92.044 (7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN ONE (1) FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAT. NO DESIGN EXCEPTIONS NOT FINAL FIELD LOCATION CHANGES SHALL BE PERMITTED IF THAT CHANGE WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN THE PROHIBITED AREA.

### SITE INFORMATION

| | |
|---|---|
| SITE AREA: | 12.36 AC |
| ZONING: | VLDR |
| TAX MAP: | 2S133CB |
| TAX LOT: | 1700 |
| ADDRESS OF LOTS: | 2290 SW MURDOCK RD |

### BENCHMARK INFORMATION

THE DATUM FOR THIS SURVEY IS BASED UPON WASHINGTON COUNTY BENCHMARK NO 111. ELEVATION=213.55 NGVD29 DATUM.

### UTILITY INFORMATION

POTHOLE AND VERIFY LOCATION, SIZE AND VERTICAL CLEARANCE OF EXISTING UTILITIES, REPORT DISCREPANCIES OR CONFLICTS TO ENGINEER IMMEDIATELY.

*THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.*

MOSER PASS AT DENALI
TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

COVER SHEET

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |


EMERIO
ENGINEERING • SURVEYING • DESIGN
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 626-8910
www.emeriodesign.com


REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 12, 1989
ROY R. HANKINS
RENEWAL: 12-31-2023

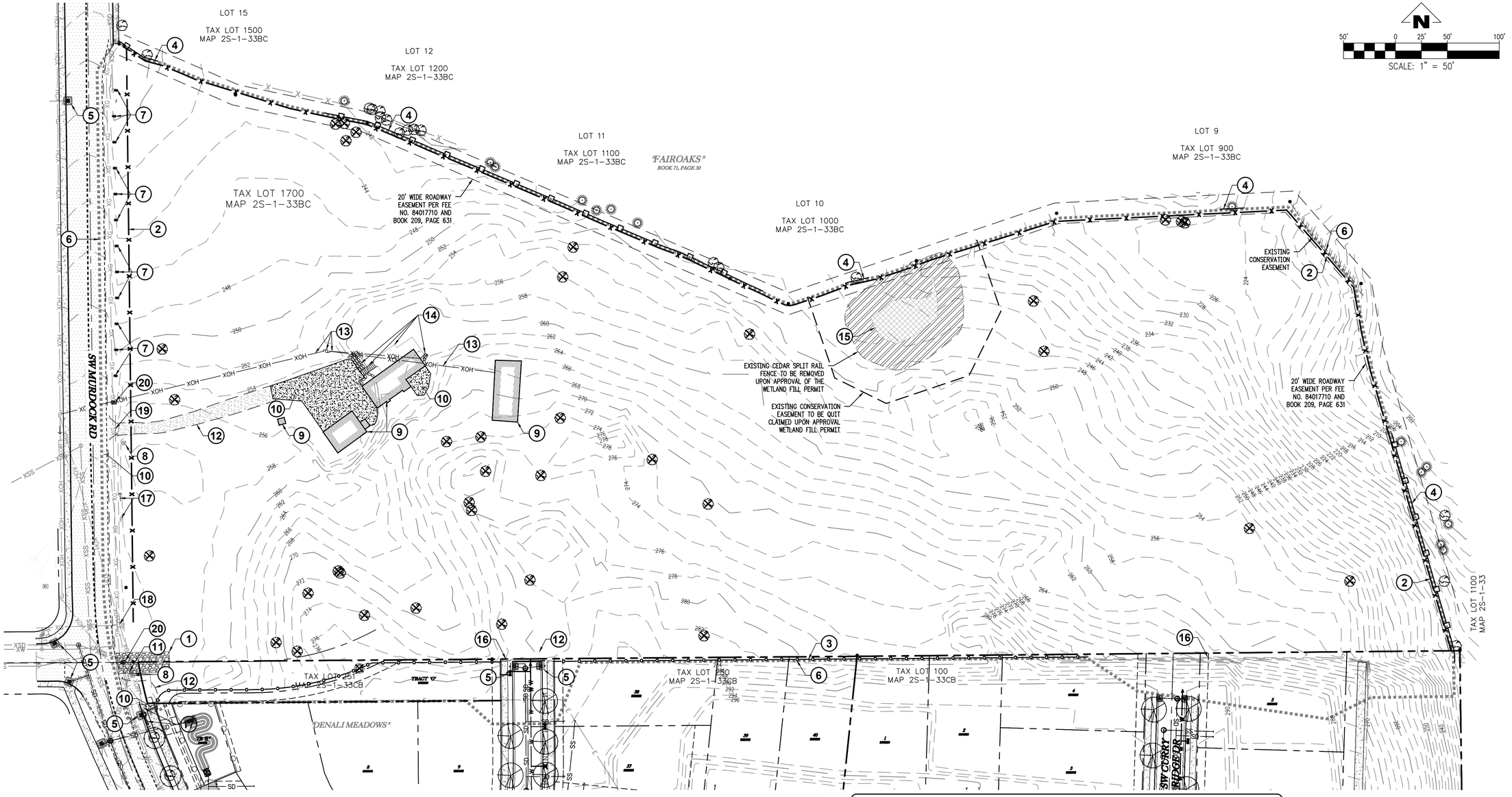
NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

SHEET 01 OF 14



FILE: C:\Projects\2200-016 Moser Subdivision Sherwood\dwg\plan\2200-016_01cvr, Layout: 01 COVER SHEET, Plot Date: 11/7/2022 1:37 PM, by: Pat Tortora




## DEMOLITION LEGEND:

- 458 — EXISTING 2' CONTOUR
- 460 — EXISTING 10' CONTOUR
- 458 — PROPOSED 2' CONTOUR
- 460 — PROPOSED 10' CONTOUR
- GRAVEL CONSTRUCTION ENTRANCE (1)
- SEDIMENT FENCE (2)
- ORANGE CONSTRUCTION FENCE (LIMITS OF DISTURBANCE) (3)
- TREE PROTECTION FENCE (4)
- INLET PROTECTION (5)
- LIMITS OF CONSTRUCTION (6)
- BIOFILTER BAG CHECK DAM (7)

## DEMOLITION NOTES:

1. INSTALL GRAVEL CONSTRUCTION ENTRANCE
2. INSTALL SEDIMENT FENCE
3. INSTALL ORANGE CONSTRUCTION FENCE (LIMITS OF DISTURBANCE)
4. INSTALL TREE PROTECTION FENCE (TYP)
5. INSTALL INLET PROTECTION
6. LIMITS OF CONSTRUCTION
7. INSTALL BIOFILTER BAG CHECK DAM (25' OC)
8. EXISTING WATER METER TO BE REMOVED
9. EXISTING STRUCTURE TO BE REMOVED
10. EXISTING PAVING/CONCRETE TO BE REMOVED
11. EXISTING FIRE HYDRANT TO BE REMOVED
12. EXISTING GRAVEL TO BE REMOVED
13. EXISTING OVERHEAD POWER LINE/POLE TO BE REMOVED
14. EXISTING DECK/STAIRS/WALL TO BE REMOVED
15. EXISTING WETLAND TO BE REMOVED UPON APPROVAL OF WETLAND FILL PERMIT
16. EXISTING WALL TO BE REMOVED
17. EXISTING POLE & GUY WIRE TO REMAIN & BE PROTECTED
18. EXISTING FIRE HYDRANT TO BE RELOCATED/REPLACED
19. EXISTING STORM LINE TO BE REMOVED
20. EXISTING MAILBOX TO BE REMOVED

## NOTE TO CONTRACTOR

EXISTING WELLS & SEPTIC SYSTEM TO BE ABANDONED/REMOVED IN COMPLIANCE WITH ALL REGULATIONS.

## TREE PRESERVATION

CONTRACTOR TO FLAG TREES TO REMAIN PRIOR TO BEGINNING TREE REMOVAL.

## BENCHMARK INFORMATION

THE DATUM FOR THIS SURVEY IS BASED UPON WASHINGTON COUNTY BENCHMARK NO 111. ELEVATION=213.55 NGVD29 DATUM.

*THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.*

# MOSER PASS AT DENALI

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

# EXISTING CONDITIONS PLAN

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |

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OREGON
JULY 12, 1999
PATRICK RENO TORTORA

NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

SHEET 02 OF 14



FILE: C:\Projects\0200-016 Moser Subdivision Sherwood\dwg\plan\0200-016_02xcon, Layout: 2 TREE REMOVAL & TREE PROTECTION PLAN, Plot Date: 11/7/2022 1:38 PM, by: Pat Tortora

LOT 15

TAX LOT 1500
MAP 2S-1-33BC

LOT 12

TAX LOT 1200
MAP 2S-1-33BC

LOT 11

TAX LOT 1100
MAP 2S-1-33BC

"FAIROAKS"
BOOK 71, PAGE 30

LOT 10

TAX LOT 1000
MAP 2S-1-33BC

LOT 9

TAX LOT 900
MAP 2S-1-33BC

TAX LOT 1700
MAP 2S-1-33BC

SW MURDOCK RD

N

SCALE: 1" = 50'

TAX LOT 251
MAP 2S-1-33CB

"DENALI MEADOWS"

EXISTING
STREET TREE

TAX LOT 250
MAP 2S-1-33CB

TAX LOT 100
MAP 2S-1-33CB

SW CURRY
RIDGE DR

EXISTING
STREET TREE(S)

TAX LOT 1100
MAP 2S-1-33

## TREE PRESERVATION

CONTRACTOR TO FLAG TREES TO REMAIN PRIOR TO BEGINNING TREE REMOVAL.

## DEMOLITION NOTES:

1. LIMITS OF CONSTRUCTION
2. REMOVE EXISTING VEGETATION/TREE (INCLUDING STUMP)
3. INSTALL TREE PROTECTION FENCE

## DEMOLITION LEGEND:

- 458 — EXISTING 2' CONTOUR
- 460 — EXISTING 10' CONTOUR
- LIMITS OF CONSTRUCTION (1)
- EXISTING TREE (TO BE REMOVED) (2)
- TREE PROTECTION FENCE (3)

*THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.*

**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

# TREE REMOVAL & PROTECTION PLAN

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |

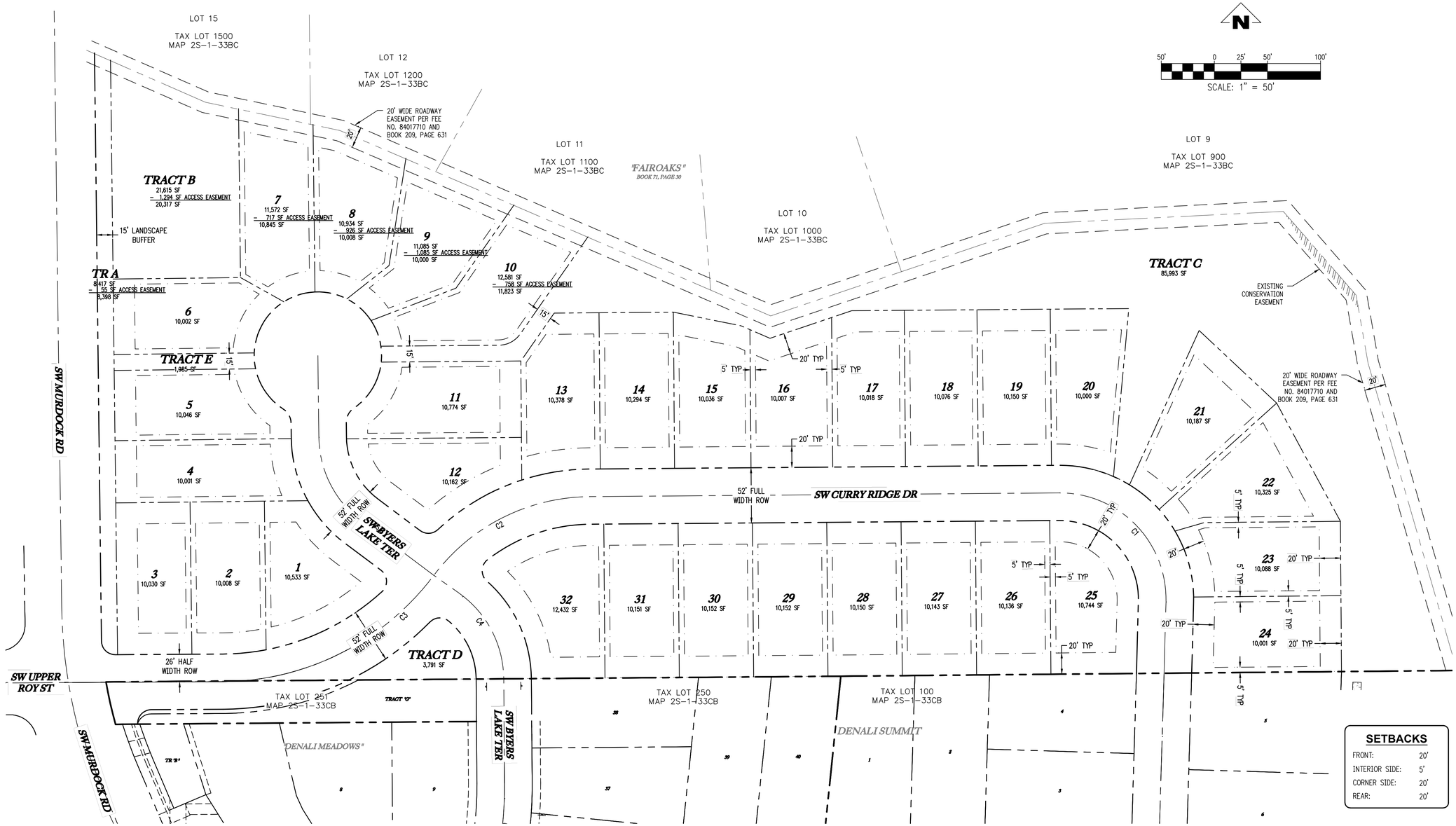
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REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 12, 1989
RENO TORTORA

NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

SHEET
03
OF
14
487




## GROSS & NET AREAS:

| LOT | AREA |
|---|---|
| 1 | 10,533 SF |
| 2 | 10,008 SF |
| 3 | 10,030 SF |
| 4 | 10,001 SF |
| 5 | 10,046 SF |
| 6 | 10,002 SF |
| 7 | 10,845 SF |
| 8 | 10,008 SF |
| 9 | 10,000 SF |
| 10 | 11,823 SF |
| 11 | 10,774 SF |
| 12 | 10,162 SF |
| 13 | 10,378 SF |
| 14 | 10,294 SF |
| 15 | 10,036 SF |
| 16 | 10,007 SF |
| 17 | 10,018 SF |
| 18 | 10,076 SF |
| 19 | 10,150 SF |
| 20 | 10,000 SF |
| 21 | 10,187 SF |
| 22 | 10,325 SF |
| 23 | 10,088 SF |
| 24 | 10,001 SF |
| 25 | 10,744 SF |
| 26 | 10,136 SF |
| 27 | 10,143 SF |
| 28 | 10,150 SF |
| 29 | 10,152 SF |
| 30 | 10,152 SF |
| 31 | 10,151 SF |
| 32 | 12,432 SF |
| TR A | 8,398 SF |
| TR B | 20,317 SF |
| TR C | 85,993 SF |
| TR D | 3,791 SF |
| TR E | 1,985 SF |
| MURDOCK ROW | 3,976 SF |
| PUBLIC STEET ROW | 81,917 SF |
| ACCESS EASEMENT | 5,023 SF |
| GROSS SF | 541,245 SF |
| REQ'D 15% OPEN SPACE | 81,188 SF |

DEDUCTIONS FROM SQUARE FOOTAGE

| | |
|---|---|
| MURDOCK ROW | 3,976 SF |
| PUBLIC STEET ROW | 81,917 SF |
| TR B | 20,317 SF |
| TOTAL DEDUCTIONS | 106,210 SF |
| GROSS SF | 541,245 SF |
| DEDUCTIONS | 106,210 SF |
| NET SF | 435,035 SF |

## SETBACKS

| | |
|---|---|
| FRONT: | 20' |
| INTERIOR SIDE: | 5' |
| CORNER SIDE: | 20' |
| REAR: | 20' |

CURVE TABLE

| CURVE | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD LENGTH |
|---|---|---|---|---|---|
| C1 | 160.56 | 100.00 | 91.9955 | N44° 27' 16"W | 143.86 |
| C2 | 170.25 | 185.00 | 52.7262 | S63° 11' 04"W | 164.30 |
| C3 | 230.57 | 250.00 | 52.8421 | S63° 14' 33"W | 222.48 |
| C4 | 94.83 | 100.00 | 54.3329 | N27° 36' 45"W | 91.32 |

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

# MOSER PASS AT DENALI

TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

# PRELIMINARY PLAT

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|

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OREGON
JULY 12, 1994
PATRICK RENO TORTORA

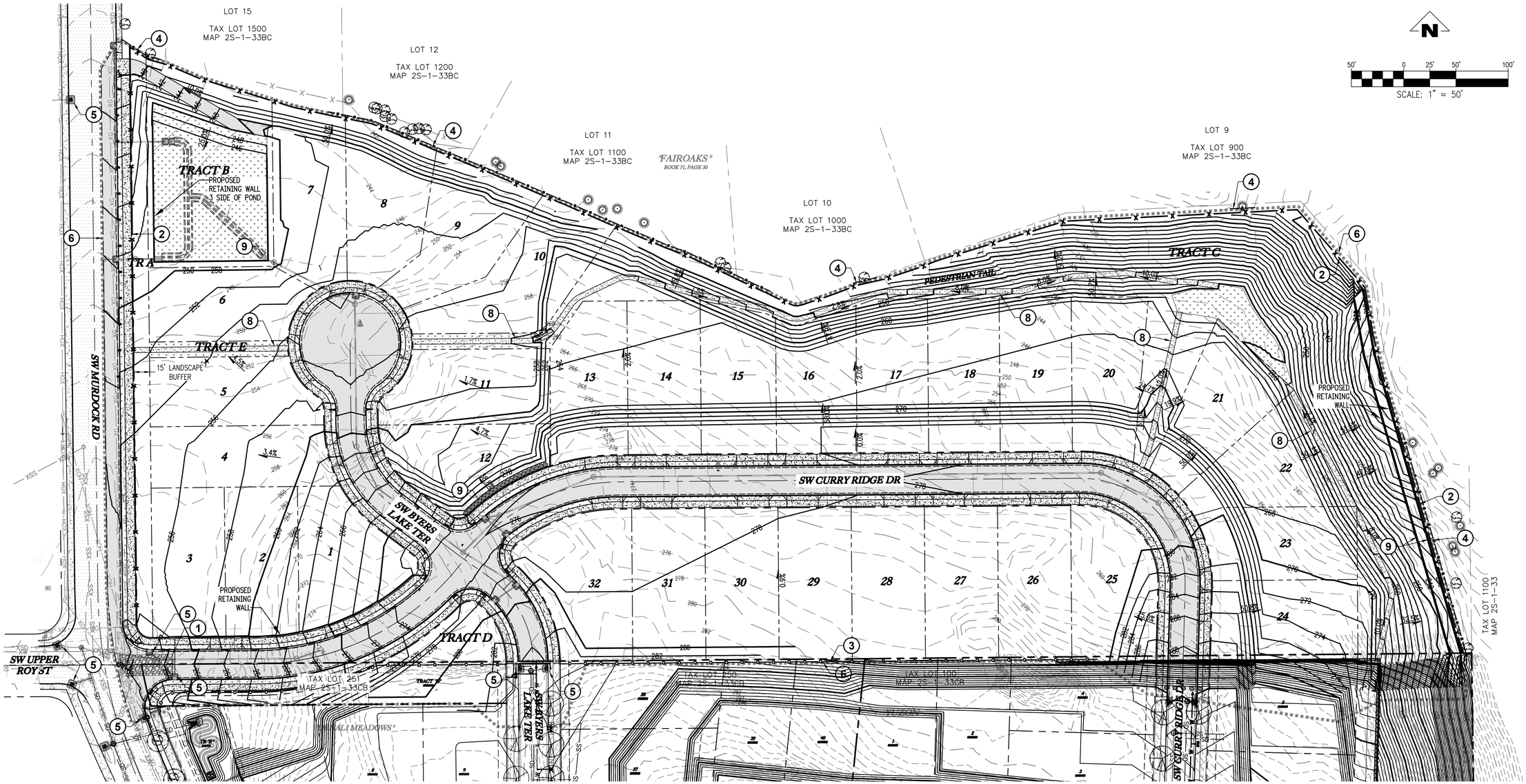
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EXPIRES: 6-30-2024

SHEET 04 OF 14

488

FILE: C:\Projects\0200-016 Moser Subdivision Sherwood\dwg\plan\0200-016_04plat, Layout: 04 PRELIMINARY PLAT, Plot Date: 11/7/2022 1:38 PM, by: Pat Tortora




## EROSION CONTROL NOTES:

1. INSTALL GRAVEL CONSTRUCTION ENTRANCE
2. INSTALL SEDIMENT FENCE
3. INSTALL ORANGE CONSTRUCTION FENCE (LIMITS OF DISTURBANCE)
4. INSTALL TREE PROTECTION FENCE (TYP)
5. INSTALL INLET PROTECTION
6. LIMITS OF CONSTRUCTION
7. INSTALL BIOFILTER BAG CHECK DAM (25' OC)
8. INSTALL NATURE PATH
9. INSTALL RETAINING WALL PER STRUCTURAL DESIGN

## EROSION CONTROL LEGEND:

- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- PROPOSED 2' CONTOUR
- PROPOSED 10' CONTOUR
- GRAVEL CONSTRUCTION ENTRANCE (1)
- SEDIMENT FENCE (2)
- ORANGE CONSTRUCTION FENCE (LIMITS OF DISTURBANCE) (3)
- TREE PROTECTION FENCE (4)
- INLET PROTECTION (5)
- LIMITS OF CONSTRUCTION (6)
- BIOFILTER BAG CHECK DAM (7)
- NATURE PATH (8)

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

# MOSER PASS AT DENALI

TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

# GRADING & EROSION CONTROL PLAN

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
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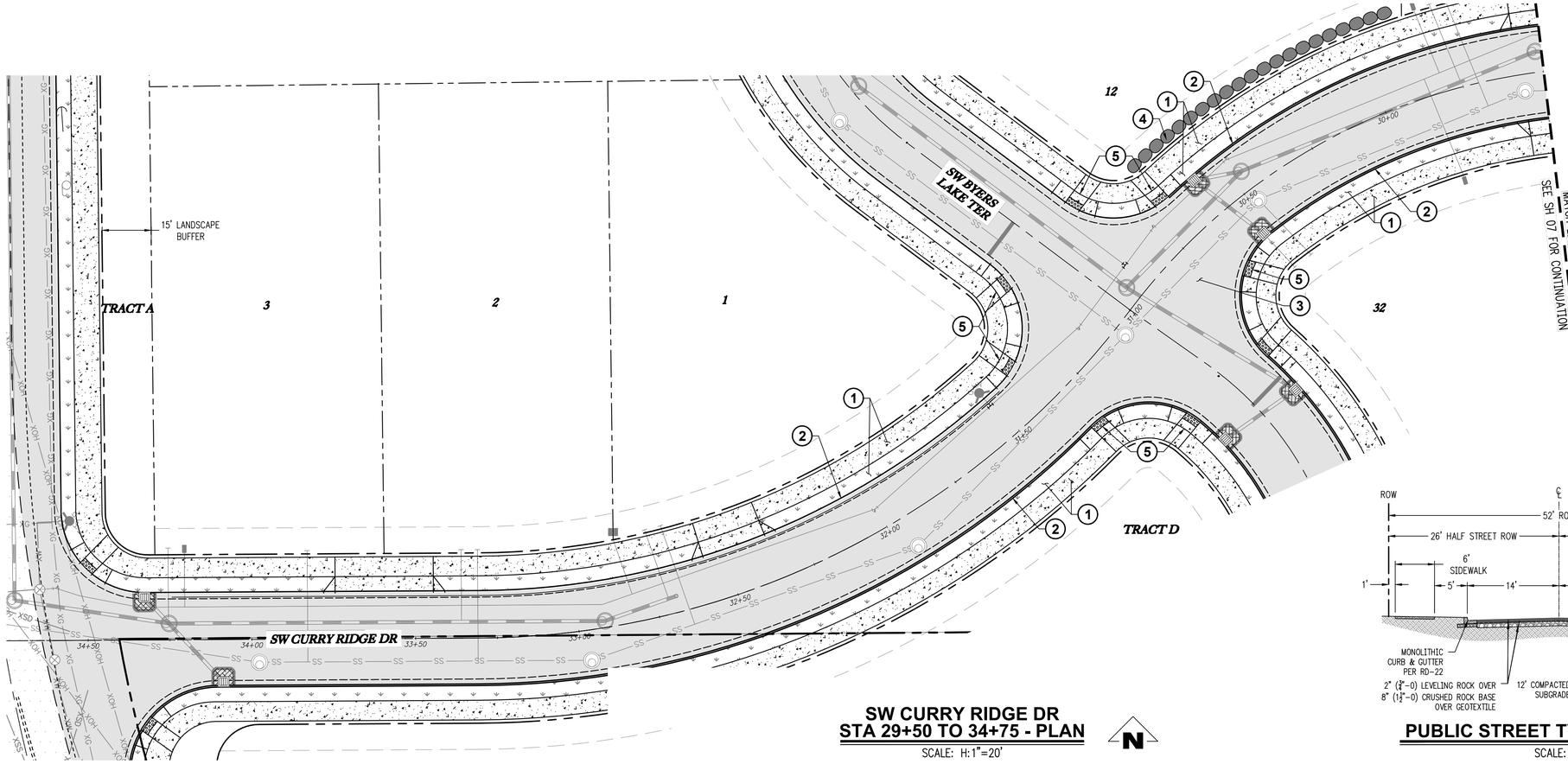
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JULY 15, 1999
PATRICK RENO TORTORA

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EXPIRES: 6-30-2024

SHEET 05 OF 14

489

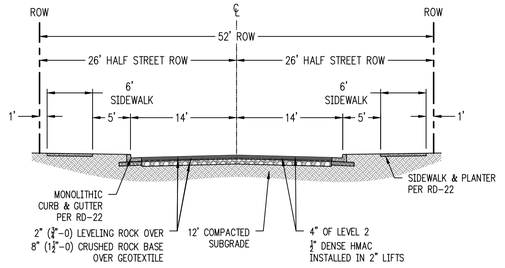



**CONSTRUCTION NOTES:**

1. PROPOSED SIDEWALK & PLANTER PER COS DETAIL RD-22
2. PROPOSED MONOLITHIC CURB & GUTTER PER COS DETAIL RD-26
3. PROPOSED AC PAVEMET
4. PROPOSED 4' TALL RETAINING WALL
5. PROPOSED ADA RAMP

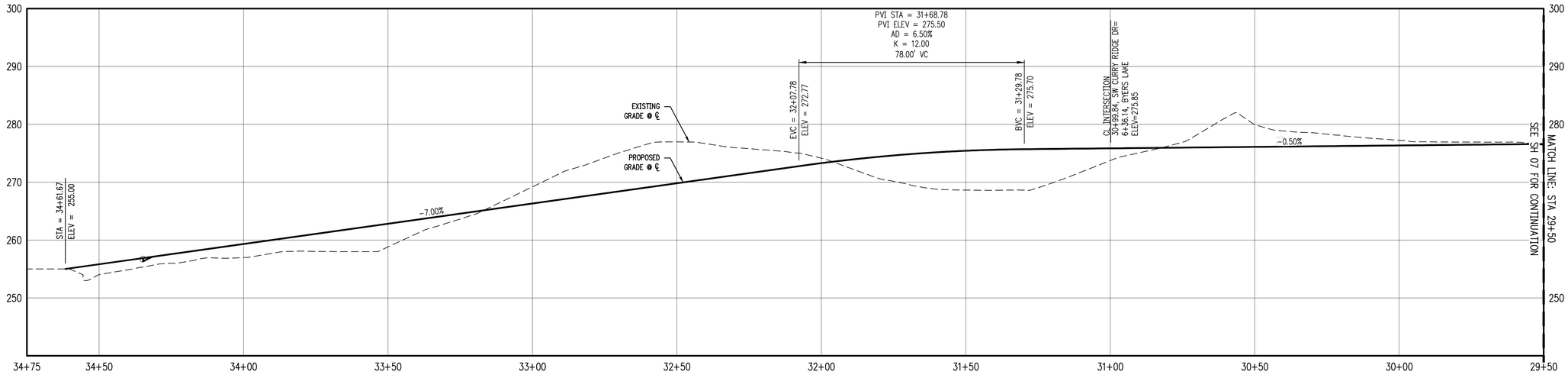
## SW CURRY RIDGE DR
## STA 29+50 TO 34+75 - PLAN

SCALE: H:1"=20'




## PUBLIC STREET TYPICAL SECTION

SCALE: NTS




## SW CURRY RIDGE DR
## STA 29+50 TO 34+75 - PROFILE

SCALE: H:1"=20' V:1"=10'

*THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.*

**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

# SW CURRY RIDGE DR
# STA 29+50 TO 34+75
# PLAN & PROFILE

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |

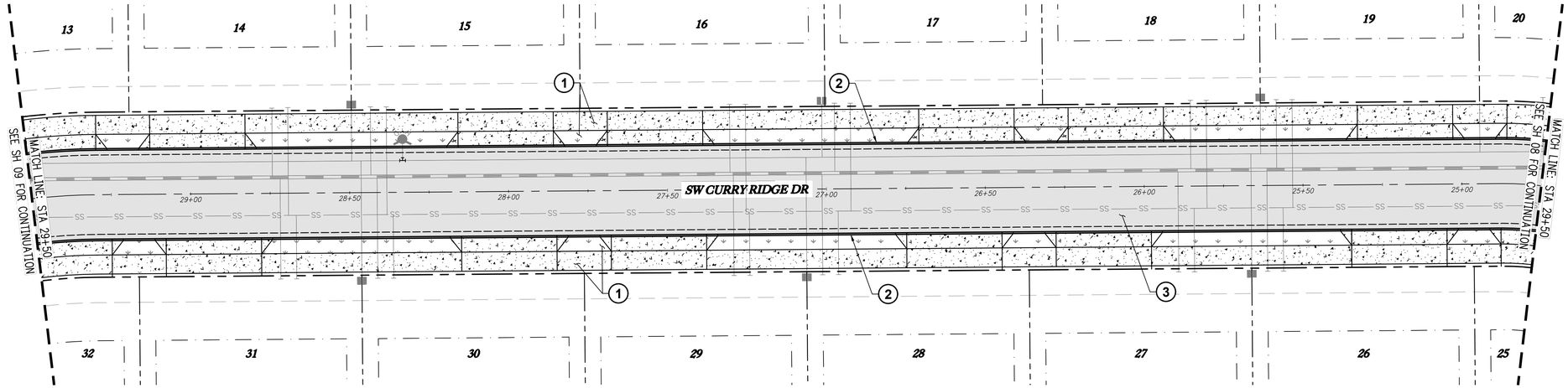
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SHEET 06 OF 14
490

FILE: C:\Projects\22000-016 Moser Subdivision Sherwood\dwg\plan\22000-016_06st01, Layout: 06 UPPER ROY ST STA 29+50 TO 34+75 PLAN & PROFILE, Plot Date: 11/7/2022 1:39 PM, by: Pat Tortora

Exhibit A17



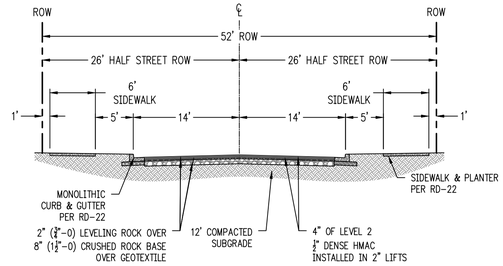

## SW CURRY RIDGE DR
## STA 25+25 TO 29+50 - PLAN

SCALE: H:1"=20'

N

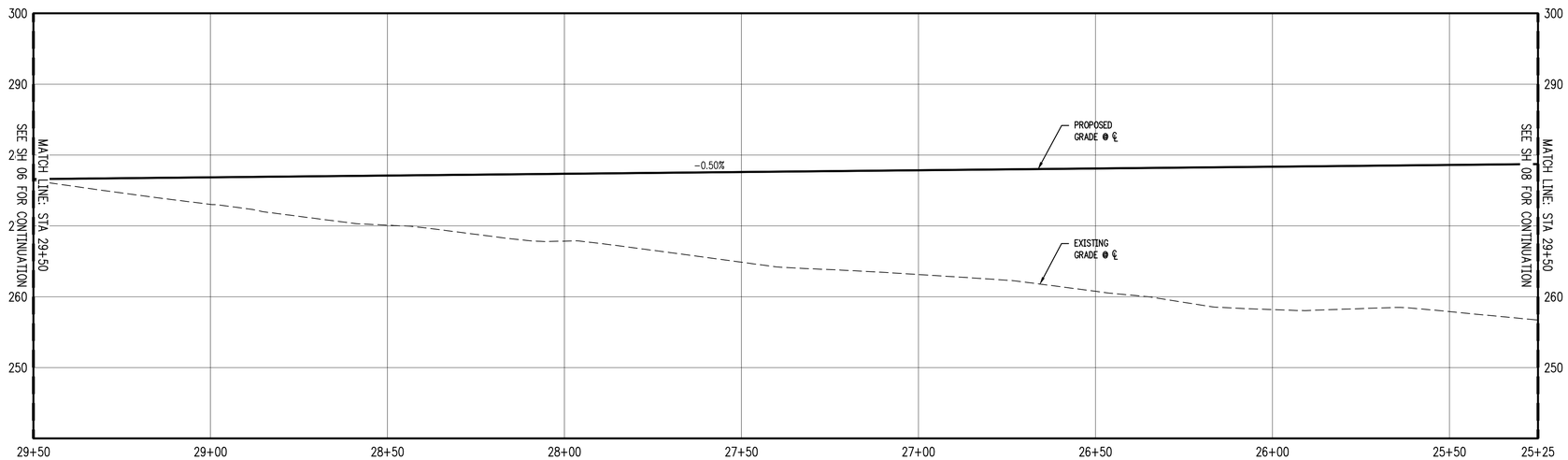
**CONSTRUCTION NOTES:**

1. PROPOSED SIDEWALK & PLANTER PER COS DETAIL RD-22
2. PROPOSED MONOLITHIC CURB & GUTTER PER COS DETAIL RD-26
3. PROPOSED AC PAVEMENT




## PUBLIC STREET TYPICAL SECTION

SCALE: NTS




## SW CURRY RIDGE DR
## STA 25+25 TO 29+50 - PROFILE

SCALE: H:1"=20' V:1"=10'

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

**SW CURRY RIDGE DR**
**STA 25+25 TO 29+50**
**PLAN & PROFILE**

REVISIONS

| NO. | DATE | DESCRIPTION |
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JULY 12, 1989
PATRICK RENO TORTORA

NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

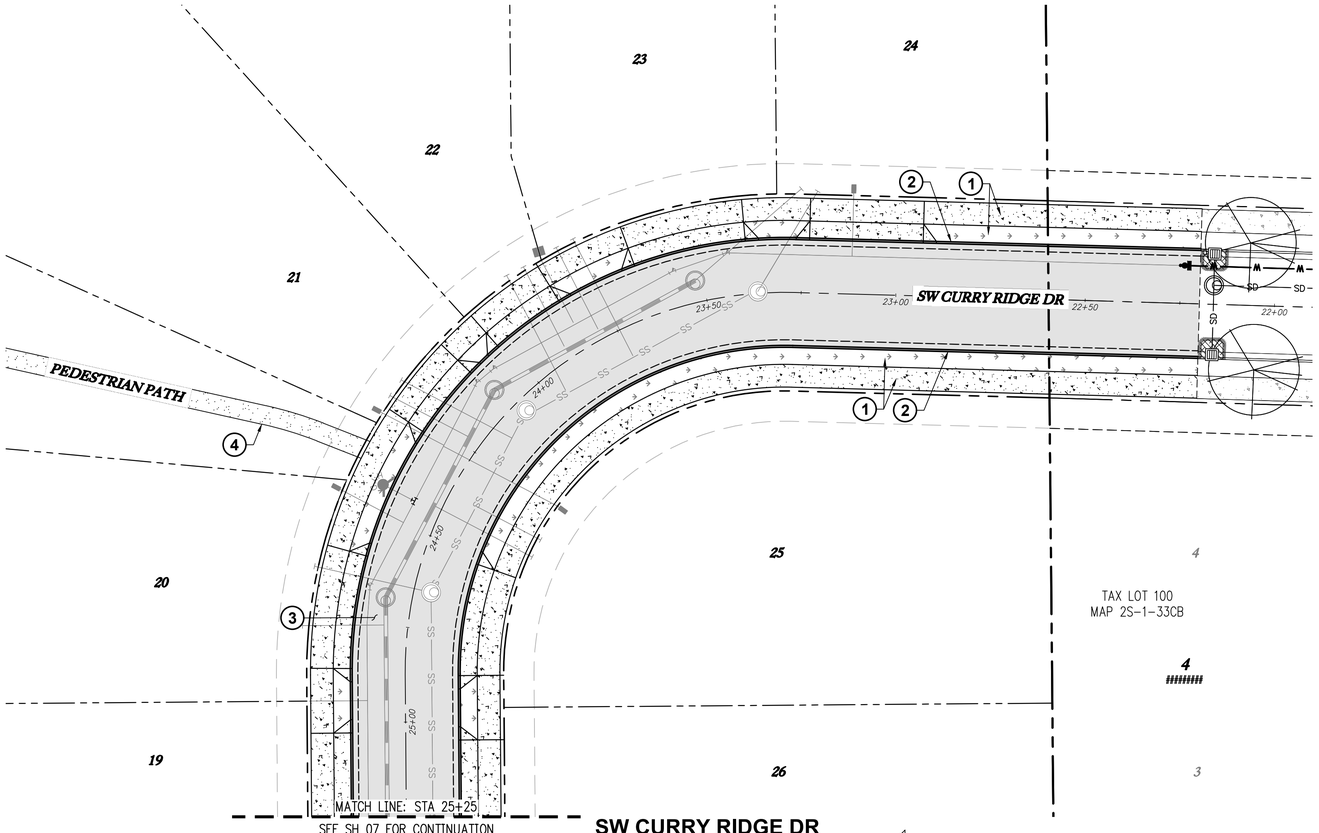
SHEET 07 OF 14



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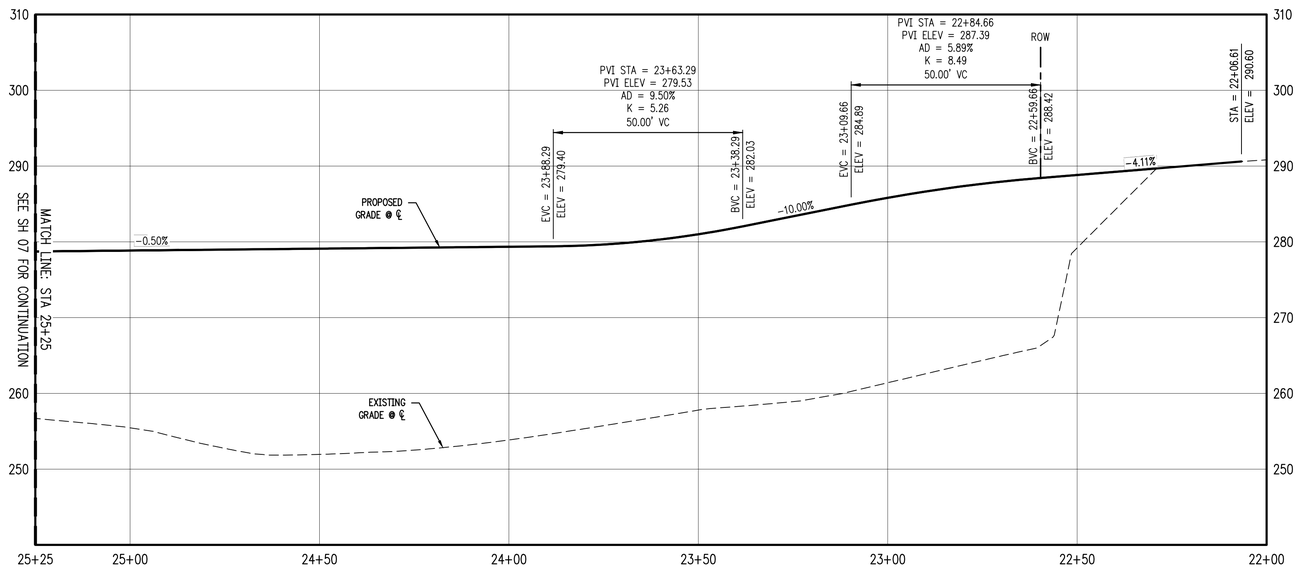
## CONSTRUCTION NOTES:

1. PROPOSED SIDEWALK & PLANTER PER COS DETAIL RD-22
2. PROPOSED MONOLITHIC CURB & GUTTER PER COS DETAIL RD-26
3. PROPOSED AC PAVEMET
4. PROPOSED NATURE PATH



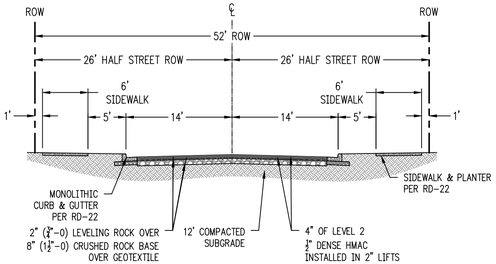

## SW CURRY RIDGE DR
## STA 22+00 TO 25+25 - PLAN

SCALE: H:1"=20'




## SW CURRY RIDGE DR
## STA 22+00 TO 25+25 - PROFILE

SCALE: H:1"=20' V:1"=10'




## PUBLIC STREET TYPICAL SECTION

SCALE: NTS

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

**SW CURRY RIDGE DR**
**STA 22+00 TO 25+25**
**PLAN & PROFILE**

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
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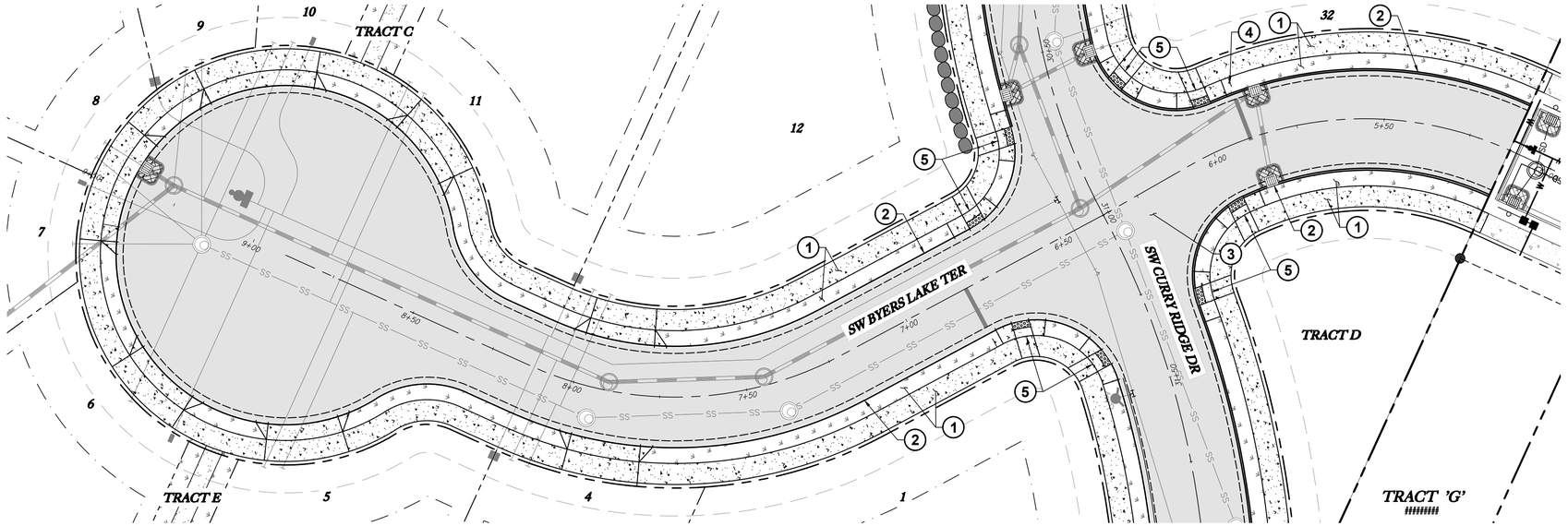
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EXPIRES: 6-30-2024

SHEET 08 OF 14

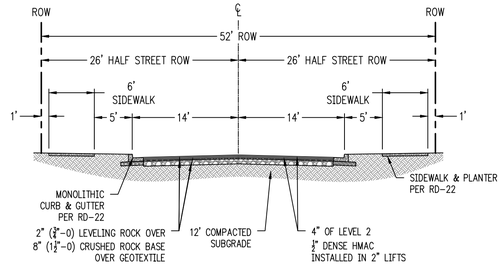
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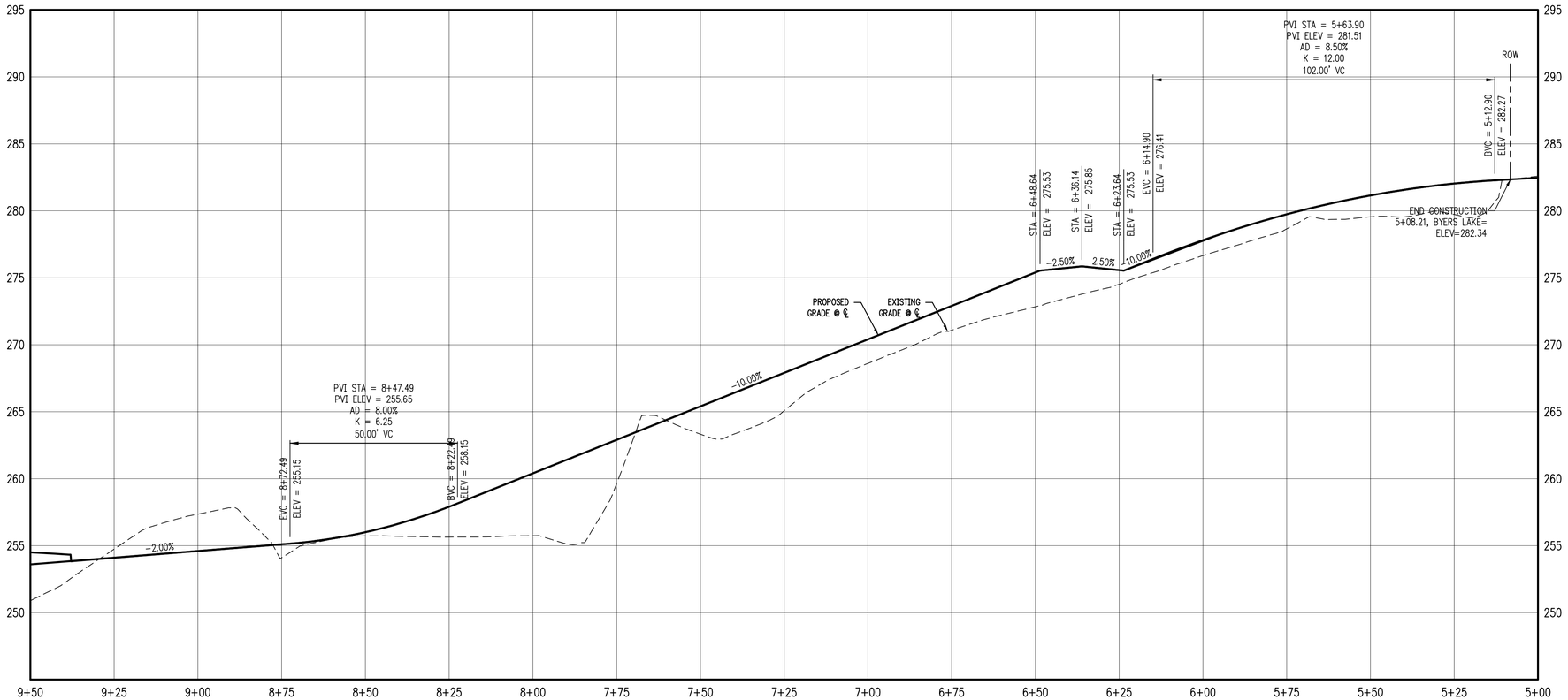

## SW BYERS LAKE TER
## STA 5+00 TO 9+50 - PLAN

SCALE: H:1"=20'




## PUBLIC STREET TYPICAL SECTION

SCALE: NTS




## SW BYERS LAKE TER
## STA 5+00 TO 9+50 - PROFILE

SCALE: H:1"=20' V:1"=10'

### CONSTRUCTION NOTES:

1. PROPOSED SIDEWALK & PLANTER PER COS DETAIL RD-22
2. PROPOSED MONOLITHIC CURB & GUTTER PER COS DETAIL RD-26
3. PROPOSED AC PAVEMET
4. PROPOSED "STOP" SIGN
5. PROPOSED ADA RAMP

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

MOSER PASS AT DENALI

TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

SW BYERS LAKE TER
PLAN & PROFILE

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
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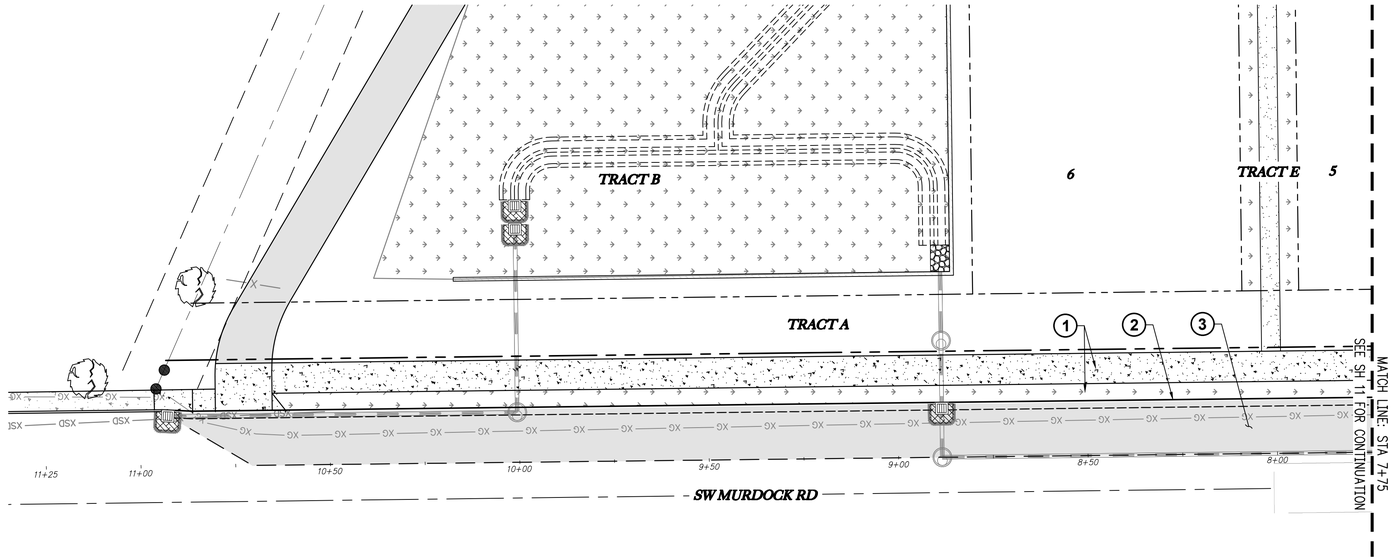
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OREGON
JANUARY 12, 1999
PATRICK RENO TORTORA
NOT FOR CONSTRUCTION
EXPIRES: 6-30-2024

SHEET 09 OF 14

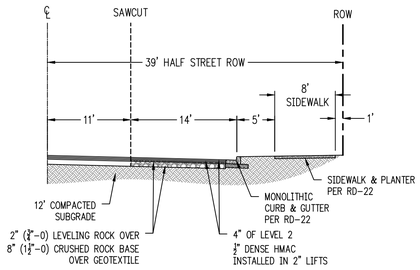
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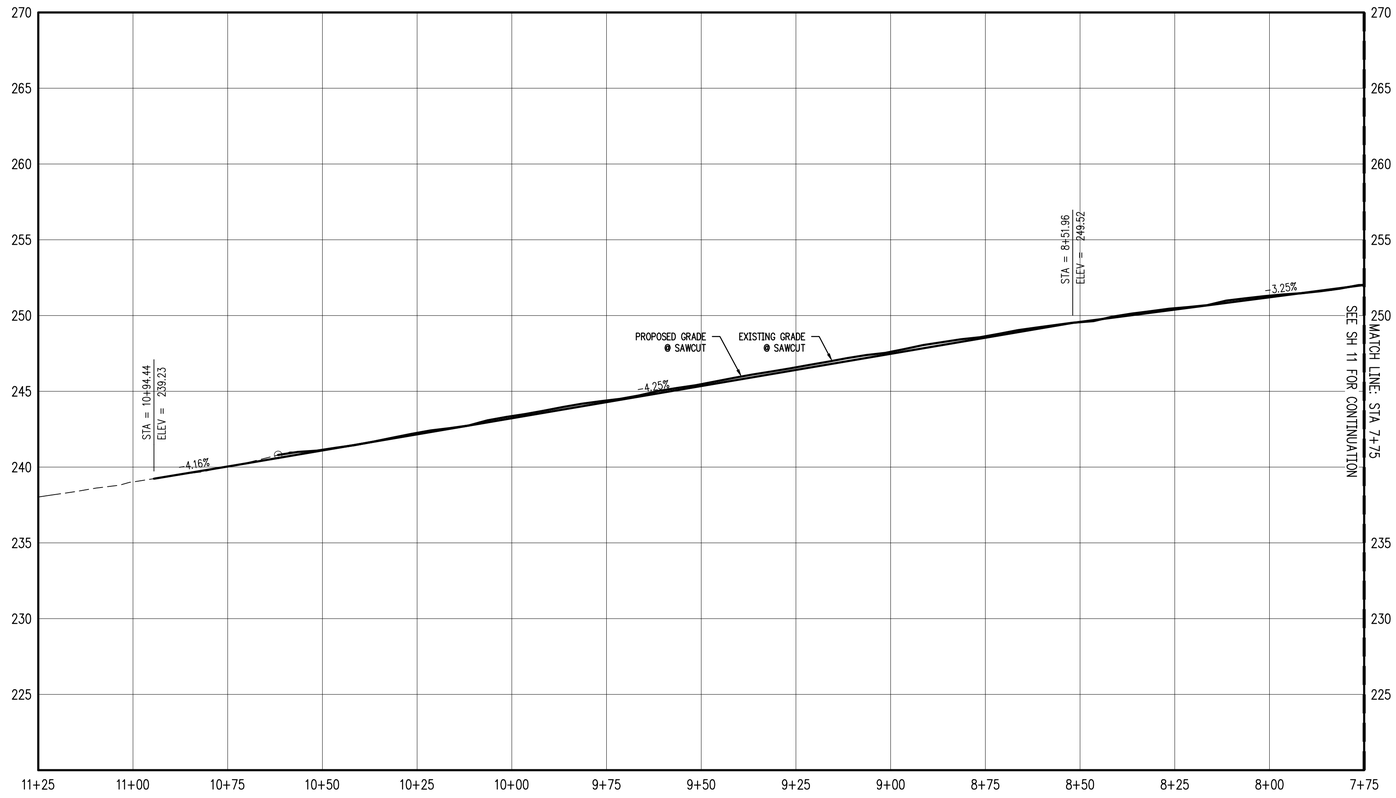

## SW MURDOCK RD
## STA 7+75 TO 11+25 - PLAN

SCALE: H:1"=20'




## SW MURDOCK RD
## TYPICAL SECTION

SCALE: NTS




## SW MURDOCK RD
## STA 7+75 TO 11+25 - PROFILE

SCALE: H:1"=20' V:1"=10'

### CONSTRUCTION NOTES:

1. PROPOSED SIDEWALK & PLANTER PER COS DETAIL RD-22
2. PROPOSED MONOLITHIC CURB & GUTTER PER COS DETAIL RD-26
3. PROPOSED AC PAVEMET

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

**SW MURDOCK RD**
**STA 7+75 TO 11+25**
**PLAN & PROFILE**

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |

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REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 12, 1994
PATRICK RENO TORTORA

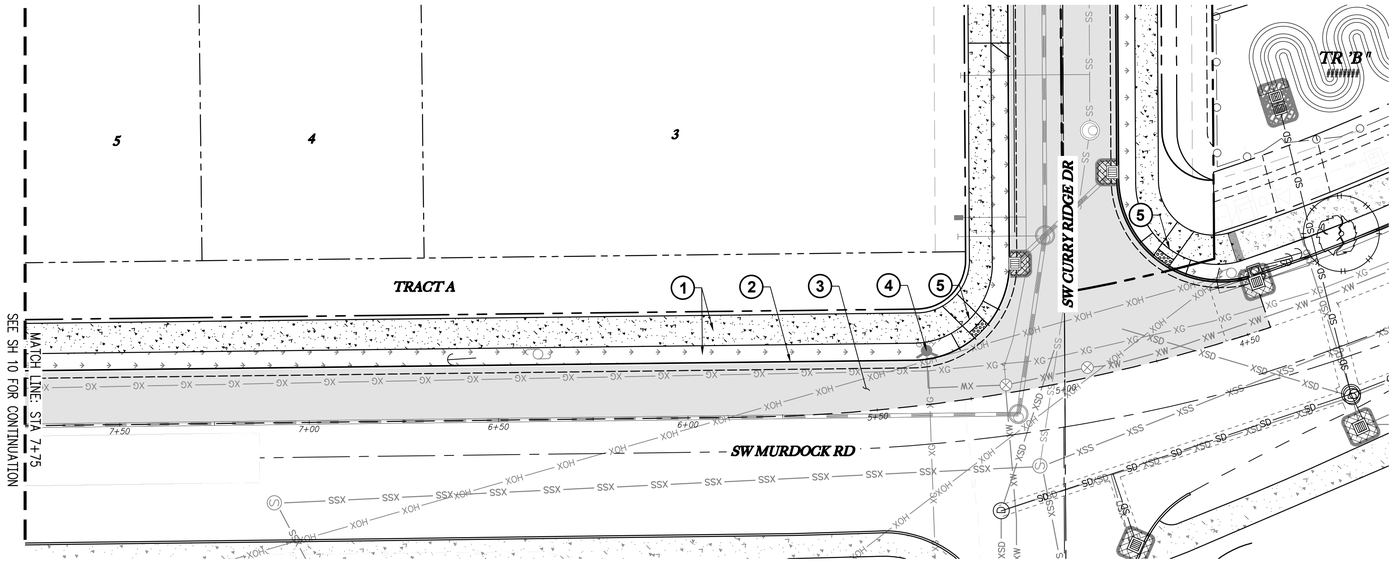
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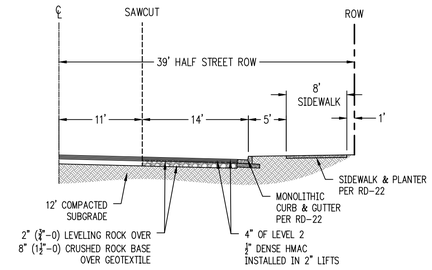
SHEET 10 OF 14



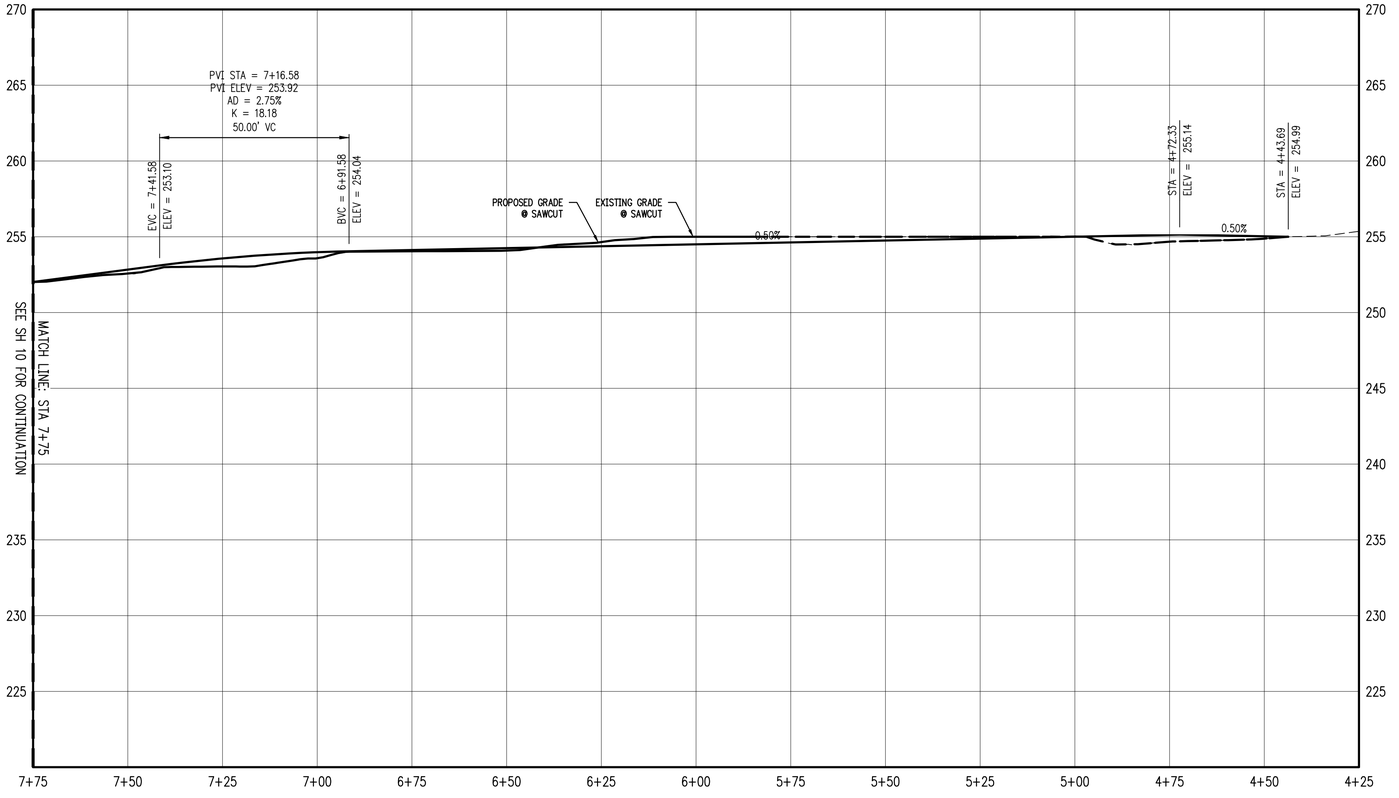
FILE:C:\Projects\0200-016 Moser Subdivision Sherwood\dwg\plan\0200-016_10x105, Layout: 10 MURDOCK RD PLAN & PROFILE, Plot Date: 11/7/2022 1:43 PM, by: Pat Tortora




**SW MURDOCK RD**
**STA 4+25 TO 7+75 - PLAN**
SCALE: H:1"=20'




**SW MURDOCK RD**
**TYPICAL SECTION**
SCALE: NTS




**SW MURDOCK RD**
**STA 4+25 TO 7+75 - PROFILE**
SCALE: H:1"=20' V:1"=10'

**CONSTRUCTION NOTES:**

1. PROPOSED SIDEWALK & PLANTER PER COS DETAIL RD-22
2. PROPOSED MONOLITHIC CURB & GUTTER PER COS DETAIL RD-26
3. PROPOSED AC PAVEMET
4. PROPOSED FIRE HYDRANT PER COS DETAIL W-21
5. PROPOSED ADA RAMP

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

**MOSER PASS AT DENALI**
**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

**SW MURDOCK RD**
**STA 4+25 TO 7+75**
**PLAN & PROFILE**

REVISIONS

| NO. | DATE | DESCRIPTION |
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JANUARY 12, 1999
PATRICK RENO TORTORA
NOT FOR CONSTRUCTION
EXPIRES: 6-30-2024

SHEET 11 OF 14
495

FILE: C:\Projects\0200-016 Moser Subdivision Sherwood\dwg\plan\0200-016_11x106, Layout: 11 MURDOCK RD PLAN & PROFILE, Plot Date: 11/7/2022 1:43 PM, by: Pat Tortora

## WATER QUALITY POND

SCALE: H:1"=20'

N

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**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

**WATER QUALITY POND PLAN**

REVISIONS

| NO. | DATE | DESCRIPTION |
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NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

SHEET 12 OF 14



FILE:C:\Projects\0200-016 Moser Subdivision Sherwood\dwg\plan\0200-016_12wp01, Layout: 10 WATER QUALITY POND, Plot Date: 11/7/2022 1:43 PM, by: Pat Tortora

Exhibit A17

LOT 15
TAX LOT 1500
MAP 2S-1-33BC

LOT 12
TAX LOT 1200
MAP 2S-1-33BC

LOT 11
TAX LOT 1100
MAP 2S-1-33BC

"FAIROAKS"
BOOK 71, PAGE 30

LOT 10
TAX LOT 1000
MAP 2S-1-33BC

LOT 9
TAX LOT 900
MAP 2S-1-33BC

N

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

POND OUTLET STRUCTURE

TRACT B

15' LANDSCAPE BUFFER

TRACT A

TRACT C

TRACT E

SW MURDOCK RD

SW BYERS LAKE TER

TRACT D

SW UPPER ROY ST

TAX LOT 251
MAP 2S-1-33CB

TRACT V

"DENALI MEADOWS"

TAX LOT 250
MAP 2S-1-33CB

TAX LOT 100
MAP 2S-1-33CB

"YUZON"

SW CORALTREE TER

TAX LOT 1100
MAP 2S-1-33

## UTILITY NOTES:

1. PROPOSED STORMWATER DETENTION POND AND WATER QUALITY SWALE
2. PROPOSED STORM LINE
3. PROPOSED STORM MANHOLE
4. PROPOSED POLLUTION CONTROL MANHOLE
5. PROPOSED CC-2 CATCH BASIN
6. PROPOSED STORM LATERAL
7. PROPOSED SANITARY LINE
8. PROPOSED SANITARY MANHOLE
9. PROPOSED CONNECTION TO EXISTING SANITARY MANHOLE
10. PROPOSED SANITARY LATERAL
11. PROPOSED CONNECTION TO EXISTING WATERLINE
12. PROPOSED FIRE HYDRANT
13. REMOVE EXISTING BLOWOFF AND CONNECT TO EXISTING WATER LINE
14. PROPOSED SINGLE WATER METER
15. PROPOSED DOUBLE WATER METER
16. PROPOSED WATER LINE
17. PROPOSED FIRE HYDRANT
18. PROPOSED CATCH BASIN TO BE INSTALLED ON EXISTING STORM PIPE

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

# MOSER PASS AT DENALI

TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

# PRELIMINARY UTILITY PLAN

REVISIONS

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RENO TORTORA

NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

SHEET 13 OF 14

497

FILE: C:\Projects\2200-016 Master Subdivision Sherwood\dwg\plan\2200-016_13p.dwl, Layout: 13 PRELIMINARY UTILITY PLAN, Plot Date: 11/7/2022 1:44 PM, by: Pat Tortora




THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

# MOSER PASS AT DENALI

TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

## AERIAL & NEIGHBORHOOD CIRCULATION MAP

REVISIONS

| NO. | DATE | DESCRIPTION |
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NOT FOR CONSTRUCTION
EXPIRES: 6-30-2024

SHEET 14 OF 14

498

FILE: C:\Projects\0200-016 Moser Subdivision Sherwood\dwg\plan\0200-016_14aero, Layout: 11 AERIAL & NEIGHBORHOOD CIRCULATION MAP, Plot Date: 11/7/2022 1:44 PM, by: Pat Tortora

**Landscape Plan**

**(Showing Open Space & Trail Improvements/Surface)**

Exhibit A17

GROUND ROOTS
Landscape Design

# MOSER PASS

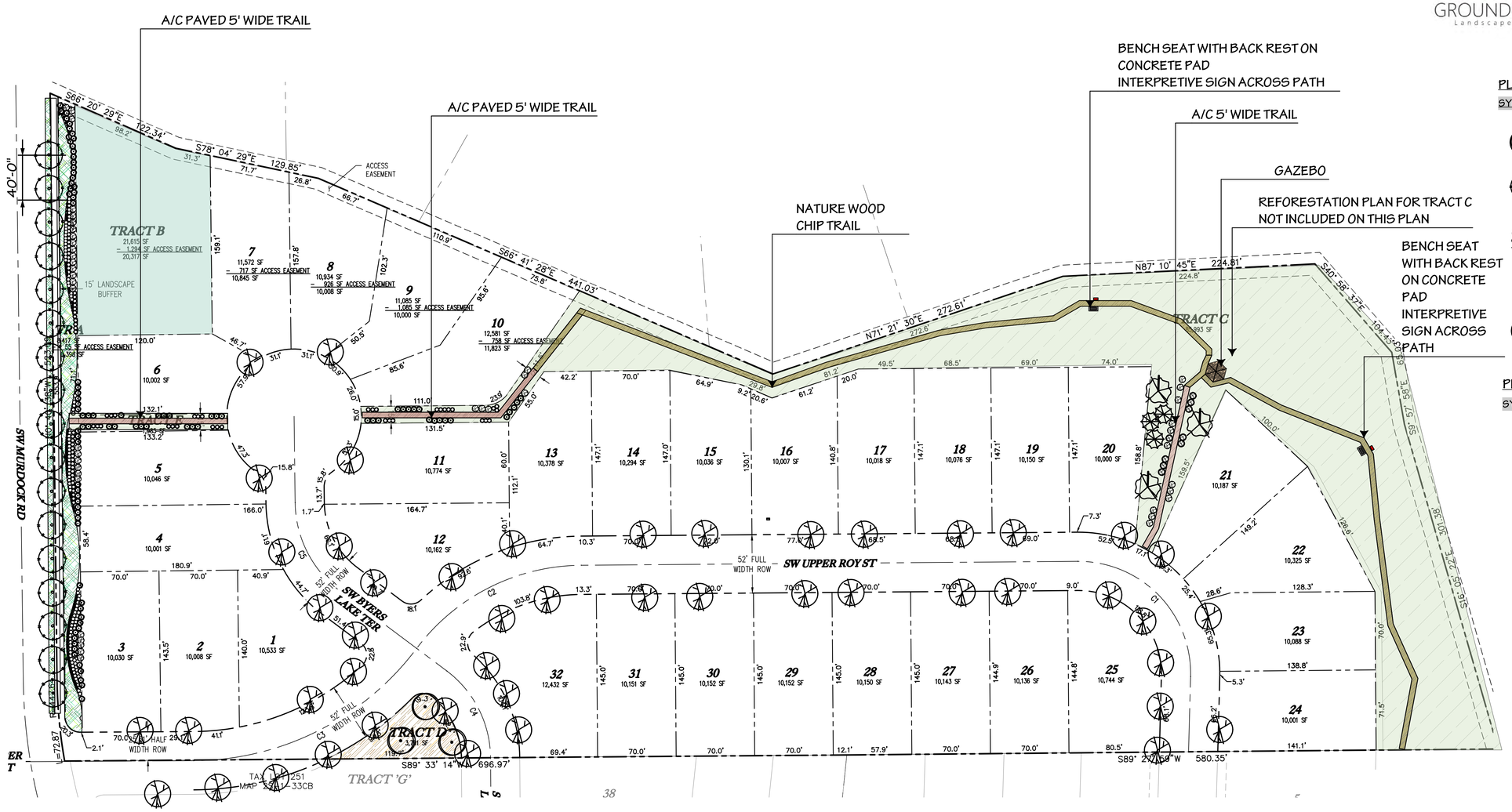
| PROJECT | |
|---|---|
| | 22012 |

TAX LOT 1700 SHERWOOD, OR

| DESIGNER | DATE | VERSION |
|---|---|---|
| GROUND ROOTS LD - JANE ELRICK | 9/7/2022 | 4 |

## LANDSCAPE PLAN

1/1




## PLANT LIST - TREES

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 3 | ACER RUBRUM 'FRANKS RED'<br>Red Sunset Maple | 2" cal | AS SHOWN |
| | 13 | CARPINUS BELTULUS PYRAMIDALIS<br>European Hornbeam | 2" cal | AS SHOWN |
| | 3 | GINKGO BILOBA 'GOLDSPIRE'<br>Goldspire Ginkgo | 6-8' ht. | AS SHOWN |
| | 3 | PINUS FLEXIUS 'VANDERWOLF PINE'<br>Limber Pine | 5' ht | AS SHOWN |
| | 48 | ZELKOVA SERRATA 'VILLAGE GREEN'<br>Village Green Zelkova | 2" cal | AS SHOWN |

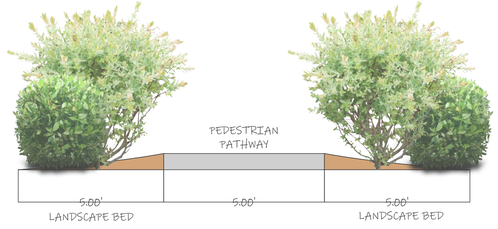
## PLANT LIST - SHRUBS & GROUND COVER

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 9 | MYRICA CALIFORNICA<br>Pacific Wax Myrtle | 5 gal | 6' oc |
| | 45 | VACCINIUM OVATUM<br>Evergreen Huckleberry | 2 gal | 4' oc |
| | 87 | CARYOPTERIS X CLANDONENSIS<br>Blue Mist Bluebeard | 2 gal | 4' oc |
| | 88 | ILEX GLABRA 'SHAMROCK'<br>Shamrock Inkberry | 2 gal | 4' oc |
| | 97 | PENNISETUM ALOPECURIOIDS 'HAMELN'<br>Hameln Dwarf Fountain Grass | 1 gal | 3' oc |
| | 96 | VIBURNUM TINUS 'COMPACTUM'<br>Spring Bouquet Laurustinus | 2 gal | 4' oc |

## SEEDED AREAS

| | | | |
|---|---|---|---|
| | PT LAWN SEED<br>PT 769 R & R ECO-TURF MIX | SEED | 5-7 lbs / 1000 sqft |
| | PT 705 XERISCAPE LAWN ALTERNATIVE | SEED | 2 lbs / 1000 sqft |
| | (2) 6' BENCH WITH BACK REST ON CONCRETE PAD | | |
| | INTERPRETIVE SIGN | | |

## PEDESTRIAN WALKWAY CROSS-SECTION




## TREE DENSITY CALCULATIONS*

*DOES NOT INCLUDE REFORESTATION OF TRACT C

| TREE NAME | QTY | MATURE SPREAD | CANOPY AREA (SF) | CANOPY COVERAGE (SF) |
|---|---|---|---|---|
| **PROPOSED NEW TREES:** | | | | |
| ACER RUBRUM 'FRANKSRED' | 3 | 40 | 1257 | 3771 |
| CARPINUS BETULUS PYRAMIDALIS | 13 | 35 | 962 | 12506 |
| GINKGO BILOBA 'GOLDSPIRE' | 3 | 6 | 28 | 84 |
| PINUS FLEXILIS VANDERWOLF PYRAMID' | 3 | 30 | 707 | 2121 |
| ZELKOVA SERRATA 'VILLAGE GREEN' | 48 | 36 | 1018 | 48864 |
| | | **TOTAL CANOPY COVERAGE** | | 67346 |
| | | **TOTAL SITE AREA** | | 335,896 |
| | | **PERCENT CANOPY COVER** | | 20% |

0 100 200 300 FT

SCALE: 1" = 50'

N

WINTER SUN

SUMMER SUN

EXISTING PLANTS-LOCATION APPROXIMATE
UNLESS SPECIFIED, ALL PLANT SYMBOLS ARE PLACEHOLDERS TBD
BASED ON AVAILABILITY

NOTE:

THE EXISTING PROPERTY CONDITIONS, INCLUDING PROPERTY LINE LOCATIONS SHOWN ON THE PLAN, ARE APPROXIMATE AND DO NOT REPRESENT A FIELD-SURVEYED CONDITION. OWNER SHALL VERIFY ALL PROPERTY LINES, DIMENSIONS, EASEMENTS, AND EXISTING UNDERGROUND UTILITY AND IRRIGATION LOCATIONS PRIOR TO ANY CONSTRUCTION. SERVICES AND ADVICE ARE LIMITED TO PLANNING AND CONCEPTUAL DESIGN OF EXTERIOR SPACES AND HORTICULTURE CONSULTATION AND DO NOT INCLUDE ANY ENGINEERING SERVICES, STRUCTURAL ANALYSIS, OR CONSTRUCTION DETAILS WHICH MAY REQUIRE THE SERVICE OF A LICENSED PROFESSIONAL AS REQUIRED BY LAW. CONSTRUCTION DETAILS GIVEN ARE CONCEPTUAL IN NATURE AND SHOULD BE CONFIRMED BY A LICENSED ARCHITECT OR CONTRACTOR. IMAGES SHOWN ARE FOR INSPIRATION AND SOME REFERENCES MAY NOT BE THE WORK OF GROUND ROOTS LANDSCAPE DESIGN. SOURCES AVAILABLE UPON REQUEST.

**Updated Land Use Narrative**

**DATE:** 7-22-2022

**DATE UPDATED:** 11/7/2022

**PROPERTY OWNERS/ DEVLOPER:**
J.T. Roth Construction, Inc.
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:** 32-Lot residential subdivision in the VLDR Planned Unit Development (PUD) Zone. The proposed **"Moser Pass PUD"** will be developed pursuant to the City of Sherwood Land Use and Development Code requirements.

**SITE LOCATION:** 22900 SW Murdock Road

**ZONING:** VLDR, Very Low Density Residential

**TOTAL SITE SIZE:** 12.36 Acres / 538,401.6 Square Feet

**LEGAL DESCRIPTION:** Tax Map 2S133BC, Tax Lots 1700

## I. INTRODUCTION

Background Information: The subject site consists of one (1) tax lot totaling approximately 12.36 acres in size. The site area is irregular in shape with a 10-foot access easement located along the northern and eastern property boundary for access to the property to the southeast of the subject property. The site is currently developed with a single-family dwelling, as well as a couple accessory structures. 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 32-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 (4) 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. The Applicant is requesting that the front yard setback be 15-feet for the house and 20 feet for the garage.

---

## 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(except middle housing types pursuant to 16.12.010.F).*

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. Middle housing is not being proposed as part of the PUD.

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 – 10,533 square feet; Lot 2 – 10,008 square feet; Lot 3 – 10,030 square feet; Lot 4 – 10,001 square feet; Lot 5 – 10,046 square feet; Lot 6 – 10,002 square feet; Lot 7 – 10,845 square feet; Lot 8 – 10,008 square feet; Lot 9 – 10,000 square feet; Lot 10 – 11,823 square feet; Lot 11 – 10,774 square feet; Lot 12 – 10,162 square feet; Lot 13 – 10,378 square feet; Lot 14 10,294 square feet; Lot 15 10,036 square feet; Lot 16 10, 007 square feet; Lot 17 10,018 square feet; Lot 18 10,076 square feet; Lot 19 10,150 square feet; Lot 20 10,000 square feet; Lot 21 10,187 square feet, Lot 22 10,325 square feet; Lot 23 10,088 square feet; Lot 24 10,001 square feet; Lot 25 10,744 square feet; Lot 26 10,136 square feet; Lot 27 10,143 square feet; Lot 28 10,150 square feet; Lot 29 10,152 square feet; Lot 30 10,152 square feet; Lot 31 10,151 square feet; Lot 32 12,432 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 northwest corner and landscaped usable open space along the north and east (i.e. Tract C) of the subject site all acts as buffer to adjacent developed properties to the north.

*(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 C and D will provide usable and passive open space areas for the PUD and will be dedicated as Tracts C and D usable open space on the final plat. Tract C has been located to abut with the Denali Summit open space tract to the south to help facilitate pedestrian connectivity to the north and west as intended in the SE Sherwood Master Plan.

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).




Since the grove of trees identified as open space on the Alternative B/C have been removed from the Moser property, the Applicant would like to restore the grove of trees to the maximum extent practicable as part of this PUD proposal. To accomplish this goal, the developer has worked closely with Ash Creek Forest Management, LLC to develop a reforestation plan. A letter from Ash Creek Forest Management, LLC has been submitted as part of the overall application materials detailing the reforestation plan and the benefits associated with replanting the Moser property.

In addition to reforesting Tract C, the developer has also proposed extending the pedestrian trail in the Denali Summit PUD north and west through the Moser Pass PUD. There will also be a pedestrian viewing platform within Tract C to provide wildlife viewing opportunities within the adjacent Rock Creek natural aera and views of Mt. Hood.

*(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. The existing PUD developments to the south (Denali, Denali Meadows, and Denali Summit) have been developed by the owner of the subject property and the proposed PUD (Moser Pass at Denali) is a continuation of the Denali PUD developments. Developments to the west of SW Murdock Rd. are more densely

developed than proposed PUD, while lands to the north are comprised of larger lots with detached single-family homes.

The proposed Moser Pass at Denali PUD will extend SW Curry Ridge Drive north from Denali Summit through the subject property to connect with SW Murdock Rd. In addition, SW Byers Lake Terrace will be extended north into the subject property and terminate into a cul-de-sac. By extending the existing stubbed streets within the Denali PUD's into the subject property, it will allow for a pedestrian-friendly transportation system that links the development with the surrounding residential developments, as well as with the greater Sherwood transportation street system.

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 east side of SW Murdock Rd., as well as along both sides of the proposed streets running north/south and east/west through the site. With the construction of these features, pedestrian connectivity will be provided throughout the site and beyond.

*(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 did contain unique environmental opportunities in the form of a large grove of trees in the northeast corner of the property. However, as noted above, those unique environmental opportunities identified in the SE Sherwood Master Plan for the Moser property have since been cleared from the property.

In the spirit of the SE Sherwood Master Plan B/C alternative, the Applicant is proposing to reforest the NE corner of the property to the extent practicable as part of the PUD. To achieve the reforestation of the northeast corner of the property that was identified on the Alternative B/C in the SE Sherwood Master Plan, the proposed PUD sets aside Tract C as open space. Tract C will be 85,993 square feet is size. As noted in the submitted letter from Ash Creek Forest Management, LLC, the plan is to provide habitat improvement plans along the open space, tract C, in association with the construction of Moser Pass at Denali development. Given the regional habitat depletion and the site's natural tendency towards Oak Woodland/Oak Forest habitat, the actions recommended by Ash Creek Forest Management, LLC within the open space are to promote improvement of the existing habitat conditions.

The subject property also contains unique constraints in the form of rock outcroppings. Even though the rock outcroppings are not constraints identified in the SE Sherwood

Master Plan for the site, they do present unique constraints to developing the property. The rock outcroppings on-site will be graded as part of the development proposal and the rocks will be crushed on-site to provide a road base for the future roads.

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 reforestation plan within Tract C will have a positive impact on the future redevelopment of the Moser property.

*(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 house designs, as discussed in the submitted PUD Architectural Pattern Book, will range from a Contemporary to Transitional to Modern to Traditional to Early American and Modern Farmhouse styles that will complement the surrounding community. The proposed housing styles are similar and compatible with the existing houses in the adjacent PUD subdivisions.

*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*

*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 | VLDR | LDR | MDRL | MDRH | HDR |
|---|---|---|---|---|---|
| RESIDENTIAL | | | | | |
| • Single Family Detached Dwellings | P | P | P | P | P |

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 above 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 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*

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

2. *Creation of new lots or parcels as part of a townhome or cottage cluster developments are subject to the applicable land division or Planned Unit Development approval process.*

3. *Sufficient Infrastructure. Prior to obtaining a residential building permit for construction of any new middle housing structure or division of an existing structure into middle housing, the applicant must submit a request for verification of Sufficient Infrastructure, together with any documentation requested by the City Engineer or designee, and receive approval from the City Engineer or designee.*

*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 Thirty-two (32) 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. As depicted on Sheet 4 of the submitted plans, all proposed lots exceed the minimum lot width requirement of the VLDR-PUD code.

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 | 20 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 | 20 feet for all corner lots |
| Rear yard: | 20 feet | 20 feet |

All setbacks will be reviewed for compliance during the building permit process.

As part of this planned unit development, the applicant is not requesting any modifications to the VLDR zone setbacks.

No middle housing is being proposed as part of the planned unit development proposal.

*16.12.040 – Community Design*

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

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

B. *The vehicle parking area(s) shall be functional based on the minimum design standards listed on the table above, 16.12.040.A. Furnaces, stairs, etc. shall not be located within the garage designated parking areas.*

C. *Residential Front-Yard Landscaping – the front-yard area of a lot shall be fully landscaped excluding paved off-street parking areas, paved pedestrian paths, and utility areas. Landscaping materials shall meet standards identified in Section 16.92.020 Landscaping Materials.*

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

RESPONSE: The future homes that will be developed in the proposed PUD will be custom homes with two (2) to three (3) garages. At this time detailed housing plans for the homes have been finalized. As required by the above criteria, the garages will be functional based on the minimum design standards and furnaces, stairs, etc. will not be located within the garage designated parking areas. All future homes will be reviewed for compliance with the residential garages minimum design standards during the building permit process.

Except for the hard surface driveway areas providing off-street parking, as well as any necessary utility areas, all front yard areas will be fully landscaped to satisfy the standards identified in Section 16.92.020 Landscape Materials. The landscape material standards identified in Section 16.92.020 will be reviewed for compliance during the building permit review process.

All relevant sections of Divisions V, VIII and IX are addressed in this narrative and application package.

*Chapter 16.14 - RESIDENTIAL BUILDING DESIGN*

*16.14.010 – Residential Building Design Standards for all housing types except for Multi-family housing that is subject to the provisions of Chapter 16.90 Site Planning.*

*A. Purpose*

*The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design.*

*The standards in this section are intended to be clear and objective to allow a streamlined review process per the Residential Design Checklist provisions of Chapter 16.89. Each standard has an associated guideline that provides flexibility for discretionary Design Review by the Planning Commission per Chapter 16.89, Residential Design Review if necessary or desired by the applicant. Adjustments or variances to the standards below can be requested through one of the review processes described in B below.*

*B. Review Process. The following review processes can be used to review those housing types that are subject to these standards per 16.14.010.C and 16.89.020.A through D. The applicable review process depends on the level of compliance with the clear and objective standards in this section.*

*1. If all applicable standards from this section are met, Residential Design Checklist review is applied per Chapter 16.89.*

*2. If any standards of Table 16.14-1 - A, B or C are not met outright, a Type I Adjustment or Type II Class B Variance is required, in addition to the Residential Design Checklist, per Chapter 16.89. The Detailed Design standards of Table 16.14-1.D cannot be adjusted.*

*3. If the applicant chooses to meet the design guidelines instead of the design standards, a Type IV Design Review is required, per Chapter 16.89.*

RESPONSE: The applicant understands that 16.14.010 applies to this application. The developer is choosing to use the streamlined review process per the Residential Design Checklist provisions of Chapter 16.89 to satisfy the above criteria. In addition, the developer has included a copy of the Residential Design Checklist provisions of Chapter 16.89 into the Architectural Pattern Book to further assure compliance with the provisions. Compliance with the clear and objective provisions of the Residential Design Checklist will be reviewed for compliance during the building permit review process.

*C. Applicability*

*1. The standards in this section apply to all new residential development, unless otherwise indicated per the subsections below or per applicable overlay zones.*

*Manufactured home parks and manufactured homes on individual residential lots are subject to the provisions of Chapter 16.46 Manufactured Homes. Additional standards are located in 16.14.020, 16.14.030, and 16.14.040. Multi-family development is subject to the provisions of Chapter 16.90 Site Planning.*

2. *Expansions and conversions of residential structures in Chapter 16.14. The standards in this section apply to expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhome that add more than 50 percent of area to any building elevation(s) adjacent to a public right-of-way or public accessway, as follows:*

   a. *The expansion or conversion shall include design elements from Table 16.14-1 below that bring the overall building elevation(s) adjacent to a public right-of-way or public accessway closer to conformance with applicable standards; and*

   b. *The expansion or conversion shall not bring the overall building elevation(s) adjacent to a public right-of-way or public accessway further out of conformance with applicable standards. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently out of conformance shall not be made more non-conforming. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently in conformance shall not be made non-conforming.*

RESPONSE: The above criteria do not apply to the Applicant's proposal because the proposed PUD lots will ultimately be developed with new single-family detached dwellings. As such, there will be no expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhomes as part of the proposed PUD. Additionally, this application does not propose a manufactured home park or manufactured homes on individual proposed residential lots.

*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 the review and approval in accordance with Chapter 16.72. PUDs may be considered only:*

1. *On sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of:*

   a. *Natural features such as floodplains, wetlands, and extreme topography, or*

   b. *Man-made features, such as parcel configuration and surrounding development, but not including man-made features on or resulting from other parcels owned by any owner of the property subject to the PUD application;*

2. *On parcels of land within an Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or*

3. *For a cottage cluster development that is unable to meet the standards of Section 16.14.040; or*

4. *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 due to the natural features on site such as a small seasonal wetland, the extreme rocky topography, eastern property boundary abutting the Rock Creek natural area, as well as the man-made features, such as the surrounding developments to the north. By developing the subject property to align with the vision of the SE Sherwood Master Plan, it will bring greater public benefit to the surrounding area than developing to the strict adherence to the code. It will also allow for 85,993square feet of the site to be preserved in Tract C and reforested, which will be a significant benefit to SE Sherwood.

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

A cottage cluster development is not being proposed as part of the PUD.

Lastly, no variations are being sought to the required VLDR setbacks.

*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, flo**odplain, 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 4 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 cr**iteria 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 existing wetland and extreme topography. Even though the Applicant is proposing to fill the existing wetland, it comes with great expense. To fill we documented wetland, the developer needs to obtain a joint permit from the Army Corps of Engineers and the Division of State Lands (DSL), which requires the help of an Environmental Specialist, as well as paying mitigation fees to DSL. In addition, the subject property has significant rock outcroppings that need to be removed to accommodate the extension of S.W. Curry Ridge Dr. through the site to intersect with S.W. Murdock Rd. as contemplated in the S.E. Sherwood Master Plan.

There is great public benefit to facilitating the completion of the SE Sherwood Master Plan, as well as the proposed improvements along the east side of SW Murdock Rd. and the extension of the proposed streets 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 net buildable area of the site is 435,035 square feet and 15% of the net buildable area is 65,255 square feet. Tracts C, D, and E have been designated as usable and passive open space tracts comprising 91,769 square feet. Thus, the proposed open space exceeds the 15% requirement by 26,514 square feet. As the sole developer of the SE Sherwood Master Plan area, the Applicant's PUD proposals for all the properties within the master plan boundary exceeds the 15% open space requirement for the SE Sherwood Master Plan area by 36,901 square feet.

Tract C will run along the east side of the site and provide for pedestrian connectivity between the proposed PUD and the Denali Summit PUD. Tract C contains 85,993 square feet of open-space and will provide expanded open-space as contemplated in the SE Sherwood Master Plan. Tract C will also be reforested to align with the goals of the SE Sherwood Master Plan and have a viewing platform with two (2) benches. A pedestrian trail will also be extended from the Denali Summit PUD through Tract C to connect with SW Murdock Rd. as envisioned by the SE Sherwood Master Plan.

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. Specifically, the Applicant is requesting the following: Front yard setback: 15-feet front yard setback for the house and 20-feet for the garage.

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, vernacular, 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 house designs ranging from a Contemporary to Transitional to Modern to Traditional to Early American and Modern Farmhouse styles that will complement the surrounding community. Proposed houses will meet the minimum side and rear setbacks 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 and E, will be dedicated to the homeowners' association for maintenance, preservation and management. These tracts will be developed as open space 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 mitigating the existing wetland and earth work needed to remove the rock outcroppings, 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 (4) dwelling units per net acre which will facilitate complete mitigation of seasonal wetland and removal of the rock outcroppings to allow the extension of S.W. Curry Ridge Dr. through the site. Without SE Sherwood Master Plan PUD approval, complete development of the site may be left undone. Additionally, the proposed development will extend a sidewalk along the sites SW Murdock Rd. frontage, underground any existing overhead utility lines along SW Murdock Rd., and provide for connectivity opportunities with the greater Sherwood Transportation System by connecting S.W. Curry Ridge Dr. with S.W. Murdock Road.

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 (1) 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 east/west and north/south public streets. All lots will also take access from the new public streets as well.

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 12.36 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.

*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 (4) dwelling units per net buildable acre. The effect of the special density allowance, using the SE Sherwood Master Plan, grants four (4) units per acre rather than the underlying zoning density of up to one (1) unit per acre.

The gross and net square footages are shown below.

| | |
|---|---|
| LOT 1 | 10,533 Sq. Ft. |
| LOT 2 | 10,008 Sq. Ft. |
| LOT 3 | 10,030 Sq. Ft. |
| LOT 4 | 10,001 Sq. Ft. |
| LOT 5 | 10,046 Sq. Ft. |
| LOT 6 | 10,002 Sq. Ft. |
| LOT 7 | 10,845 Sq. Ft. |
| LOT 8 | 10,008 Sq. Ft. |
| LOT 9 | 10,000 Sq. Ft. |
| LOT 10 | 11,823 Sq. Ft. |
| LOT 11 | 10,774 Sq. Ft. |
| LOT 12 | 10,162 Sq. Ft. |
| LOT 13 | 10,378 Sq. Ft. |
| LOT 14 | 10,294 Sq. Ft. |
| LOT 15 | 10,036 Sq. Ft. |
| LOT 16 | 10, 007 Sq. Ft. |
| LOT 17 | 10,018 Sq. Ft. |
| LOT 18 | 10,076 Sq. Ft. |
| LOT 19 | 10,150 Sq. Ft. |
| LOT 20 | 10,000 Sq. Ft. |
| LOT 21 | 10,187 Sq. Ft. |
| LOT 22 | 10,325 Sq. Ft. |
| LOT 23 | 10,088 Sq. Ft. |

| | |
|---|---|
| LOT 24 | 10,001 Sq. Ft. |
| LOT 25 | 10,744 Sq. Ft. |
| LOT 26 | 10,136 Sq. Ft. |
| LOT 27 | 10,143 Sq. Ft. |
| LOT 28 | 10,150 Sq. Ft. |
| LOT 29 | 10,152 Sq. Ft. |
| LOT 30 | 10,152 Sq. Ft. |
| LOT 31 | 10,151 Sq. Ft. |
| LOT 32 | 12,432 Sq. Ft. |
| SW Murdock Rd. ROW dedication | 3,976 Sq. Ft. |
| Public Street ROW dedication | 81,917 Sq. Ft. |
| Cul-de-sac Street right-of-way | 4,411 Sq. Ft. |
| Access Easement along Lots 7 – 10 and Tract B | 5,023 Sq. Ft. |
| Tract A usable open space | 8,398 Sq. Ft. |
| Tract B water quality | 20,317 Sq. Ft. |
| Tract C usable open space | 85,993 Sq. Ft. |
| Tract D usable open space | 3,791 Sq. Ft. |
| Tract E usable open space | 1,985 Sq. Ft. |
| Gross Square Footage = | 541,245 Sq. Ft. |

| Deductions from Gross Square Footage: | | |
|---|---|---|
| SW Murdock Rd. ROW dedication = | 3,976 Sq. Ft. | |
| Public Street right-of-way = | 81,917 Sq. Ft. | |
| Water quality tract (Tract B) = | 20,317 Sq. Ft. | |
| Total = | 106,210 Sq. Ft in Deductions | |

| | | |
|---|---|---|
| Gross Square Footage | | 541,245 Sq. Ft. |
| -Deductions | | 106,210 Sq. Ft |
| Net Square Footage = | 435,035 Sq. Ft. or 9.98 Net Acres | |

In this case, there are 9.98 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 39 units (9.98 net acres x 4 units = 39.92). The Applicant's proposal is for a 32-Lot residential PUD. Tracts A, B, C, D and E 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 and Setbacks*

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

*a) Where there are multiple zones within a single PUD, lot sizes and setbacks shall meet the following:*

*1) Lots on the perimeter boundary of the PUD shall be consistent with the underlying zone.*
*2) All remaining lots, not on the perimeter boundary of the PUD, may utilize the provision of average lot size of the underlying zones.*

RESPONSE: The minimum lot size of the underlying zoning district, which is VLDR, is 10,000 square feet when in a PUD. All proposed lot sizes are 10,000 square feet or greater in size. All setbacks for the future homes will be consistent with the VLDR zone provisions.

*Chapter 16.58 - VISION CLEARANCE AND FENCE STANDARDS*

*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.*

RESPONSE: The proposed PUD will have a total of three (3) corner lots (i.e. Lots 1, 12, and 32). In addition to the three (3) corner lots, the PUD will also have one (1) lot that will have rounded corners (i.e. Lot 25). Given the front yard setback is 20-feet in the VLDR zone, it should not be a problem for the three (3) corner lots and the one (1) rounded lot to meet the requirements of the clear vision areas. Regardless, the Applicant anticipates that the above criteria will be made an on-going condition of any final approval and they will ultimately be reviewed for compliance during the building permit review for the future homes.

*16.58.020 - Fences, Walls and Hedges.*

*A. Purpose:*

*The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of the property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.*

*B. Applicability:*

*The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. These standards do not apply to sound walls and landscape features that are not hedges.*

*C. Fences, Walls, and Hedges in Residential Zones:*

RESPONSE: At this time no fences or walls are being proposed as part of the PUD. Regardless, the Applicant anticipates that the above criteria will be made an on-going condition of any final approval and they will ultimately be reviewed for compliance during the building permit review for the future homes.

*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.*

RESPONSE: The above criterion does not apply to the Applicant's proposal because no through lots are being proposed as part of the PUD.

*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.*

RESPONSE: As noted previously in this narrative there will be a total of three (3) corner lots in the proposed PUD (i.e. Lots 1, 12, and 32). The front yard setback in the VLDR zone is 20-feet, which all future homes will be required to meet. The street side yard requirement in the VLDR zone is 20-feet, which is the same as the front yard setback requirement in the VLDR zone. All future corner lot homes will meet the above criteria, which will be future reviewed during the building permit process. All required setbacks are shown on Sheet 4.

*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.*

RESPONSE: No homes are being proposed at this time. As such, the Applicant anticipates that the above criteria will be made a condition of any final approval to be reviewed during the building permit process.

*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 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 for townhomes, and 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).*

RESPONSE: The above criteria do no apply to the Applicant's proposal because the subject property does not have an area or dimension which does not meet the requirements of the city's Code.

*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 October 28, 2021. The planning staff contacts at the meeting were Erika Palmer 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 November 1, 2021. 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, and three (3) 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.

*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 yard setback to 15-feet front yard setback for the house (20-feet for the garage as required by code), is being requested through the planned unit development process.

*Chapter 16.89 - RESIDENTIAL DESIGN CHECKLIST AND RESIDENTIAL DESIGN REVIEW*

*16.89.010 – Purpose and Intent*

*A. Purpose*

*The Residential Design Checklist Review and Residential Design Review are intended to provide an opportunity for the City of Sherwood to encourage development of a variety of housing types while providing for a review process that encourages traditional forms commonly found in Sherwood while providing for a variety of design and site-specific situations for these housing types.*

*This process is designed to provide a streamlined review process to encourage development of housing at a variety of types and scales. The Residential Design Checklist Review is a clear and objective review process and will be implemented at time of Residential Building Permit submittal. For projects seeking additional flexibility, the Residential Design Checklist Review may be paired with either a concurrent Type I Adjustment or Type II Class B Variance process referenced in Section 16.84.030.*

*For residential projects seeking the highest level of flexibility, the Residential Design Review is a Type IV discretionary review. Projects subject to Residential Design Review are to be reviewed against the design guidelines rather than against the degree of departure from the standard.*

RESPONSE: With the proposed PUD, the developer is electing to use the streamlined review process offered through the Residential Design Checklist Review process for the future single-family detached dwellings that will be constructed in the PUD.

*16.89.020 – Residential Design Checklist Review or Residential Design Review Required*

A. *When Required. Residential Design Checklist Review or Residential Design Review is required prior to new residential development, expansions or conversions that are subject to the design standards of 16.14, or any substantial change to a site or use and is required prior to issuance of building permits for a new residential dwelling, or for substantial alteration of an existing residential dwelling or use. Exemptions noted below.*

   *Either a Residential Design Checklist Review or a Residential Design Review is required for the following housing types (multi-family dwellings are subject to Section 16.90 review):*

   1. *Accessory Dwelling Unit*
   2. *Single detached dwelling*

RESPONSE: As noted above, the developer is electing to use the streamlined review process offered through the Residential Design Checklist Review process for the future single-family detached dwellings that will be constructed in the PUD. Compliance with the Residential Design Checklist will be reviewed for compliance during the building permit review 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 build**ing or structure…***

RESPONSE: This application is for approval of a new Subdivision/Planned Unit Development which will divide the existing site into thirty-two (32) 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 thirty-two (32) new residential building lots. Power and communications lines will also be extended from what is existing to the residential building lots. Sheet 11 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 4) illustrates the location of these areas, and the landscaping plan details concepts 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 adequa**te, 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, D and E 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 contain a natural feature in the form of a wetland. However, because the wetland is a seasonal wetland, the developer is working with the Army Corps of Engineers and the Division of State Lands to obtain a joint permit to fill the wetland as part of the proposed PUD development. With that being said, the applicating will be preserving, to the extend possible, existing pine trees and vegetation within Tract C. Existing vegetation and trees elsewhere on the subject site, outside of Tract 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 thirty-two (32) single-family residential building lots will not generate more than 400 average daily trips because, 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 part of the submitted application materials.

*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 "Sug****gested Plant Lists for Req****uired Landscaping Manual" or suitable for the Pacific Northwes****t 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: The submitted landscape plan shows all proposed landscaped area as being covered with a combination of trees, shrubs, grasses, and various groundcovers. Mulch is not being used as a substitute for ground cover. As noted on landscape plan, ground cover plants are either one to five-gallon pots or seed. The ground cover requirements have been met with the proposed plan. It has been show on the landscape plan 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: The submitted landscape plan 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 shown on the landscape plan 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: The submitted landscape plan 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 landscape plan.

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. Nevertheless, it may be possible to preserve some existing trees in Tract A with the landscaping required along the sites SW Murdock Road frontage. Any tree preservation within Tract A will be determined during construction based on the health of the tree. Most, if not all, of the existing trees and vegetation within the footprint of proposed Tract C has been previously disturbed and removed from the site. Any existing trees within the footprint of Tract C that Ash Creek Forest Management, LLC determines to be worthy of preservation as part of the reforestation effort will be retained.

*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. No impervious paving is being proposed within the landscaping areas. The proposed pedestrian trails within Tract C will be a soft surface trail likely covered with woodchips. A viewing area will be provided in Tract C that will include architectural features interspersed with planted areas, such as, benches, interpretive signage, masonry or stone walls, fences, rock groupings, and bark dust.

*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 compl**y with…***

RESPONSE: The homeowners' association will be responsible for maintenance and preservation of the landscaped areas contained within Tracts A, C, and D. 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*

*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; ADU standards are per OAR Division 46)*

| | Minimum Parking Standard | Maximum Permitted Parking Zone A [1] | Maximum Permitted Parking Zone B [2] |
|---|---|---|---|
| Accessory Dwelling Unit | None | None | None |
| Single Family detached and manufactured home on lot [3] | 1 per dwelling unit | None | None |

RESPONSE: The proposed development is for thirty-two (32) 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 east side of SW Murdock Road. In addition, a pedestrian connection will be made in Tract C to link with the open space in the Denali Summit subdivision to complete the pedestrian trail contemplated in the SE Sherwood Master Plan.

The proposed public street will be extended through the subject property as part of this development and intersect with SW Murdock Rd. at the western boundary of the site. 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*

*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.*

RESPONSE: As part of the proposed PUD two (2) existing public streets will be extended into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into a cul-de-sac. Both public streets will be created in accordance with the provisions of this Chapter. Additionally, as proposed, both streets will conform to the city's standards for their street classification, as shown on the TSP.

SW Murdock Rd. along the property's frontage will also be improved to conform to the city's standards and specifications for a minor arterial street.

*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.*

RESPONSE: As part of the proposed PUD two (2) existing public streets will be extended into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into a cul-de-sac.

Because SW Byers Lake Terrace will terminate into a cul-de-sac, it's likely that the cul-de-sac will need a new street name. The developer will work closely with city Staff to determine if a new street name is required for the cul-de-sac and, if necessary, will provide the new street name prior to submission of the final plat.

*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.*

RESPONSE: The site currently has frontage along SW Murdock Road. The proposed PUD has been designed to take access from SW Murdock Road. Required improvements will be made to SW Murdock Rd. along the site's frontages, which will improve pedestrian access and provide better visibility along the corridor. With the development of the subject property, 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 6 - 9 of the submitted plan set shows the proposed improvements to all existing and proposed streets within the PUD.

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.*

RESPONSE: The subject property abuts SW Murdock Rd., which is classified as a minor arterial street. Half street improvements will be made to SW Murdock Rd. and will comply with the city's standards and specifications for a minor arterial street.

In addition to SW Murdock Rd., the proposed PUD will also be extending two (2) existing public streets into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into a cul-de-sac. Both streets will be constructed to a full public street width and comply with the city's standards and specifications for local public streets.

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.*

RESPONSE: Right-of-way dedication is shown for all new streets proposed with this subdivision, as well as for the frontage of SW Murdock Road. The SE Murdock Road frontage improvements include a sidewalk, curb/gutter and 14 additional feet of pavement. The additional pavement could accommodate a shared use path as identified in the Transportation System Plan (TSP), but this area was not identified in the TSP for a future bike lane. No partial or future improvements are proposed.

*E. Transportation Facilities Modifications*

1. *A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.*
2. *A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8*

*in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:*

*a. Reduced sight distances.*
*b. Vertical alignment.*
*c. Horizontal alignment.*
*d. Geometric design (length, width, bulb radius, etc.).*
*e. Design speed.*
*f. Crossroads.*
*g. Access policy.*
*h. A proposed alternative design which provides a plan superior to these standards.*
*i. Low impact development.*
*j. Access Management Plans*

*3. Modification Procedure*
*a. A modification shall be proposed with the application for land use approval.*
*b. A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.*
*c. When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.*

*4. Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:*
*a. Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.*
*b. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.*
*c. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self- imposed hardships shall not be used as a reason to grant a modification request.*
*d. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.*
*e. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.*

RESPONSE: The applicant seeks transportation facility modifications with this application. A memorandum stamped by the project engineer provides further detail supporting the requests. The requested modifications include a request to lower the design speed allowing for a centerline radius of 100 feet, right-of-way width reduction from 60 feet to 52 feet, and for intersection spacing to be greater than 200 feet. The reasons for these modifications are due to significant topographical constraints, existing development adjacent to the subject property, roadway spacing constraints on SW Murdock Road, and solid rock at the ground surface. Approval of these requested modifications is necessary to address the appearance, cost of maintenance, and functionality of the proposed subdivision. The requested modifications are the minimum necessary to alleviate the hardship. 16.106.020.E.4(a-b) are met with this application.

*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.*

RESPONSE: All proposed streets and existing streets abutting the site have been designed based on their location, street designation, and grade of streets in their relation to existing and planned streets, topographical conditions, and proposed land uses. As proposed, the street system serving the PUD will provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves will be adequate for expected traffic volumes.

To the extent practicable, the street alignment is consistent with the solar access requirements and topographical considerations given the site's limited ability to design around these requirements.

*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).*

RESPONSE: Due to the surrounding development patterns and the Rock Creek natural area located on the east side of the property, the site does not allow for the proposed public streets to be continued beyond the boundaries of the site.

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.*

RESPONSE: The subject property is part of the SE Sherwood Master Plan, which provided a street connectivity plan for the area. The proposed streets within the PUD provide the level of local street connectivity contemplated in the in the SE Sherwood Master Plan. All proposed streets have been located in the general vicinity of the connection(s) shown on the SE Sherwood Master Plan map, except where such connection is not practicable due to topography or other physical constraints, then an alternate connection has been provided.

    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.*

RESPONSE: Except for the shared driveway serving Lots 2 and 3, which will be more than 24-feet in width, all other driveways will be no more that 24-feet in width. The shared driveway serving Lots 2 and 3 will align with the planned streets per the TSP.

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.*

RESPONSE: Due to the surrounding development patterns, existing natural areas, and zoning of surrounding properties, the block lengths within the proposed PUD have been predetermined.

As noted above, the subject property abuts SW Murdock Rd., which is classified as a minor arterial street. In addition to SW Murdock Rd., the proposed PUD will also be extending two (2) existing public streets into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into the proposed cul-de-sac. Since the proposed streets cannot be stubbed to the north or east to facilitate future development, and because the land to the south has been previously developed, the block lengths within the proposed PUD will exceed the block lengths noted above. As such, the applicant has provided an extensive pedestrian trail system within Tract C to help alleviate some out of distance pedestrian travel due to the longer block lengths.

Since the proposed PUD is not able to provide the block lengths required by the above criterion, the applicant is requesting a deviation to the block length standard as part of the PUD.

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.*

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.*

RESPONSE: The above criteria do not apply to the Applicant's proposal because no proposed streets must cross a water feature.

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.*

RESPONSE: Pedestrian and bicycle connectivity has been provided within the proposed public streets, and trail system within the proposed open space. Paved bike and pedestrian accessways consistent with the cross-section standards in Figure 8-6 of the TSP are provided on the public right- of-way. Where full street connections are not possible, public easements are provided on the multi-use paths within the open space.

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.

RESPONSE: All public and private utilities will be located underground, including sanitary sewers and storm water drains, and will be completed prior to surfacing the streets.

No stubs for service connections are required because there are not contiguous properties that can be redeveloped in the future.

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.

RESPONSE: The above criterion does not apply to the Applicant's proposal because no additional setbacks are required for the PUD.

*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.*

RESPONSE: The above criterion does not apply to the Applicant's proposal because no reserve strips are being proposed as part of the PUD.

*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.*

RESPONSE: All proposed streets meet the above criterion because the streets, as far as practicable, have been aligned with existing streets. There is no staggering of any proposed streets that would create at "T" intersection or dangerous condition.

*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."*

RESPONSE: The above section does not apply to the Applicant's proposal because it's not possible for the adjoining lands to be further subdivided.

*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.*

RESPONSE: The proposed PUD satisfies the above criterion because all proposed street will intersect as near to ninety (90) degree angles and practical.

*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 theEngineering 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.*

RESPONSE: A cul-de-sac is being proposed as part of the proposed PUD due to constraints posed by the existing development patterns in the area, which preclude a street extension and continuous circulation. The proposed cul-de-sac will be slightly more than two hundred (200) feet in length from the center line of SW Curry Ridge Rd. to the center of the cul-de-sac, but it will only provide access to nine (9) dwelling units.

Because the proposed cul-de-sac will be more than 200-feet in length, the Applicant is requesting a deviation to the cul-de-sac length as part of the proposed PUD.

*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: No private streets are being proposed as part of this PUD proposal, therefore, the above criteria to not apply to the Applicant's proposal.

*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.*

*3. 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.*

*4. 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.*

RESPONSE: Sidewalks will be provided on both sides of the proposed public streets. A sidewalk will also be provided on the east side of SW Murdock Rd. adjacent to the site.

*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.*

RESPONSE: SW Murdock Rd. is classified as a minor arterial street, so the sidewalk along SW Murdock will have a minimum of a six (6) foot wide sidewalk for residential areas.

The sidewalks along the local streets will have a minimum five (5) foot sidewalk and be located as required by this code. Handicapped ramps will be provided at all intersections.

*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.*

RESPONSE: Bicycle and pedestrian connections are provided within the right-of-way of the full street connections within the PUD. However, when spacing between connections is more than 330 feet because it is prevented by topography, existing development patterns, or environmental constraints such as rivers and streams, then public easements have been provided over the trail system within the open space to provide additional pedestrian connections within the PUD.

*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.*

RESPONSE: The Applicant's proposal satisfies the above criterion because a 5-foot bike lane will be added along the site's SW Murdock Rd. frontage.

*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.*

RESPONSE: During the required Pre-App. meeting, the Applicant was informed by city Staff that a TIA would not be required for the proposed PUD because it did not meet the threshold of the above code section to require one. As such, the above section does not apply to the Applicant's proposal.

*Chapter 16.110 SANITARY SEWERS*

RESPONSE: Sheet 11 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 Murdock Road. 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 Murdock Road adjacent to the western boundary 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 11 of the submitted plan set along with individual water meters to each of the new lots.

*Chapter 16.114 STORM WATER*

RESPONSE: Sheet 11 of the submitted plan set shows a proposed water quality facility (i.e. Tract B) along the northwestern 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: The developer will be working with TVF&R during the civil plan review on the installation of new fire hydrants to serve the proposed PUD. The future 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 11. 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 thirty-two 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 thirty-two lot PUD development. The subdivision/PUD is proposed to be developed in one phase.

*16.120.040 – 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 6 - 9 of the submitted plan set shows the street plan, profile and section for SW Murdock Rd. and the proposed new public streets, 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: No private streets are proposed as part of this application.

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 11 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 that is not being currently developed.

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

RESPONSE: There is no adjoining land that can either be developed independently or that can be provided access to allow development in accordance with this Code as all surrounding property is either currently developed or is preserved and natural lands.

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 C to the extent practicable 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 4 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 Murdock Rd. 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 ex***ceed...**
   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/west public street. The extension of the proposed public street from the south to the north and west will allow for it to connect with SW Murdock Rd. to the west as envisioned in the SE Sherwood Master Plan. Due to the existing development patterns in the surrounding area and the presence of the Tualatin River National Wildlife Refuge (i.e. Rock Creek) to the east of the site, the block lengths for the subject property have been predetermined.

With the proposed pedestrian connections in the open space (i.e. Tract C) and the existing pedestrian connections with the Denali Summit and Denali Meadows PUD's, the block lengths between these connections is minimized for pedestrians. The existing pedestrian connection created in the Denali Summit PUD between the private streets (i.e. Tracts E and F) is approximately 560 feet in length. By extending the street within the Denali Summit PUD north and west through the subject property, the block length created between SW Byers Lake Terrace and the existing pedestrian connection created in the Denali Summit PUD between the private streets (i.e. Tracts E and F) will exceed 530 feet in length.

Because the proposed block length exceeds the minimum block length of 530 feet, the Applicant is seeking approval of a Design Modification through the PUD process for the proposed block length. The increased block length is necessary due to the sites

undulating topography, existing surrounding development and natural areas, and the sites rocky terrain.

Sidewalks are being provided on both sides of the proposed public streets, as well as along the east side of SW Murdock Road. A soft trail (i.e. wood chip) will be provided in Tract C.

Lastly, Tract C will provide connectivity links for pedestrians to provide alternative pedestrian routes to minimize out of distance travel when traveling to the north and west from the Denali Summit PUD to the south. Specifically, Tract C will have a pedestrian trail that connects with the open space and trails in the recently approved Denali Summit PUD. This will allow pedestrians to have an alternative access to SW Murdock Road without having to walk down the public streets before being able to travel to the west. The existing pedestrian connections within the Denali Summit PUD also provide for a mid-block pedestrian connection to SW Murdock Road.

*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 tr**aversed by a watercourse…***

RESPONSE: The subject property contains a small seasonal wetland at the northcentral portion of the site. The existing wetland is depicted on Sheet 2 of the submitted plans. The developer is currently working with the Army Corps of Engineers and the Division of State Lands (DSL) to obtain a joint permit to fill the wetland as part of the development. A copy of the joint permit can be provided to the city prior to beginning any construction activity.

*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 contains one (1) short cul-de-sac street. There are no unusually long or oddly shaped blocks as part of the PUD. 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 develo****pment 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. All lots front the proposed public streets. 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.

*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*

*16.142.030 – All 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. Cottage cluster development is subject to the open space requirements of 16.14.40 and not to the requirements of this section. 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 C and D provide the required usable open space, neither of which are required sensitive areas or buffers. Tract A provides the required visual corridors along the sites SW Murdock Rd. frontage. 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 Mana**ger's designee with regard to…***
2. *By leasing or conveying title (including beneficial ownership) to a corporation, homeow**ners' association or other legal entity, with the City retai**ning 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 C and D 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.

*D. The density of a 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 | 10,533 Sq. Ft. |
| LOT 2 | 10,008 Sq. Ft. |
| LOT 3 | 10,030 Sq. Ft. |
| LOT 4 | 10,001 Sq. Ft. |
| LOT 5 | 10,046 Sq. Ft. |
| LOT 6 | 10,002 Sq. Ft. |
| LOT 7 | 10,845 Sq. Ft. |
| LOT 8 | 10,008 Sq. Ft. |

| | |
|---|---|
| LOT 9 | 10,000 Sq. Ft. |
| LOT 10 | 11,823 Sq. Ft. |
| LOT 11 | 10,774 Sq. Ft. |
| LOT 12 | 10,162 Sq. Ft. |
| LOT 13 | 10,378 Sq. Ft. |
| LOT 14 | 10,294 Sq. Ft. |
| LOT 15 | 10,036 Sq. Ft. |
| LOT 16 | 10, 007 Sq. Ft. |
| LOT 17 | 10,018 Sq. Ft. |
| LOT 18 | 10,076 Sq. Ft. |
| LOT 19 | 10,150 Sq. Ft. |
| LOT 20 | 10,000 Sq. Ft. |
| LOT 21 | 10,187 Sq. Ft. |
| LOT 22 | 10,325 Sq. Ft. |
| LOT 23 | 10,088 Sq. Ft. |
| LOT 24 | 10,001 Sq. Ft. |
| LOT 25 | 10,744 Sq. Ft. |
| LOT 26 | 10,136 Sq. Ft. |
| LOT 27 | 10,143 Sq. Ft. |
| LOT 28 | 10,150 Sq. Ft. |
| LOT 29 | 10,152 Sq. Ft. |
| LOT 30 | 10,152 Sq. Ft. |
| LOT 31 | 10,151 Sq. Ft. |
| LOT 32 | 12,432 Sq. Ft. |
| SW Murdock Rd. ROW dedication | 3,976 Sq. Ft. |
| Public Street ROW dedication | 81,917 Sq. Ft. |
| Cul-de-sac Street right-of-way | 4,411 Sq. Ft. |
| Access Easement along Lots 7 – 10 and Tract B | 5,023 Sq. Ft. |
| Tract A usable open space | 8,398 Sq. Ft. |
| Tract B water quality | 20,317 Sq. Ft. |
| Tract C usable open space | 85,993 Sq. Ft. |
| Tract D usable open space | 3,791 Sq. Ft. |
| Tract E usable open space | 1,985 Sq. Ft. |
| Gross Square Footage = | 541,245 Sq. Ft. |

Deductions from Gross Square Footage:

| | |
|---|---|
| SW Murdock Rd. ROW dedication = | 3,976 Sq. Ft. |
| Public Street right-of-way = | 81,917 Sq. Ft. |
| Water quality tract (Tract B) = | 20,317 Sq. Ft. |
| Total = | 106,210 Sq. Ft in Deductions |

| | |
|---|---|
| Gross Square Footage | 541,245 Sq. Ft. |
| -Deductions | 106,210 Sq. Ft |
| Net Square Footage = | 435,035 Sq. Ft. or 9.98 Net Acres |

In this case, there are 9.98 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 39 units (9.98 net acres x 4 units = 39.92). Tracts A, B, C, D and E 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 PUD subdivision consisting of thirty-two 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 Recreation System Development Charges 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 a minor 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 and a 15-foot landscaped visual corridor will be provided as required by the City's development code since right-of-way will be dedicated. A detailed landscape plan has been submitted as part of the overall application materials showing how the 15-foot wide visual corridor will be landscaped.

*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 Murdock Rd. and the proposed new public streets within the development. The submitted landscape plan shows the location of 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 the submitted landscape plan 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: The submitted landscape plan shows the proposed planting of one (1) street tree, spaced every 40 feet, in the planter strips along both sides of the new public streets and along the east side of SW Murdock Rd.

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 estab**lish…***

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 12.36 acres (540,977 Sq. Ft.) which yields 4.96 acres (216,390 sq. ft.) of tree canopy. The project will be planting a wide range of tree species and street trees. A large number of pine trees will be located in Tract C to help reforest an area of the property that was previously forested. To achieve this the developer will be working closely with Aspen Creek Forest Management, LLC to reforest portions of Tract C in a strategic manner. Additionally, new landscaping will be provided within the in the open space areas consistent with the requirements for open space. A detailed landscape plan has been submitted demonstrating compliance with this criterion. The table below further shows how the site will comply with the 40% tree canopy requirement of this section.

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**Tract C' Tree Density Calculations**

| ***Scientific Name* / Common Name** | **QTY** | **Mature Spread** | **Canopy Area (SF)** | **Canopy Coverage (SF)** |
|---|---|---|---|---|
| *Acer macrophyllum* / Big Leaf Maple | 10 | 50 | 1963 | 19625 |
| *Amelanchier alnifolia* / Western Serviceberry | 500 | 10 | 79 | 39250 |
| *Calocedrus decurrens* / Incense Cedar | 250 | 15 | 177 | 44156 |
| *Pinus ponderosa* / Ponderosa Pine | 25 | 40 | 1256 | 31400 |
| *Quercus garryana* / Oregon White Oak | 40 | 60 | 2826 | 113040 |
| *Rhamnus purshiana* / Cascara | 250 | 15 | 177 | 44156 |
| | | **Total Canopy Coverage:** | | 291628 |
| | | **Total Site Area:** | | 335896 |
| | | **Percent Canopy Coverage:** | | 86.82% |

*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.*

2. *Required Tree Canopy – All Residential Developments subject to Type II-V land use review.*

   *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* $\pi r^2$ *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 detached and middle housing developments) subject to Residential Design Checklist or Type I review | Residential (single family detached and middle housing developments) subject to Type II-IV review | Old Town & Infill developments | Commercial, Industrial, Institutional Public and Multi-Family dwelling |
|---|---|---|---|---|
| Canopy Requirement | N/A | 40% | N/A | 30% |
| Counted Toward the Canopy Requirement | | | | |
| Street trees included in canopy requirement | N/A | Yes | N/A | No |
| Landscaping requirements included in canopy requirement | N/A | N/A | N/A | Yes |
| Existing trees onsite | N/A | Yes<br>x2 | N/A | Yes<br>x2 |
| Planting new trees onsite | N/A | Yes | N/A | Yes |
| Mature Canopy in Square Feet Equation $\pi r^2$ or (3.14159*radius $^2$) (This is the calculation to measure the square footage of a circle.<br>The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half. | | | | |
| Canopy Calculation Example: Pin Oak<br>Mature canopy = 35'<br>(3.14159* 17.5 $^2$) = 962 square feet | | | | |

RESPONSE: As noted above, the proposed PUD will be providing a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage in the

table below is based on the expected mature canopy of each proposed tree by using the equation πr 2 to calculate the expected square footage of canopy for each tree.

The canopy requirement will be achieved by planting new trees. If necessary, the required street trees will be used toward the total on site canopy 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 has provided the estimated tree canopy of the proposed trees in the table below.

**Tract C' Tree Density Calculations**

| ***Scientific Name*** **/ Common Name** | **QTY** | **Mature Spread** | **Canopy Area (SF)** | **Canopy Coverage (SF)** |
|---|---|---|---|---|
| *Acer macrophyllum* / Big Leaf Maple | 10 | 50 | 1963 | 19625 |
| *Amelanchier alnifolia* / Western Serviceberry | 500 | 10 | 79 | 39250 |
| *Calocedrus decurrens* / Incense Cedar | 250 | 15 | 177 | 44156 |
| *Pinus ponderosa* / Ponderosa Pine | 25 | 40 | 1256 | 31400 |
| *Quercus garryana* / Oregon White Oak | 40 | 60 | 2826 | 113040 |
| *Rhamnus purshiana* / Cascara | 250 | 15 | 177 | 44156 |
| | | **Total Canopy Coverage:** | | 291628 |
| | | **Total Site Area:** | | 335896 |
| | | **Percent Canopy Coverage:** | | 86.82% |

*Chapter 16.144 WETLAND, HABITAT AND NATURAL AREAS*

*16.144.020 - Standards*

*A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:*

*1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.*

*a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.*

b. *Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.*

c. *A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.*

2. *If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.*

B. *The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:*

1. *The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).*

2. *The facility will comply with applicable requirements of the zone.*

3. *The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.*

4. *The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.*

5. *Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 16.140.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.*

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:*

1. *Verifying boundaries of inventoried riparian habitat. Locating habitat and determining its riparian habitat class is a four-step process:*

   a. *Located the Water Feature that is the basis for identifying riparian habitat.*

      1. *Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.*

      2. *Locate all flood areas within 100 feet of the property.*

      3. *Locate all wetlands within 150 feet of the property based on the Local Wetland Inventory map and on the Metro 2002 Wetland Inventory map (available from the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232). Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers.*

   b. *Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas or are within 100 feet of flood areas. Vegetative cover status shall be as identified on the Metro Vegetative Cover map. In the event of a discrepancy between the Metro Vegetative Cover map and the existing site conditions, document the actual vegetative cover based on the following definitions along with a 2002 aerial photograph of the property;*

      1. *Low structure vegetation or open soils — Areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).*

2. *Woody vegetation — Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown-closure) located within 300 feet of a surface stream.*

3. *Forest canopy — Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.*

c. *Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% (using the Clean Water Services Vegetated Corridor methodology); and*

d. *Identify the riparian habitat classes applicable to all areas on the property using Table 8-1 below:*

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.*

RESPONSE: The subject site contains a small seasonal wetland as shown on Sheet 2 of the submitted plans. However, the small seasonal wetland does not show up on the City's Wetland Inventory, the Comprehensive Plan Natural Resource Inventory, and/or the Regionally Significant Fish and Wildlife Habitat Area map adopted by Metro because it was recently crated with the removal of the pine trees by the previous property owner. After the trees where cut down and the stumps were removed from the site, it created a small depression that has now become a seasonal wetland.

The site 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 (i.e. Rock Creek), 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. This is further supported by the CWS SPL letter the developer

obtained for the mass grading permit, and the letter dated April 25th, 2022, by Environmental Science & Assessment, LLC. 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.




In order to facilitate the proposed PUD development, the developer has hired Environmental Science & Assessment, LLC. to delineate the boundary of the wetland and to obtain the necessary joint permit from the Division of State Lands (DSL) and the Army Corps of Engineers to fill the wetland. In addition, Environmental Science & Assessment, LLC. has obtained a second required CWS SPL letter for the filling of the wetland as part of the PUD development. Copies of the approved wetland delineation and CWS SPL letter are provided as part of the submitted application materials.

All state and local required mitigation measures for filling the small seasonal wetland will be adhered to as part of the proposed development.

*Chapter 16.148* *VIBRATIONS*

*Chapter 16.150* *AIR QUALITY*

*Chapter 16.152* *ODORS*

RESPONSE: The proposal is for thirty-two (32) new single-family residential building lots for future detached 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 Murdock Rd., 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.

CONCLUSION:

As a needed housing application such as the Applicant's, ORS 197.307(4) requires local governments to "adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing." Needed housing means "all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those

terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a." ORS 197.303(a). Needed housing includes "[a]ttached and detached single-family housing and multiple family housing for both owner and renter occupancy." ORS 197.303(1)(a).

The subject Application falls under the definition of "needed housing" because (a) it is on land zoned for residential use that is within an urban growth boundary, and (b) it will consist of attached and/or detached single-family housing for owner and/or renter occupancy.

Procedures are clear and objective "if they do not impose 'subjective, value-laden analyses that are designed to balance or mitigate impacts.'" *Warren v. Washington County*, LUBA No. 2018-089, *Slip Op.* at p. 21 (Or LUBA 2018) (citing *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff'd* 158 Or App 1, 970 P.2d 685, *rev den* 328 Or 549 (1999)).

The applicant has demonstrated in this written narrative and through the submitted supporting application materials that the proposed 32-Lot residential subdivision satisfies the City's applicable clear and objective review criteria for a residential subdivision within the City of Sherwood. As such, the Applicant respectfully requesting approval of the proposed subdivision with any necessary clear and objective conditions of approval.

# Wetland Concurrence Materials

Oregon
Kate Brown, Governor

**Department of State Lands**
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregon.gov/dsl

**State Land Board**

Kate Brown
Governor

Shemia Fagan
Secretary of State

Tobias Read
State Treasurer

October 10, 2022

JT Roth Construction
Attn: Tim Roth
12600 SW 72nd Avenue, Ste 200
Portland, OR 97223

Re: WD # 2022-0424 **Approved**
Wetland Delineation Report for Murdock Road (Moser)
Washington County; T2S R1W S33BC TL1700

Dear Tim Roth:

The Department of State Lands has reviewed the wetland delineation report prepared by Environmental Science & Assessment for the site referenced above. Based upon the information presented in the report, we concur with the wetland boundaries as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland A, totaling approximately 0.05 acres) was identified. The wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact Chris Stevenson, PWS, the Jurisdiction Coordinator for Washington County at 503-986-5246.

Sincerely,



Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Alex Sherman, Environmental Science & Assessment
City of Sherwood Planning Department
Trey Fraley, Corps of Engineers
Michael De Blasi, DSL
Lindsey Obermiller, Clean Water Services

# WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Exhibit A18

A complete report and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

**Ways to submit report:**

- **Under 50MB** - A single unlocked PDF can be emailed to: wetland.delineation@dsl.oregon.gov.
- **50MB or larger** - A single unlocked PDF can be uploaded to DSL's Box.com website. After upload notify DSL by email at: wetland.delineation@dsl.oregon.gov.
- OR a hard copy of the unbound report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

**Ways to pay review fee:**

- By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- By check payable to the Oregon Department of State Lands attached to the unbound mailed hardcopy OR attached to the complete signed cover form if report submitted electronically.

## Contact and Authorization Information

☒ Applicant ☐ Owner Name, Firm and Address:

Tim Roth
JT Roth Construction
12600 SW 72nd Ave., Ste. 200
Portland, OR 97223

Business phone #
Mobile phone # (optional)
E-mail: timr@jtrothinc.com

☒ Authorized Legal Agent, Name and Address (if different):

Jack Dalton
Environmental Science & Assessment
4831 NE Fremont Street, Suite 2B
Portland, OR 97213

Business phone # (503) 478-0424
Mobile phone # (optional)
E-mail: jack@esapdx.com

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to th t.

Digitally signed by Jack Dalton
DN: cn=Jack Dalton, o=ES&A LLC, ou, email=jack@esapdx.com, c=US
Date: 2022.07.29 15:13:59 -07'00'

**Typed/Printed Name:** Jack Dalton **Signature:** _____

Date: 07/29/2022 Special instructions regarding site access: _____

## Project and Site Information

Project Name: Murdock Road (Moser)

Latitude: 45.353970 Longitude: -122.823362
**decimal degree** - centroid of site or start & end points of linear project

Proposed Use:
Residential Subdivision

Tax Map # 2S133BC
Tax Lot(s) 1700

Tax Map #
Tax Lot(s)

Project Street Address (or other descriptive location):
22900 SW Murdock Rd
Sherwood, Oregon, 97140

Township 2 S Range 1 W Section 33 QQ SW NW

Use separate sheet for additional tax and location information

City: Sherwood County: Washington

Waterway: N/A River Mile: N/A

## Wetland Delineation Information

Wetland Consultant Name, Firm and Address:

Alex Sherman
Environmental Science & Assessment
4831 NE Fremont Street, Suite 2B
Portland, OR 97213

Phone # (503) 478-0424
Mobile phone # (if applicable) (360) 979-8903
E-mail: alex@esapdx.com

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

**Consultant Signature:** Alex Sherman Date: 07/29/2022

**Primary Contact** for report review and site access is ☒ Consultant ☐ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present? ☒ Yes ☐ No Study Area size: 12.36 acres Total Wetland Acreage: 0.0500

## Check Applicable Boxes Below

☐ R-F permit application submitted
☐ Mitigation bank site
☐ EFSC/ODOE Proj. Mgr:
☐ Wetland restoration/enhancement project (not mitigation)
☐ Previous delineation/application on parcel
If known, previous DSL # _____

☐ Fee payment submitted $ _____
☐ Resubmittal of rejected report ($100)
☐ Request for Reissuance. See eligibility criteria. (no fee)
DSL # _____ Expiration date_____
☐ LWI shows wetlands or waters on parcel
Wetland ID code _____

## For Office Use Only

DSL Reviewer: CS Fee Paid Date: ____ / ____ / ____ DSL WD # 2022-0424

Date Delineation Received: 7 / 29 / 22 DSL App.# _____

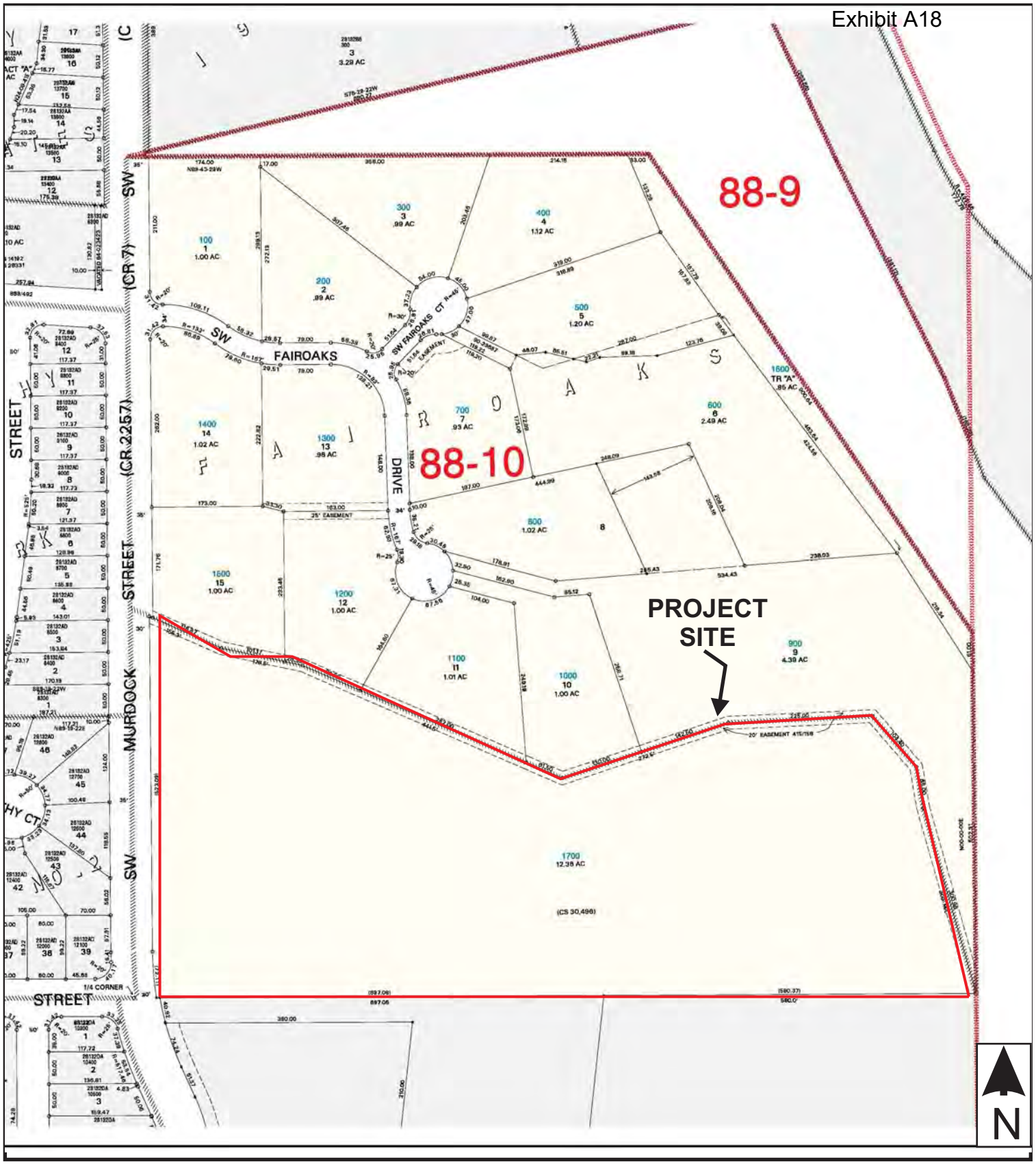
575




Source: Metro Data Resource Center. http://gis.oregonmetro.gov/metromap/

| | | |
|---|---|---|
| Environmental Science & Assessment, LLC<br>e s & a | Vicinity Map<br>22900 SW Murdock Rd<br>Sherwood, Oregon | Figure 1<br>Approx. Scale:<br>1in. = 1000 ft. |

Exhibit A18




Source: www.ormap.net

| | | |
|---|---|---|
| Environmental Science & Assessment, LLC | Tax Lot Map<br>22900 SW Murdock Rd<br>Sherwood, Oregon | Figure 2<br>Not to Scale |

Exhibit A18

DSL WD # 2022-0424
Approval Issued 10/10/2022
Approval Expires 10/10/2027

LOT 15
TAX LOT 1500
MAP 2S-1-33BC

LOT 12
TAX LOT 1200
MAP 2S-1-33BC

LOT 11
TAX LOT 1100
MAP 2S-1-33BC

"FAIROAKS"
BOOK 71, PAGE 30

LOT 10
TAX LOT 1000
MAP 2S-1-33BC

LOT 9
TAX LOT 900
MAP 2S-1-33BC

TAX LOT 1700
MAP 2S-1-33BC

20.00' WIDE ROADWAY EASEMENT

6' HIGH CH. SLATS ON WOOD FENCE

4' HIGH BARBED WIRE FENCE

SW MURDOCK STREET (CO. 2257)

DP-1
DP-2
DP-3
DP-4
DP-5
DP-6
DP-7
DP-8

WETLAND A

18%

ROCK CREEK

200'

200' VEGETATED CORRIDOR EXTENDS ONTO SITE FROM OFFSITE RESOURCE, 545 SF, GOOD

TAX LOT 1100
MAP 2S-1-33

ROCK RETAINING WALL

WOOD DECK

CONCRETE STAIRS

HOUSE

BARN

GARAGE

GRAVEL DRIVEWAY

PUMP HOUSE

POLE WITH LIGHT AND DOWN DROP

POLE WITH LIGHT

SW UPPER ROY STREET

ROCK RETAINING WALL

GRAVEL

ROAD BARRICADE

SW BYERS LAKE TERRACE

TAX LOT 251
MAP 2S-1-33CB

TAX LOT 250
MAP 2S-1-33CB

TAX LOT 100
MAP 2S-1-33CB

TRACT B

LOT 7

LOT 8
"DENALI MEADOWS"

LOT 9

1 2 3 4 5 6

The wetland boundary and the data plot loctions were surveyed with a hand-held GPS unit with a ± ten centimeter accuracy. The base survey was professionally surveyed. Topography = 1 foot contours.

● Wetland Data Plot

Photo Point

Sensitive Area: 2,276 SF


Environmental Science & Assessment, LLC

e s & a

4831 NE Fremont St., Suite 2B
Portland, OR 97213
Phone: 503.478.0424
www.esapdx.com


# Existing Conditions Map
# 22900 SW Murdock Street
# Sherwood, Oregon

| | |
|---|---|
| Base Map Source: | Northwest Surveying, Inc. |
| Modified By: | KR |
| Date: | 2/22 |
| Rev: | 7/22 |
| Proj. # | 21055 |

N

Figure 6

1"=100'

0 50 100

# Tax Map

88-9

88-10

0

TRACT "A" .39 AC

TRACT "A" .69 AC

1600 TR "A" .85 AC

100 1 1.00 AC

200 2 .99 AC

300 3 .99 AC

400 4 1.12 AC

500 5 1.20 AC

600 6 2.49 AC

700 7 .93 AC

800 1.02 AC

900 9 4.39 AC

1000 10 1.00 AC

1100 11 1.01 AC

1200 12 1.00 AC

1300 13 .98 AC

1400 14 1.02 AC

1500 15 1.00 AC

1700 12.36 AC

(CS 30,496)

SW FAIROAKS CT

SW FAIROAKS DRIVE

SW MURDOCK STREET (CR 7)

SW KATHY STREET (CR 2257)

SW KATHY CT

TREET

1/4 CORNER

25' EASEMENT

20' EASEMENT 415/158

VACATED 84-023425

CS 14192
CS 28331

2S132AA 12900 7 62.34
2S132AA 14000 TRACT "A" .39 AC 16.77
2S132AA 13800 16 50.12
2S132AA 13700 15 50.12
2S132AA 13600 14 44.56
2S132AA 13500 13 50.00
2S132AA 13200 10 80.05 37.97
2S132AA 13400 12 175.38 55.66
2S132AD 6300 130.82
2S132AD 100 1.10 AC 257.94 888/492 10.00

2S132AD 9500 13 81.59
2S132AD 9400 12 72.89 117.37
2S132AD 9700 15 100.00
2S132AD 9300 11 117.37
2S132AD 9200 10 117.37
2S132AD 9100 9 117.37
2S132AD 9000 8 117.73
2S132AD 8900 7 121.97
2S132AD 8800 6 128.96
2S132AD 8700 5 135.96
2S132AD 8600 4 143.01
2S132AD 8500 3 153.84
2S132AD 8400 2 170.19
2S132AD 8300 1 187.21 N89-19-22E 117.21
2S132AD 12900 47
2S132AD 12800 46
2S132AD 12700 45 100.49
2S132AD 12600 44 118.55
2S132AD 12500 43
2S132AD 12400 42
2S132AD 12300 41 76.00
2S132AD 12200 40 85.00 105.00 70.00 58.02
2S132AD 11800 36 70.00 79.34
2S132AD 11900 37 60.00 99.22
2S132AD 12000 38 60.00 99.22
2S132AD 12100 39 45.68 57.91
2S132AD 9800 23 54.00
2S132AD 9900 22 17.00 37.00
2S132AD 10000 21 104.09 50.00
2S132AD 10100 20 200 127.15 55.00
2S132AD 10200 19 150.42 57.10
2S132AD 10300 18 55.33 43.02
2S132AD 10400 17 154.89 55.14
2S132AD 10500 16 .64 50.00
2S132AD 10600 15 50.00
2S132AD 10700 14 50.00
2S132AD 10800 13 50.00

2S132DA 14400 .69 AC TRACT "A" 80.83 329.89
2S132DA 10300 1 117.72
2S132DA 10400 2 136.81
2S132DA 10500 3 159.47 4.83
2S132DA

2S132BB 300 3 3.29 AC

2S13300 2500

S76-29-22W 680.77

N89-43-29W 174.00 17.00 358.00 214.15 33.00

N24-09-41E 53.46

N89-19-22E 699.72

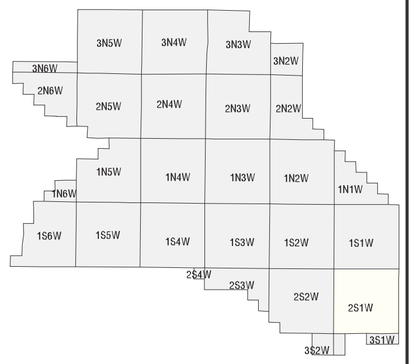
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(523.09) 523.09

(697.08) 697.05 (580.37) 580.0'

390.00 210.00





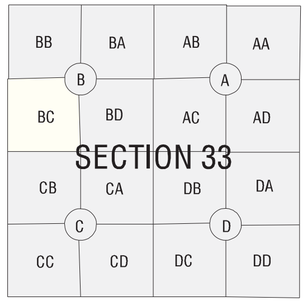

## WASHINGTON COUNTY OREGON

**SW1/4 NW1/4 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 |

***FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT***
***www.co.washington.or.us***




SCALE 1" = 100'

0 50 100 200 300

Assessment
CARTOGRAPHY
Taxation

PLOT DATE: March 10, 2011

*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.*



2S 1 33BC

dig2s1w33

# Moser Pass at Denali
# Vegetated Corridor Master Plan

## Background

Moser Pass at Denali is a new home development being proposed in Sherwood, Oregon. The site is located west of Rock Creek, east of Murdock Rd, and north of Ironwood Ln. The site was owned by the Moser family who logged the site years prior to the sale of it to J.T. Roth Construction (J.T. Roth). After logging, the site was left unplanted, resulting in natural recruitment of *Quercus garryana* (Oregon White Oak), *Arbutus menziesii* (Pacific Madrone), and *Acer macrophyllum* (Big Leaf Maple) in the canopy and *Mahonia aquifolium* (Tall Oregon Grape), *Holodiscus discolor* (Oceanspray), and *Lonicera hispidula* (Hairy Honeysuckle). Prior to European influence, this species mix occupied many Oak Woodland environments but has since been replaced with farms and *Pseudotsuga menziesii* (Douglas Fir) monocultures. In the Willamette Valley, there is less than 5% of Oak Woodland habitat remaining ("Oak Woodlands – Oregon Conservation Strategy"). Additionally, invasive *Crataegus monogyna* (English Hawthorn) has colonized sections of this site.

## Purpose

This plan is designed to recommend habitat improvement plans along the open space, tract c, in association with the construction of Moser Pass at Denali development. Given the regional habitat depletion and the site's natural tendency towards Oak

Woodland/Oak Forest habitat, it is recommended that all actions taken within the open space are to promote improvement of the existing habitat conditions. This site sits along a trail system already established by J.T. Roth. Expansion of the nature trail along the open space with interpretive signage allows for community education as well as outdoor public benefit spaces.

According to the report compiled by SavATree Consulting Group, LLC (SavATree), the majority of the Pacific Madrone show signs of Madrone canker caused by Fusicoccum aesculi, and could result in the death of nearly all Madrone on site (van Oss 3). As such, this plan will also address increasing some diversity to the tree canopy cover while still maintaining the integrity of the Oak Forest ecosystem. Oak Forests typically have greater than 40 young trees per acre (Altman and Stephens 9).

**Opportunity Areas**

This plan will focus on the nearly 2 acre open space that will sit in the northwest corner of the development, behind lots 13 to 24. It directly borders a neighboring tax lot which currently contains many healthy Oregon White Oak and Big Leaf Maples, as well as some less healthy Douglas Fir (see map 1).

**Implementation Plan**

With construction on the site removing the majority of the vegetation, the primary objectives will be to quickly establish canopy, remove unwanted invasive species, establish healthy understory, and create an educational pollinator pathway which meanders along the outer edge of the site giving community members a chance to be immersed in wildlife while leaving the core natural area intact with little human interaction. It will take a minimum of three years from site prep through maintenance to fully push the site into passive stewardship as it will take time to restore the canopy and understory which will be necessary to prevent colonization of invasive species by nearby seed sources.

Site Preparation:

Prior to construction breaking ground, crews should harvest as many Big Leaf Maple and Oregon White Oak, that are between 2'-8' tall and no greater than 2.5" dbh, as possible to be replanted back on site. Due to the importing of nearly 8' of soil, there is minimal invasive species site prep which will be needed on site. However, if it rains prior to any native plant establishment, it is likely that invasive species either brought in through the soil importation process or by local seed sources will begin to colonize the bare site. It is essential to tackle these species early as it will minimize the long term maintenance treatments needed. With a mixture of 2% Garlon 3a, 2% Rodeo, and 1% Competitor, use backpack sprayers to treat all invasive species on site at least two weeks prior to seeding.

Planting:

After the site has been graded, hydroseed across all graded areas in order to prevent erosion (see Seed Table 1) and to establish a healthy herbaceous understory. Incorporate collected Pacific Madrone into seed mix to help with additional stabilization.

Between October 15th and November 30th, plant all harvested large trees back on site and plant established tree containers across site (see Container Table 1). Space all trees a minimum of 20' apart. Between January 1st and April 15th, plant bare-root native understory plants across the site (see Bare-Root Table 1). Pocket plant to create dense woody pollinator hedgerows and allow for large grassy understory which is preferred for wildlife grazing. Along the pathway, plant a native pollinator hedgerow with visual breaks to make passive habitat viewing areas.

Monitor site after year 1 assess survival. If tree survival dips below 40 stems per acre, add additional plants to meet this metric. The understory should remain largely dominated by grasses and forbs, however, should the pollinator hedgerow drop below 60% survival, interplant with native container plants to establish the trail and natural habitat area buffer.

Maintenance:

In the two years following planting, seasonal maintenance should take place in order to promote healthy native species establishment without disruption from invasive species. Herbicide applications should take place in Spring and Fall. Mowing and/or hand pulling should take place during the Summer and Winter months. It is recommended that after the maintenance period, twice a year treatments take place until the canopy is fully established. Should any invasive tree species return, it will be necessary to stump-cut them in order to kill off all root systems.

Container Table 1

| **Rescued Plants / Containerized Trees** | | | | |
|---|---|---|---|---|
| **Scientific Name** | **Common Name** | **Type** | **Number** | **Notes** |
| Acer macrophyllum | Big Leaf Maple | Rescued / Ball and Burlap | 10 | Rescue from site or purchase from rescued plant nursery |
| Pinus ponderosa | Ponderosa Pine | 5-10 Gallon Container | 25 | |
| Quercus garryana | Oregon White Oak | 5-10 Gallon Container | 25 | |
| Quercus garryana | Oregon White Oak | Rescued / Ball and Burlap | 15 | Rescue from site or purchase from rescued plant nursery |

Bare-Root Table 1

| **Bare-Root Plants** | | | | |
|---|---|---|---|---|
| **Scientific Name** | **Common Name** | **Type** | **Number** | **Notes** |
| *Amelanchier alnifolia* | Western Serviceberry | Bare-Root | 500 | |
| *Calocedrus decurrens* | Incense Cedar | Bare-Root | 250 | |
| *Ceanothus sanguineus* | Red Stem Ceanothus | Bare-Root | 500 | |
| *Holodiscus discolor* | Oceanspray | Bare-Root | 500 | |
| *Mahonia aquifolium* | Tall Oregon Grape | Bare-Root | 500 | |
| *Philadelphus lewisii* | Mock Orange | Bare-Root | 500 | |

| | | | | |
|---|---|---|---|---|
| *Rhamnus purshiana* | Cascara | Bare-Root | 250 | |
| *Ribes sanguinium* | Red Flowering Currant | Bare-Root | 500 | |
| *Symphoricarpos albus* | Snowberry | Bare-Root | 500 | |

Seed Table 1

| **Seed Mix** | | | | |
|---|---|---|---|---|
| **Scientific Name** | **Common Name** | **Type** | **Percent** | **Notes** |
| Achillea millefolium | Western Yarrow | Seed | 5% | |
| Aquilegia formosa | Western Columbine | Seed | 2% | |
| Arbutus menziesii | Pacific Madrone | Seed | 1% | |
| Bromus sitchensis | Sitka Brome | Seed | 25% | |
| Camassia quamash | Common Camas | Seed | 1% | |
| Clarkia amoena | Farewell to Spring | Seed | 1% | |
| Elymus glaucus | Blue Wildrye | Seed | 25% | |
| Eriophullum lanatum | Oregon Sunshine | Seed | 2% | |
| Fetsuca roemeri | Roamer's Fescue | Seed | 25% | |
| Geum macrophyllum | Large-leaved Avens | Seed | 1% | |
| Grindelia integrifolia | Gumweed | Seed | 2% | |
| Lupinus latifolius | Broadleaf Lupine | Seed | 5% | |
| Sidalcea virgata | Rose Checkermallow | Seed | 5% | |

**Terms / Definitions**

Bare-Root Plant
A plant used for planting that is generally harvested in winter after dormancy where the root system has been separated from the soil. Plants may be herbaceous or woody. General planting of bare-roots occurs between January and April.

Broadcast Spray
Application of herbicide sprayed across site using either backpack spray or UTV. Generally used in foliar applications when vegetation exists on the ground. Spray is generally more general than a spot spray with greater coverage.

Buck / Bucking
Cutting already downed wood into smaller pieces in order to make it more manageable or to encourage quicker decomposition.

Bulb
A modified stem that is the resting state of a seed which can be harvested and planted.

Chip / Chipping
Using a machine to produce bark chips from wood.

Container Plant
A plant that is contained in some form of container. These plants are generally measured by the size of the container in gallons. Containers are to be removed prior to planting. General planting seasons for container plants are February through May and September through November.

Fascine Bundle
A bundle of living plant cuttings tied together with compostable twine. Often used in erosion control. These fascines are to be planted horizontally with as much of 50% buried into the dirt.


(Fascine Bundle recently planted)

Fell / Felling
To bring down a tree or large shrub.

Maintenance
The period of time on a restoration site between planting and stewardship. This period is marked by regular site entries in order to ensure long term desired outcomes are met.

Mow / Mowing / Cut / Cutting
Using machinery like a hedgetrimmer, brushcutter, or billygoat mower to cut down herbaceous plants and small shrubs. Can be used to reduce fire risk, promote growth, or remove unwanted plants.

Plug Plant
A small containerized plant that is contained in a cell no greater than 2”x9”. General cell size is 1”x6”.

Pole Cutting
Similar to a Stake Cutting, but larger, a living section of tree or shrub with its branches removed which can be planted. Pole cutting should be between 5’-10’. When planted, pole cuttings must be placed a minimum of 3’ in the ground. General Pole Cutting and Planting season is from January to May and October to December.


(Pole Cutting after 6 months growth)

Site Preparation
The first phase of a restoration project where the goal is to prepare the ground for future planting. This phase generally involves removing invasive species and/or other obstacles which could be a detriment to future ecological function and plant growth.

Spot Spray
Application of herbicide using a backpack sprayer on select species. Generally used in foliar applications.

Stake Cutting
A section of living plant material between 1’-5’ long which can be planted and form a viable plant. When planted, stake cuttings must be placed a minimum of ½ of total cutting length in the ground. General Stake Cutting and Planting season is from January to May and October to December.

Stewardship
The final phase of a restoration project, when general ecological function has been restored. This period involves monitoring sites and reacting to changes as necessary.

Stump-Cut
Felling a tree or shrub and then applying a concentrated herbicide on the cut in order to prevent root suckers and/or regrowth from occurring.

## Maps




All work in this plan refers to “Tract C”.

# Moser Pass at Denali




7/18/2022

Moser Pass at Delani - Field Notes (Points)
Viewing Platform
Interpretive Signs

Moser Pass at Delani - Field Notes (Lines)
Approximate Trail

Moser Pass at Delani - Field Notes (Areas)
Approximate Site Boundaries

World Imagery

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

Esri Community Maps Contributors, Oregon Metro, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

References

Altman, Bob, and Jaime L. Stephens. “Bird Habitat and Populations in Oak Ecosystems of the Pacific Northwest.” https://abcbirds.org/wp-content/uploads/2015/05/QuercusGuidePart1.pdf. Accessed 13 July 2022.

“Oak Woodlands – Oregon Conservation Strategy.” *Oregon Conservation Strategy*, https://oregonconservationstrategy.org/strategy-habitat/oak-woodlands/. Accessed 12 July 2022.

van Oss, Peter. *Tree Plan for J.T Roth Construction*. For Service At 22900 SW Murdock Street, Sherwood, OR. 4 April 2022.

# Easement Materials

FORM No. 1—WARRANTY DEED.

631

5220

*KNOW ALL MEN BY THESE PRESENTS, That*
Howard Croy and Lenora T. Croy, husband and wife

*in consideration of* Ten *Dollars,*

*to us paid by* Frank Reisch

*do hereby grant, bargain, sell and convey unto said* Frank Reisch

his *heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of* Washington *and State of Oregon, bounded and described as follows, to-wit:*

All that portion of the southwest quarter of the northwest quarter of Section 33, T. 2 S. R. 1 W. W. M., which lies south of the center line of a 20-foot roadway and which center line is described as follows: Beginning at an iron pipe, which is in the center of a county road and which pipe is 703 feet, more or less, south of the northwest corner of the southwest quarter of the northwest quarter of Section 33, T. 2 S. R. 1 W. W. M.; running thence south 65° 31' east a distance of 135.5 feet; thence south 77° 23' east a distance of 129.5 feet; thence south 65° 55' east a distance of 441.5 feet; thence north 72° 07' east a distance of 272.5 feet; thence north 87° 57' east a distance of [illegible] feet; thence south 40° 13' east a distance of 104.4 feet; thence south 9° 09' east a distance of 85.0 feet; thence in a straight line a distance of 600 feet, more or less, to the southeast corner of the southwest quarter of the northwest quarter of said Section 33, T. 2 S. R. 1 W. W. M.; containing [illegible] acres, more or less. The aforesaid 20-foot road is hereby reserved for the purposes of travel thereon by the owners of land in the [illegible] of Section 33, T. 2 S. R. 1 W. W. M., and their [illegible] and assigns forever.

Reserving, however, unto the said Howard Croy and Lenora T. Croy, the right of the public in and to all legal roads and county roads and ways heretofore existing and pertaining thereto, or to any part thereof.

*To Have and to Hold, the above described and granted premises unto the said* Frank Reisch

*And* [illegible] *the grantors* [illegible] *that* [illegible] *lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances* [illegible] *except* [illegible] *and* [illegible] *1939.*

*And* [illegible] *heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.*

*In Witness Whereof* [illegible] *hand* [illegible] *and seals this* 21st *day of* July, [illegible] 1942.

*Executed in the Presence of*

[illegible] (SEAL)

[illegible] (SEAL)

[illegible] (SEAL)

[illegible] (SEAL)

632

STATE OF OREGON,
County of Washington } ss.

BE IT REMEMBERED, That on this 21st day of July A. D. 19 42
before me, the undersigned, a notary public
in and for said County and State, personally appeared the within named
Howard Croy and Lenora T. Croy, husband and wife,
who are known
to me to be the identical individuals described in and who executed the within instrument and
acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
official seal the day and year last above written.

Notary Public for Oregon.

My Commission expires

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES DEC 2 1944

WARRANTY DEED

STATE OF OREGON,
County of Washington } ss.
I certify that the within instrument
was received for record on the 22
day of July A. D. 1942, at 11:15 o'clock
A. M., and recorded in book 229
on page Record of
Deeds of said County.
WITNESS my hand and seal of
County affixed.
W. A. Tupper
County Clerk.
By Edna Manning Deputy.

Return to
Frank Rauch
Rt 3, Box 10
Hillsboro

# Neighborhood Meeting Materials

# Affidavit of Mailing

DATE:

STATE OF OREGON )
)
Washington County )

I, Steve Miller, representative for the Moser PUD proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on 11/1/2021.

Representatives Name: Steve Miller
Name of the Organization: Emerio Design, LLC

| OwnerNameLabelFormat | SiteAddr | SiteCity |
|---|---|---|
| Duncan Living Trust | 22678 SW Upper Roy St | Sherwood |
| Corey & Kelly Sanders | 22690 SW Upper Roy St | Sherwood |
| Makoto Esaki | 22785 SW Cochran Dr | Sherwood |
| Kenneth Riley | 22778 SW Cochran Dr | Sherwood |
| Martin & Esther Ruehl | 22790 SW Cochran Dr | Sherwood |
| Jeffery & Kelly Sinclair | 22798 SW Cochran Dr | Sherwood |
| Michael Crosby | 22848 SW Upper Roy St | Sherwood |
| Shelly Tautfest | 14675 SW May Ct | Sherwood |
| Walter Roach & Laurie Rogers-Roach | 14647 SW May Ct | Sherwood |
| Brian & Sheila Gray | 14631 SW May Ct | Sherwood |
| Thomas Ferland Jr & Brittany Ferland | 14619 SW May Ct | Sherwood |
| Terri Stieg | 14605 SW May Ct | Sherwood |
| Joey & Chandra Bettis | | Sherwood |
| Jordan & Emily Kelsch | 14624 SW May Ct | Sherwood |
| Slorra White & Rey Hernandez | 14638 SW May Ct | Sherwood |
| Joshua & Emily Goff | 14652 SW May Ct | Sherwood |
| Michael Kuehn | 14668 SW May Ct | Sherwood |
| Lauren & Kyle Evitts | 14682 SW May Ct | Sherwood |
| Juanita Allison | 14696 SW May Ct | Sherwood |
| Julie Lebrun | 22912 SW Upper Roy St | Sherwood |
| Scott Davis & Krystle Heys | 14863 SW Division St | Sherwood |
| Andrew McCall | 23015 SW Mansfield St | Sherwood |
| James & Donyela Cornelius | 22917 SW Upper Roy St | Sherwood |
| Jessica & Philip Pratt | 22905 SW Upper Roy St | Sherwood |
| Justino Bravo | 22807 SW Upper Roy St | Sherwood |
| Landauer, Larry & Marilyn Family Trust | 14826 SW Cochran St | Sherwood |
| Elvira Olinger | 14838 SW Cochran St | Sherwood |
| Kevin Jones | 14850 SW Cochran St | Sherwood |
| James Baldwin | 14874 SW Cochran St | Sherwood |
| Gregory & Lynne Riffenburgh | 14839 SW Cochran St | Sherwood |
| Joseph & Shannon Ely | 14815 SW Cochran St | Sherwood |
| Thomas Bletcher Sr | 22784 SW Upper Roy St | Sherwood |
| Randal Nelson Jr & Julie Nelson | 23018 SW Mansfield St | Sherwood |
| Jonathan & Vilena Raibley | 23036 SW Mansfield St | Sherwood |
| Ira Watson | 23054 SW Mansfield St | Sherwood |
| Toni & Michael Bellinger | 23049 SW Mansfield St | Sherwood |
| Ryan & Mary Adams | 14863 SW Cochran St | Sherwood |
| Sherwood, City Of | 22965 SW Upper Roy St | Sherwood |
| Dennis & Paula Yuzon | 23120 SW Murdock Rd | Sherwood |
| Jacob Miller LLC | 23008 SW Murdock Rd | Sherwood |
| Christopher & Gayle Brown | 23072 SW Mansfield St | Sherwood |
| Chad & Heidi Weiler | 23090 SW Mansfield St | Sherwood |
| Adrianne Serna | 23096 SW Mansfield St | Sherwood |
| Steven & Teresa McNeil | 23095 SW Mansfield St | Sherwood |
| Debra Lukens | 23083 SW Mansfield St | Sherwood |
| Dustin & Bowers Cook | 23075 SW Mansfield St | Sherwood |

| | | |
|---|---|---|
| Robert Lucke | 14495 SW Fairoaks Dr | Sherwood |
| Batz, J Mark Family Trust | 14435 SW Fairoaks Dr | Sherwood |
| Brooks & Annalisa Bayne | 22515 SW Fairoaks Ct | Sherwood |
| Derek & Monica Conrow | 22500 SW Fairoaks Ct | Sherwood |
| Sparks Family Living Trust | 22520 SW Fairoaks Ct | Sherwood |
| Bolliger, Michael E Rev Living Trust | 22550 SW Fairoaks Ct | Sherwood |
| James & Cynthia Folske | 14391 SW Fairoaks Dr | Sherwood |
| Dressel Family Rev Trust | 14345 SW Fairoaks Dr | Sherwood |
| Corrado, Christopher W & Kimra S Rev Living Trust | 14331 SW Fairoaks Dr | Sherwood |
| Corrado, Christopher W & Kimra S Rev Living Trust | 14325 SW Fairoaks Dr | Sherwood |
| David & Susan Brim | 14300 SW Fairoaks Dr | Sherwood |
| Andrew & Madri Vanfleet | 14340 SW Fairoaks Dr | Sherwood |
| Jeff & Lori Fletcher | 14410 SW Fairoaks Dr | Sherwood |
| Martin & Kiki Gavin | 14490 SW Fairoaks Dr | Sherwood |
| Craig & Linda Tietje | Ns | Sherwood |
| United States Of America Dept Of Interior | Ns | Sherwood |
| Roger & Lisa Walker | 23500 SW Murdock Rd | Sherwood |
| United States Of America Dept Of Interior | Ns | Sherwood |
| John & Jessica Bencomo | 22836 SW Kathy St | Sherwood |
| Patti Micheo | 22822 SW Kathy St | Sherwood |
| Ronald & Cathy Wilson | 22810 SW Kathy St | Sherwood |
| Sharon Sherwood | 22788 SW Kathy St | Sherwood |
| Matthew & Laura Alger | 22756 SW Kathy St | Sherwood |
| Jennifer Asai | 22734 SW Kathy St | Sherwood |
| Gary & Debra Ladd | 22722 SW Kathy St | Sherwood |
| Osenton 2002 Trust | 22700 SW Kathy St | Sherwood |
| Chase & Kasie Francis | 22678 SW Kathy St | Sherwood |
| Toby & Georgia Bolden | 22656 SW Kathy St | Sherwood |
| Lawrence Carrasco & Lisa Thatch | 22634 SW Kathy St | Sherwood |
| Cameron Furrow & Kimberly Michell | 14520 SW Willamette St | Sherwood |
| Julie & Dan Gahan | 22617 SW Kathy St | Sherwood |
| Michelle Zurcher | 14614 SW Willamette St | Sherwood |
| Hancock, Mullen Trust | 22629 SW Kathy St | Sherwood |
| Christian & Cecilia Middleton | 22651 SW Kathy St | Sherwood |
| Geoffrey McLain | 22673 SW Kathy St | Sherwood |
| Dwight & Paula Cash | 22695 SW Kathy St | Sherwood |
| Carrie Starbuck | 22717 SW Kathy St | Sherwood |
| Michele McCormick | 22739 SW Kathy St | Sherwood |
| Dina Francis | 22761 SW Kathy St | Sherwood |
| Darrell Lim | 22783 SW Kathy St | Sherwood |
| Michael & Sherrie Bonser | 22805 SW Kathy St | Sherwood |
| Ldd Holdings LLC | 22827 SW Kathy St | Sherwood |
| Brett & Kes Joerg | 22849 SW Kathy St | Sherwood |
| Christopher & Megan Copeland | 22871 SW Kathy St | Sherwood |
| Jack Reed Jr & Un Reed | 22893 SW Kathy St | Sherwood |
| Lake, Robert R Rev Living Trust & Lake, Melissa K Rev Living Trust | 22915 SW Kathy St | Sherwood |
| Carolynn & Christopher Harbich | 22937 SW Kathy St | Sherwood |

| | | |
|---|---|---|
| Jeff Maginnis | 22959 SW Kathy St | Sherwood |
| Yukumoto Trust | 22981 SW Kathy St | Sherwood |
| Judy Lubera | 22926 SW Upper Roy St | Sherwood |
| Sean & Amanda Wheaton | 22948 SW Upper Roy St | Sherwood |
| Erik & Kym Lindberg | 22960 SW Upper Roy St | Sherwood |
| Lori & Dennis Robertson | 22993 SW Kathy St | Sherwood |
| David & Shelley Biegel | 22996 SW Kathy St | Sherwood |
| Katherine Bosworth | 22970 SW Upper Roy St | Sherwood |
| Biggs, Sylvia A Rev Living Trust | 22978 SW Upper Roy St | Sherwood |
| Sherwood, City Of | 22998 SW Upper Roy St | Sherwood |
| Charlie & Laura Nappi | 22984 SW Kathy St | Sherwood |
| John & Amy Platt | 22970 SW Kathy St | Sherwood |
| Teresa Anderson & Carol Allen | 14584 SW Kathy Ct | Sherwood |
| Monty Houston Jr | 14552 SW Kathy Ct | Sherwood |
| Jason & Kari Birdsley | 14520 SW Kathy Ct | Sherwood |
| Casey Evans | 14525 SW Kathy Ct | Sherwood |
| Maki Rev Living Trust | 14557 SW Kathy Ct | Sherwood |
| Chris & Julie Bensel | 14589 SW Kathy Ct | Sherwood |
| Katharina Fink | 23128 SW Mansfield St | Sherwood |
| Robert Dunlap | 23150 SW Mansfield St | Sherwood |
| Tenly Properties Corp | 23174 SW Mansfield St | Sherwood |
| Tenly Properties Corp | 23196 SW Mansfield St | Sherwood |
| Robbi Nyangoro & Duncan Nyangoro Jr | 23220 SW Mansfield St | Sherwood |
| Donald & Kristine Creger | 23248 SW Mansfield St | Sherwood |
| Nicholas & Rebecca Dolan | 23189 SW Mansfield St | Sherwood |
| Anthony & Jennifer Swanson | 23155 SW Mansfield St | Sherwood |
| James & Meagan Brandl | 23131 SW Mansfield St | Sherwood |
| United States Of America Dept Of Interior | Ns | Sherwood |
| James & Kathy Graham | 23228 SW Brittany Pl | Sherwood |
| Kathryn Lamare | 23295 SW Cascade Pl | Sherwood |
| Jeffrey & Sandra Chase | 23277 SW Cascade Pl | Sherwood |
| Nicholas & Lora Meredith | 23259 SW Cascade Pl | Sherwood |
| Paul & Christine Zartman | 23237 SW Cascade Pl | Sherwood |
| Hashimoto, Michael M Living Trust | 23219 SW Cascade Pl | Sherwood |
| Dean & Eileen Cannon | 23173 SW Cascade Pl | Sherwood |
| Joseph Chan | 23151 SW Cascade Pl | Sherwood |
| Christian Manasco | 23137 SW Cascade Pl | Sherwood |
| Rettmann Family Living Trust | 23124 SW Cascade Pl | Sherwood |
| William & Linda Anderson | 23156 SW Cascade Pl | Sherwood |
| David & Kristy Wells | 23188 SW Cascade Pl | Sherwood |
| Gregory & Victoria Ring | 23210 SW Cascade Pl | Sherwood |
| Robert & Rosemarie Ahrens | 23232 SW Cascade Pl | Sherwood |
| Jeffrey & Sondra Magnuson | 23254 SW Cascade Pl | Sherwood |
| Cristin Casey & John Kersey | 23272 SW Cascade Pl | Sherwood |
| Lisa & David Bradley | 23298 SW Cascade Pl | Sherwood |
| Sherwood, City Of | Ns | Sherwood |
| Robert Edgell | 23048 SW Cuthill Pl | Sherwood |

| | | |
|---|---|---|
| Kelly & Loren Cochrun | 23034 SW Cuthill Pl | Sherwood |
| Matthew Triplett | 23020 SW Cuthill Pl | Sherwood |
| Joseph & Heidi Tillotson | 23006 SW Cuthill Pl | Sherwood |
| Bertha & Marcus Lopez | 14875 SW Division St | Sherwood |
| David & Ariel Dobson | 14897 SW Division St | Sherwood |
| Carina Kauffman | 23010 SW William Ave | Sherwood |
| Tom Gallagher | 23028 SW William Ave | Sherwood |
| Todd Lundy | 23046 SW William Ave | Sherwood |
| Gregory & Shari Hanson | 23068 SW William Ave | Sherwood |
| Troy & Elizabeth Thompson | 23084 SW William Ave | Sherwood |
| Robin & Lyubov Lee | 23102 SW William Ave | Sherwood |
| Sean Bergman | 23118 SW William Ave | Sherwood |
| Jonathan & Lynsey Knapp | 23136 SW William Ave | Sherwood |
| Stephen & Andrea Chiapella | 23154 SW William Ave | Sherwood |
| Edward Casey Jr & Joanne Casey | 23172 SW William Ave | Sherwood |
| Chadd & Molly Shotwell | 23190 SW William Ave | Sherwood |
| Carl & Jamie Ruggiero | 23208 SW William Ave | Sherwood |
| Aimee & Alex Elia | 23226 SW William Ave | Sherwood |
| Ownership Suppressed | 23244 SW William Ave | Sherwood |
| Michael & Karen Shelley | 23260 SW William Ave | Sherwood |
| Tristan & Anyarin Jo | 23278 SW William Ave | Sherwood |
| James Farr III & Lynn Farr | 23296 SW William Ave | Sherwood |
| Don & Michele Tran | 23314 SW William Ave | Sherwood |
| Carrie Leblanc | 23332 SW William Ave | Sherwood |
| Bryan & Lisa Jaeger | 23299 SW William Ave | Sherwood |
| Kelly Martin | 23285 SW William Ave | Sherwood |
| Stephen & Brenda Bjorndal | 23267 SW William Ave | Sherwood |
| Jessica Garcia & Dex Espinoza | 23251 SW William Ave | Sherwood |
| Porter Living Trust | 23235 SW William Ave | Sherwood |
| Wilson & Kristen Parrish | 23217 SW William Ave | Sherwood |
| Amanda & Skylar Schulz | 23201 SW William Ave | Sherwood |
| Emma & Lori Watkins | 23183 SW William Ave | Sherwood |
| Tanya Lokboj & Watson Jolden | 23165 SW William Ave | Sherwood |
| Gregory & Carol Whitmore | 23147 SW William Ave | Sherwood |
| Jesse & Courtney D'elia | 23125 SW William Ave | Sherwood |
| Sherwood, City Of | 22965 SW Upper Roy St | Sherwood |
| Mark & Maureen Rowlands | 23364 SW Murdock Rd | Sherwood |
| Huntington Family Trust | 23376 SW Murdock Rd | Sherwood |
| Patrick & Tamara Huske | 23352 SW Murdock Rd | Sherwood |
| Rozanne & Kelly Rich | 22487 SW Meissinger Pl | Sherwood |
| Stephen & Paula Nelson | 22458 SW Meissinger Pl | Sherwood |
| Joseph & Lacey Volker | 22435 SW Meissinger Pl | Sherwood |
| Hillary & Joe Taylor | 22407 SW Meissinger Pl | Sherwood |
| Rose Biondo | 22404 SW Meissinger Pl | Sherwood |
| Jason Curtis | 22436 SW Meissinger Pl | Sherwood |
| Lfh 22448 SW Meissinger LLC | 22448 SW Meissinger Pl | Sherwood |
| Heather Cotten | 22460 SW Meissinger Pl | Sherwood |

| | | |
|---|---|---|
| Kenneth & Tiffani McCoy | 22472 SW Meissinger Pl | Sherwood |
| Kevin Craig & Jessica Monoya | 22484 SW Meissinger Pl | Sherwood |
| Rome, Marilyn G Rev Living Trust | 22496 SW Meissinger Pl | Sherwood |
| Emelia Satterwhite | 22515 SW Murdock Rd | Sherwood |
| Luis Mena & Olivia Vazquez | 22503 SW Murdock Rd | Sherwood |
| Brian & Sarah Hagan | 22471 SW Murdock Rd | Sherwood |
| Opendoor Property Trust I | 22459 SW Murdock Rd | Sherwood |
| Roberto Ocampo-Valdovino & Angelina Ocampo-Garcia | 22427 SW Murdock Rd | Sherwood |
| Scott Sollman & Cathie Boucher-Sollman | 22415 SW Murdock Rd | Sherwood |
| Sherwood, City Of | Ns | Sherwood |
| Rome, Marilyn G Rev Living Trust | 14648 SW Willamette St | Sherwood |
| Baugus, James Trust | 14092 SW Ironwood Ln | Sherwood |
| Vernon & Kimberly Fuller | 14074 SW Ironwood Ln | Sherwood |
| Michael & Jennifer Brandt | 14056 SW Ironwood Ln | Sherwood |
| Fred Byeman Jr & Nadine Byeman | 14039 SW Ironwood Ln | Sherwood |
| Ironwood Homes Inc | Ns | Sherwood |
| Ironwood Homes Inc | Ns | Sherwood |
| Ironwood Homes Inc | Ns | Sherwood |
| Ironwood Homes Inc | Ns | Sherwood |
| Sherwood, City Of | Ns | Sherwood |
| Sherwood, City Of | Ns | Sherwood |
| Sherwood, City Of | Ns | Sherwood |
| Sherwood, City Of | Ns | Sherwood |
| Kendra & Kyle Flann | 23413 SW Denali Ln | Sherwood |
| Michelle Bennett & Jon Markee | 23408 SW Denali Ln | Sherwood |
| Hoa Denali | | Sherwood |
| Sherwood, City Of | 23366 SW Denali Ln | Sherwood |
| Hoa Denali | | Sherwood |
| Hoa Denali | 23374 SW Denali Ln | Sherwood |
| JACOB MILLER LLC | 23008 SW MURDOCK RD | Sherwood |
| JT ROTH CONSTRUCTION INC | 23245 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23217 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23183 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23171 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23119 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23067 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23039 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23021 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23015 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23168 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23202 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23246 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23284 SW BYERS LAKE TE | Sherwood |
| DENALI HOA | 23126 SW MURDOCK RD | Sherwood |
| JT ROTH CONSTRUCTION INC | 23012 SW MURDOCK RD | Sherwood |
| DENALI HOA | | Sherwood |
| DENALI HOA | 23142 SW BYERS LAKE TE | Sherwood |

| | | |
|---|---|---|
| JT ROTH CONSTRUCTION INC | | Sherwood |
| Michael D & Lawrence D Kay LLC | 22210 SW Murdock Rd | Sherwood |
| Rome, Marilyn G Rev Living Trust | 14645 SW Willamette St | Sherwood |
| Sherwood, City Of | Ns | Sherwood |
| Jordan Stokes & Anna Jones | 14689 SW Willamette St | Sherwood |
| Jeffrey Kortis | 14707 SW Willamette St | Sherwood |
| James Brossard | 14731 SW Willamette St | Sherwood |
| Rome, Marilyn G Rev Living Trust | 14732 SW Willamette St | Sherwood |
| Kenneth & Judy Mahoney | 22629 SW Cochran Dr | Sherwood |
| Bobby & Melissa Prater | 22647 SW Cochran Dr | Sherwood |
| Jose & Aurora Avila | 22665 SW Cochran Dr | Sherwood |
| Thomas Steinbach Jr & Jennifer Steinbach | 22683 SW Cochran Dr | Sherwood |
| Svetlana Brossard & Sergiy Streltsov | 22701 SW Cochran Dr | Sherwood |
| Robert Maxey | 22719 SW Cochran Dr | Sherwood |
| Erik & Lisa Funk | 22737 SW Cochran Dr | Sherwood |
| Zackery & Darlene Gallinger-Long | 22755 SW Cochran Dr | Sherwood |
| Jacie Kindig | 22771 SW Cochran Dr | Sherwood |
| Hoff, Donna L & Clifford E Living Trust | 22762 SW Cochran Dr | Sherwood |
| Michael & Julie Meserve | 22744 SW Cochran Dr | Sherwood |
| Curtis & Tanya Rothenberger | 22732 SW Cochran Dr | Sherwood |
| Donnella West | 14672 SW June Ct | Sherwood |
| Leonard & Kathleen Crossett | 14656 SW June Ct | Sherwood |
| Michael & Stacey Grimes | 14640 SW June Ct | Sherwood |
| Nicholas & Kara Mong | 14622 SW June Ct | Sherwood |
| Rt, Handegard Trust | 14609 SW June Ct | Sherwood |
| Schmidt Family Living Trust | 14627 SW June Ct | Sherwood |
| Lindsey Hutnick & Justin Reakes | 14645 SW June Ct | Sherwood |
| Ronald & Brenda Brazil | 14663 SW June Ct | Sherwood |
| Ryan Shockley & Jill Foley | 14685 SW June Ct | Sherwood |
| Daryl & Sarah Vogel | 22634 SW Cochran Dr | Sherwood |
| Timothy Clark | 22622 SW Cochran Dr | Sherwood |
| Emmette Jorden Sr & Shirley Jorden | 22666 SW Upper Roy St | Sherwood |
| Susan Nguyen | 22652 SW Upper Roy St | Sherwood |
| Shawn & Rachael Brown | 22640 SW Upper Roy St | Sherwood |
| Eric Kirkwood | 22616 SW Upper Roy St | Sherwood |
| MacGill Living Trust | 22602 SW Upper Roy St | Sherwood |
| Shook, Richard D Rev Living Trust | 14820 SW Willamette St | Sherwood |
| Dean Robbins | 14776 SW Willamette St | Sherwood |
| Sherwood, City Of | 22965 SW Upper Roy St | Sherwood |
| Woodburn Industrial Capital Group LLC | Ns | Sherwood |
| Woodburn Industrial Capital Group LLC | Ns | Sherwood |
| Woodburn Industrial Capital Group LLC | Ns | Sherwood |
| Snyder LLC | 13335 SW Tonquin Rd | Sherwood |

| SiteState | SiteZIP | OwnerAddr | OwnerCityNm | OwnerState | OwnerZIP | ParcelId |
|---|---|---|---|---|---|---|
| OR | 97140 | 198 N Cypress Ave | Santa Clara | CA | 95050 | R1173312 |
| OR | 97140 | 22690 SW Upper Roy St | Sherwood | OR | 97140 | R1173321 |
| OR | 97140 | 22785 SW Cochran Dr | Sherwood | OR | 97140 | R1173330 |
| OR | 97140 | 22778 SW Cochran Dr | Sherwood | OR | 97140 | R1173349 |
| OR | 97140 | 22790 SW Cochran Dr | Sherwood | OR | 97140 | R1173358 |
| OR | 97140 | 22798 SW Cochran Dr | Sherwood | OR | 97140 | R1173367 |
| OR | 97140 | 22848 SW Upper Roy St | Sherwood | OR | 97140 | R1173376 |
| OR | 97140 | 14675 SW May Ct | Sherwood | OR | 97140 | R1173385 |
| OR | 97140 | 14647 SW May Ct | Sherwood | OR | 97140 | R1173394 |
| OR | 97140 | 14631 SW May Ct | Sherwood | OR | 97140 | R1173401 |
| OR | 97140 | 14619 SW May Ct | Sherwood | OR | 97140 | R1173410 |
| OR | 97140 | 14605 SW May Ct | Sherwood | OR | 97140 | R1173429 |
| OR | 97140 | 48885 NW Oppenlander Ln | Forest Grove | OR | 97116 | R1173438 |
| OR | 97140 | 14624 SW May Ct | Sherwood | OR | 97140 | R1173447 |
| OR | 97140 | 14638 SW May Ct | Sherwood | OR | 97140 | R1173456 |
| OR | 97140 | 14652 SW May Ct | Sherwood | OR | 97140 | R1173465 |
| OR | 97140 | 14668 SW May Ct | Sherwood | OR | 97140 | R1173474 |
| OR | 97140 | 14682 SW May Ct | Sherwood | OR | 97140 | R1173483 |
| OR | 97140 | 14696 SW May Ct | Sherwood | OR | 97140 | R1173492 |
| OR | 97140 | PO Box 996 | Sherwood | OR | 97140 | R1173508 |
| OR | 97140 | 14863 SW Division St | Sherwood | OR | 97140 | R1173517 |
| OR | 97140 | 23015 SW Mansfield St | Sherwood | OR | 97140 | R1173526 |
| OR | 97140 | PO Box 1225 | Tualatin | OR | 97062 | R1173535 |
| OR | 97140 | 22905 SW Upper Roy St | Sherwood | OR | 97140 | R1173544 |
| OR | 97140 | 22807 SW Upper Roy St | Sherwood | OR | 97140 | R1173553 |
| OR | 97140 | 9855 NW Roy Rd | Forest Grove | OR | 97116 | R1173562 |
| OR | 97140 | 14838 SW Cochran St | Sherwood | OR | 97140 | R1173571 |
| OR | 97140 | 14850 SW Cochran St | Sherwood | OR | 97140 | R1173580 |
| OR | 97140 | 14874 SW Cochran St | Sherwood | OR | 97140 | R1173599 |
| OR | 97140 | 14839 SW Cochran St | Sherwood | OR | 97140 | R1173606 |
| OR | 97140 | 14815 SW Cochran St | Sherwood | OR | 97140 | R1173615 |
| OR | 97140 | 22784 SW Upper Roy St | Sherwood | OR | 97140 | R1173624 |
| OR | 97140 | 23018 SW Mansfield St | Sherwood | OR | 97140 | R1173633 |
| OR | 97140 | 23036 SW Mansfield St | Sherwood | OR | 97140 | R1173642 |
| OR | 97140 | 23054 SW Mansfield St | Sherwood | OR | 97140 | R1173651 |
| OR | 97140 | 23049 SW Mansfield St | Sherwood | OR | 97140 | R1173660 |
| OR | 97140 | 14863 SW Cochran St | Sherwood | OR | 97140 | R1173679 |
| OR | 97140 | 22560 SW Pine St | Sherwood | OR | 97140 | R1173722 |
| OR | 97140 | 23120 SW Murdock Rd | Sherwood | OR | 97140 | R1292443 |
| OR | 97140 | 18025 SW Brookman Rd | Sherwood | OR | 97140 | R1449882 |
| OR | 97140 | 23072 SW Mansfield St | Sherwood | OR | 97140 | R2000662 |
| OR | 97140 | 23090 SW Mansfield St | Sherwood | OR | 97140 | R2000663 |
| OR | 97140 | 23096 SW Mansfield St | Sherwood | OR | 97140 | R2000664 |
| OR | 97140 | 23095 SW Mansfield St | Sherwood | OR | 97140 | R2000665 |
| OR | 97140 | 23083 SW Mansfield St | Sherwood | OR | 97140 | R2000666 |
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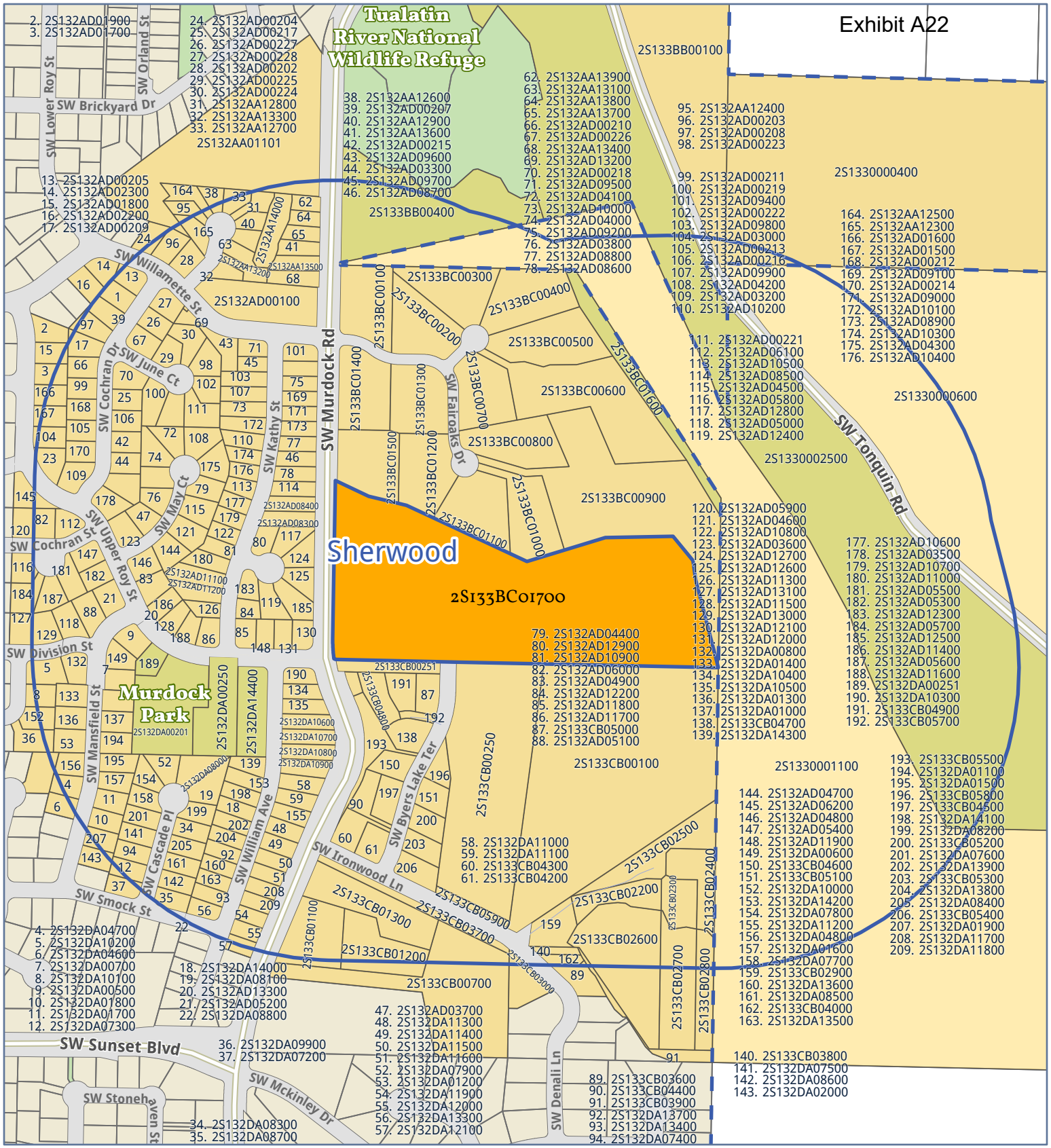
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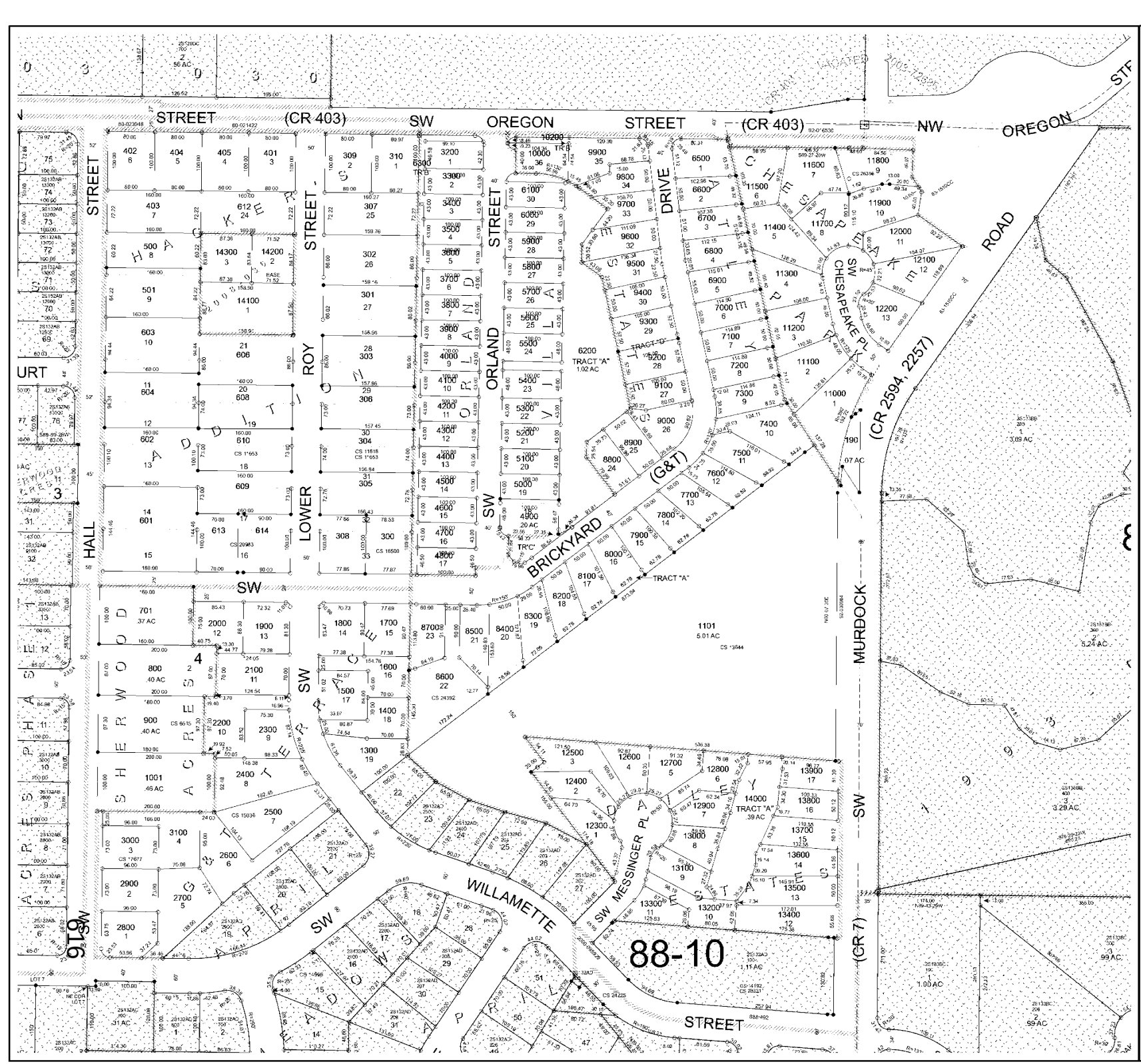
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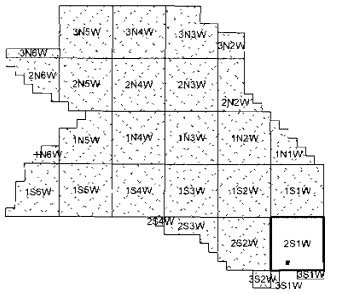
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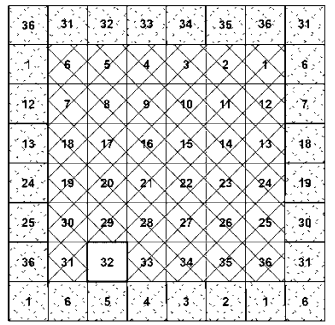

Exhibit A22
Tualatin River National Wildlife Refuge
Sherwood
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Murdock Park
SW Murdock Rd
SW Tonquin Rd
SW Brickyard Dr
SW Willamette St
SW Cochran Dr
SW June Ct
SW Cochran St
SW Upper Roy St
SW Division St
SW Mansfield St
SW Cascade Pl
SW William Ave
SW Smock St
SW Sunset Blvd
SW Stonehaven St
SW Mckinley Dr
SW Ironwood Ln
SW Byers Lake Ter
SW Denali Ln
SW Fairoaks Dr
SW Kathy St
SW Mar Ct
SW Orland St
SW Lower Roy St
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Subject
Notification radius
Notification parcels
City limits
Parks
Incorporated area
Taxlots
Map prepared 10/21/2021
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.
Fidelity National Title
PORTLAND
Feet
0
500
1,000
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



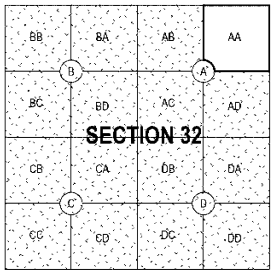

2S132AA



**WASHINGTON COUNTY OREGON**
**NE 1/4 NE 1/4 SECTION 32 T2S R1W W.M.**
**SCALE 1" = 100'**



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
***www.co.washington.or.us***




**Cancelled Taxlots For: 2S132AA**

700,801,901,1000,400,191,100,201,600,200,6400,10600, 6401,10500,10800,10900,10700,1102,10400,10100,1200, 1100,611,605,607,10300,

Feet
0 50 100 200 300

Assessment CARTOGRAPHY Taxlot

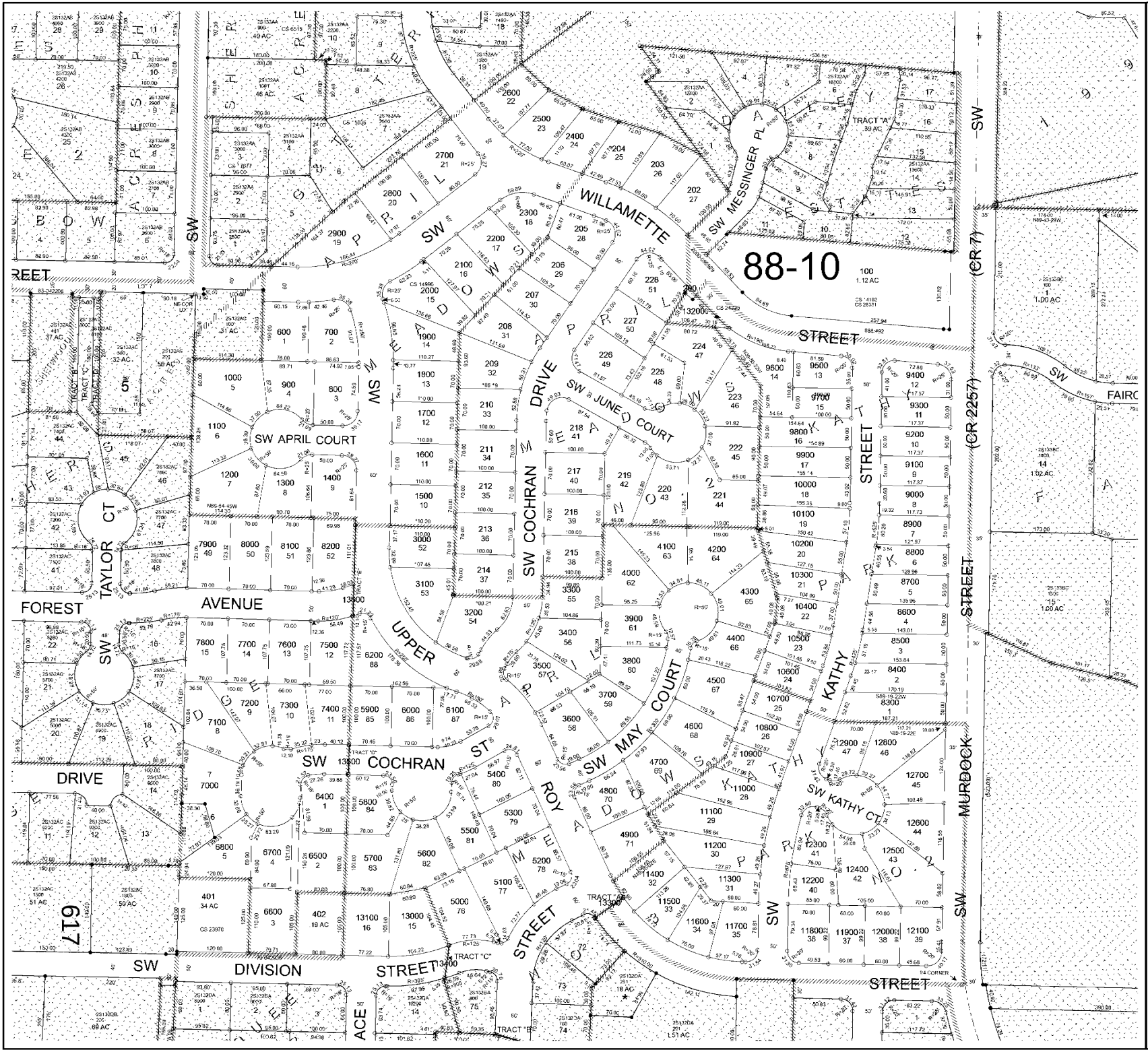
**PLOT DATE: 8/6/2019**
**Rotation:** 0.5
***FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE***

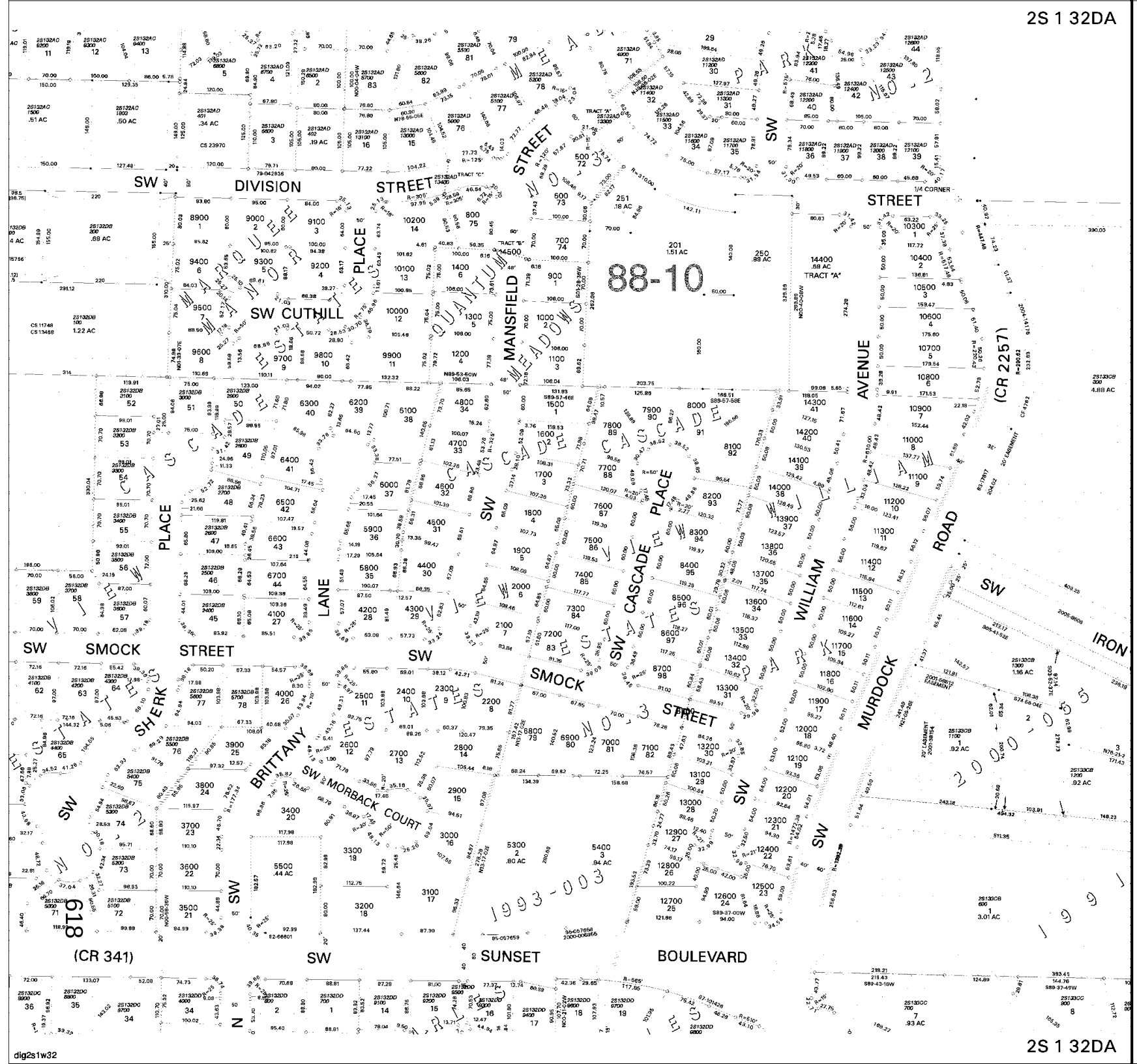
*Map areas delineated by either gray shading or a cross-hatched pattern are for reference only, and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.*

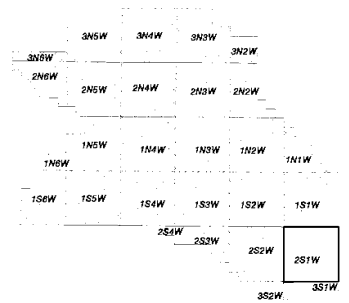
Exhibit A22

Digmap

2S132AA


88-10
WILLAMETTE
SW MESSINGER PL
SW JUNEO COURT
SW APRIL COURT
SW COCHRAN DRIVE
SW TAYLOR CT
FOREST AVENUE
UPPER COURT
SW MAY COURT
SW KATHY CT
SW ROYAL COURT
SW MURDOCK STREET
SW 135TH PLACE
SW 135TH AVENUE
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SW 540TH AVENUE
SW 541ST AVENUE
SW 542ND AVENUE
SW 543RD AVENUE
SW




**WASHINGTON COUNTY OREGON**
**NE1/4 SE1/4 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***

BB BA AB AA
B A
BC BD AC AD
**SECTION 32**
CB CA DB DA
C D
CC CD DC DD

Cancelled Taxlots For: 2S132DA
301,4800,5000,5100,5200,300,400,100,5700,5600,200

SCALE 1" = 100'
0 50 100 200 300

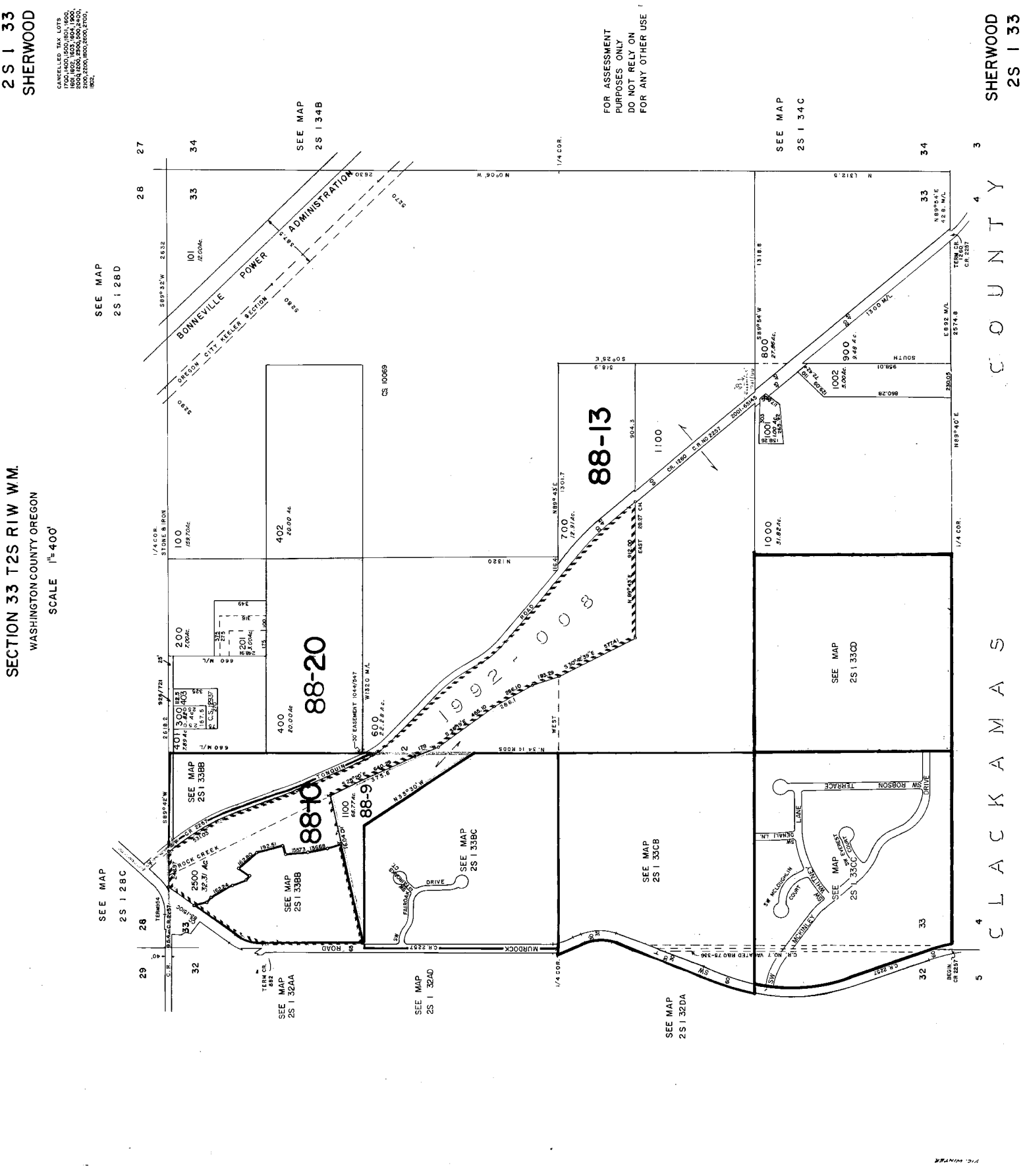
WASHINGTON COUNTY OREGON
CARTOGRAPHY

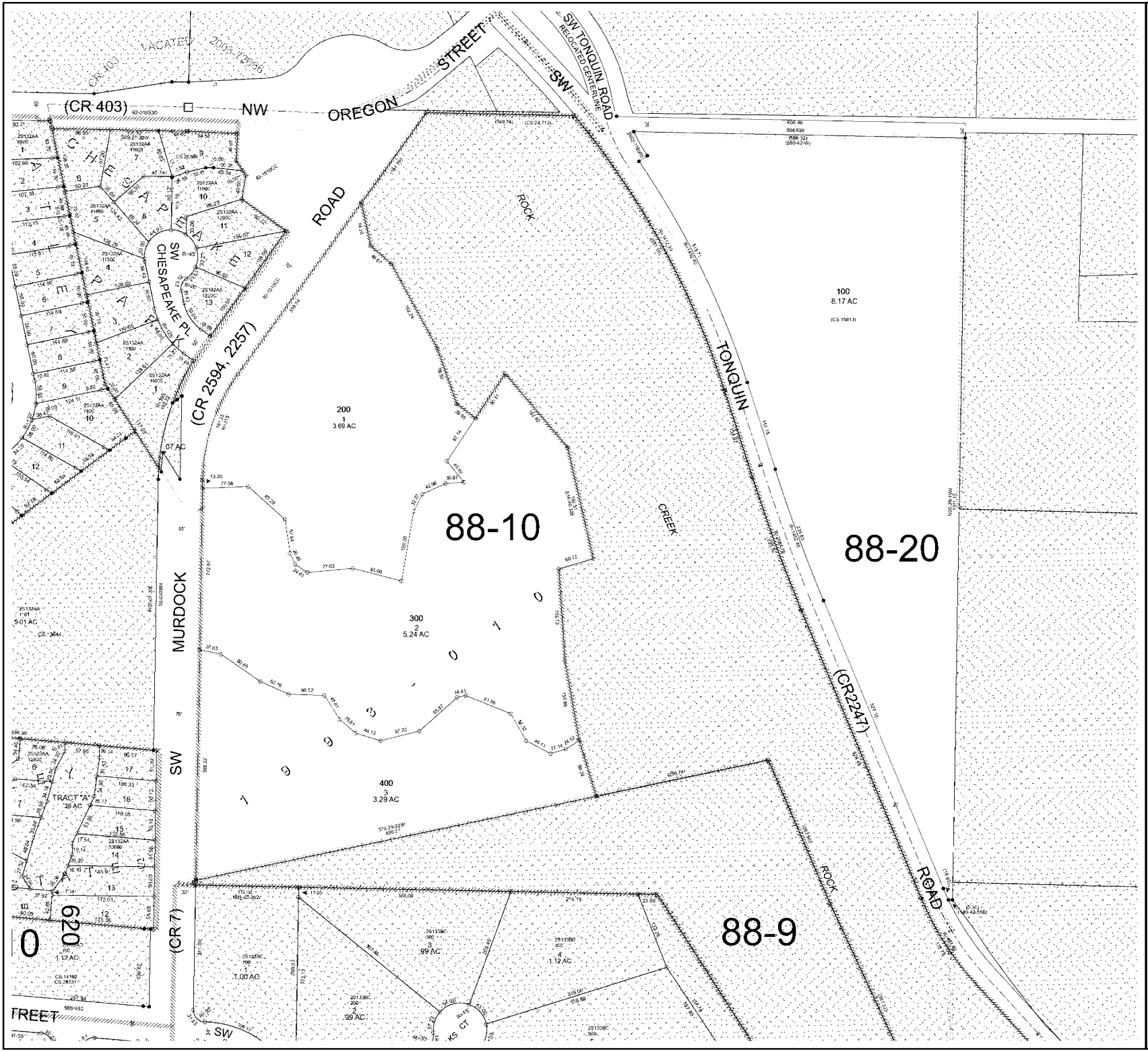
PLOT DATE: February 17, 2010
*FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE*

*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.*

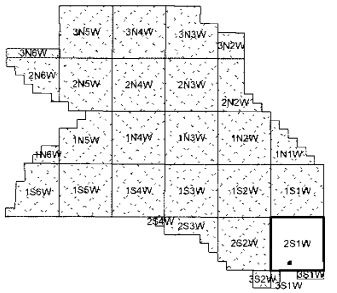
Exhibit A2

SHERWOOD
2S 1 32DA


2S I 33
SHERWOOD
SECTION 33 T2S R1W W.M.
WASHINGTON COUNTY OREGON
SCALE 1"= 400'
CANCELLED TAX LOTS
1700, 1400, 1500, 1501, 1600, 1601, 1602, 1603, 1604, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 1801, 1802,
SEE MAP 2S I 34B
SEE MAP 2S I 28D
SEE MAP 2S I 34C
SEE MAP 2S I 28C
SEE MAP 2S I 33BB
SEE MAP 2S I 33BC
SEE MAP 2S I 33CB
SEE MAP 2S I 33CD
SEE MAP 2S I 32AA
SEE MAP 2S I 32AD
SEE MAP 2S I 32DA
FOR ASSESSMENT PURPOSES ONLY DO NOT RELY ON FOR ANY OTHER USE
BONNEVILLE POWER ADMINISTRATION
OREGON CITY KELLER SECTION
ROCK CREEK
MURDOCK ROAD
C.R. 2257
C.R. 1260
88-20
88-10
88-9
88-13
1992-008
CLACKAMAS COUNTY
SHERWOOD
2S I 33



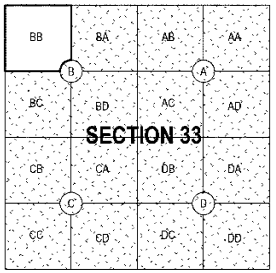

2S133BB




**WASHINGTON COUNTY OREGON**
**NW 1/4 NW 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 |

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
*www.co.washington.or.us*




**Cancelled Taxlots For: 2S133BB**
None

Feet
0 50 100 200 300

Assessment CARTOGRAPHY Taxatic

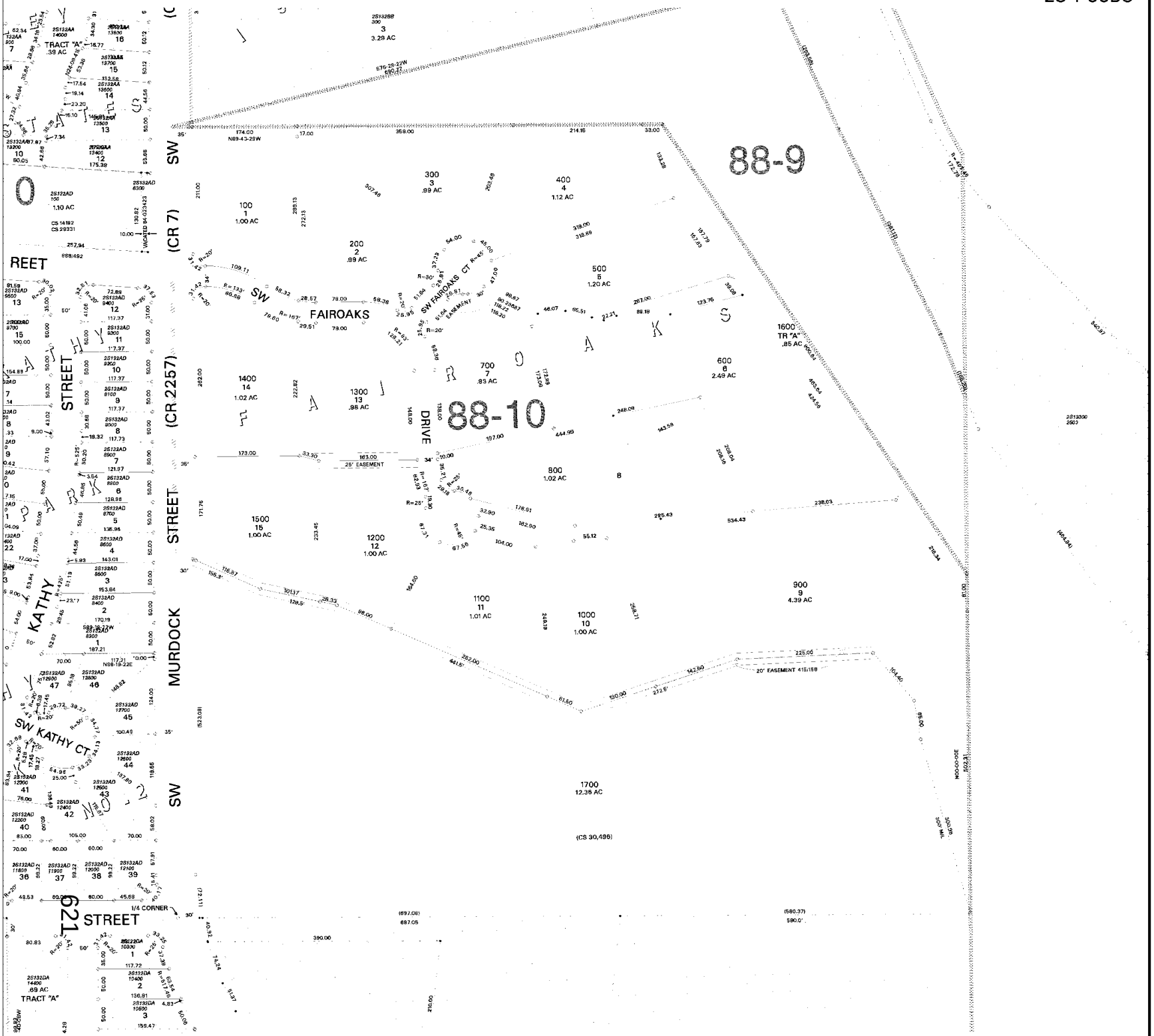
**PLOT DATE: 7/12/2021**
**Rotation: 0**
***FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE***

*Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most correct property boundaries. Please consult the appropriate map for the most current information.*

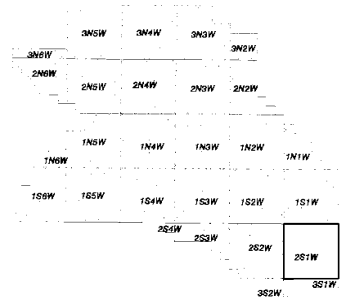
SHERWOOD
2S133BB

Digmap

Exhibit A22




2S 1 33BC




**WASHINGTON COUNTY OREGON**
**SW1/4 NW1/4 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 |

***FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.washington.or.us***

BB BA AB AA
B A
BC BD AC AD

## SECTION 33

CB CA DB DA
C D
CC CD DC DD

SCALE 1" = 100'
0 50 100 200 300

CARTOGRAPHY

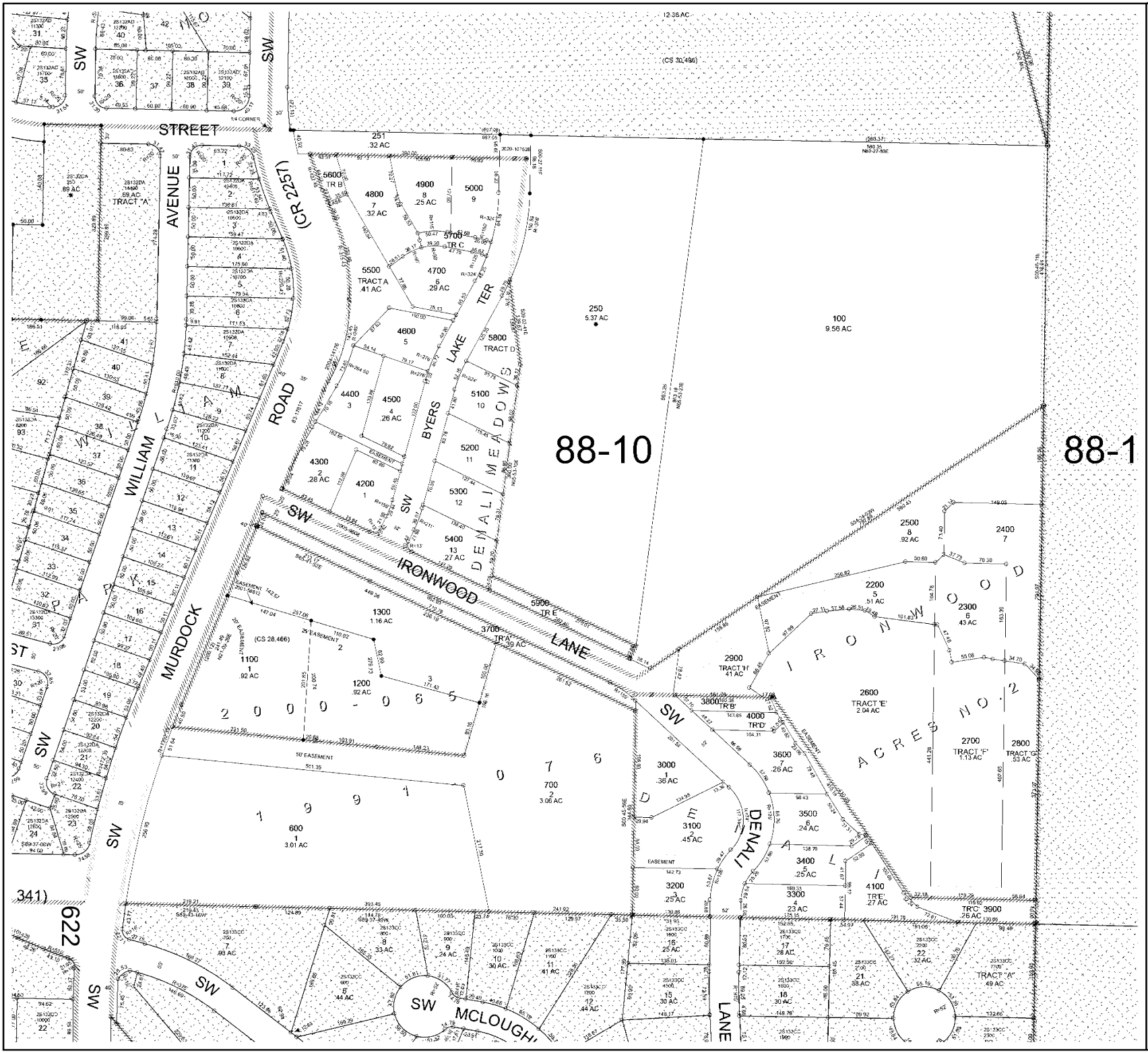
PLOT DATE: March 10, 2011

*FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE*

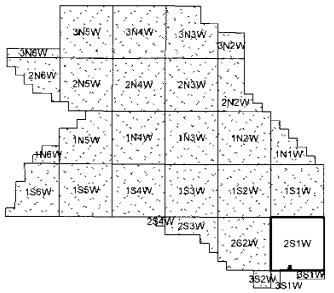
*Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.*

Exhibit A22

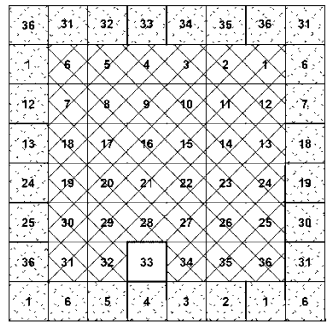
SHERWOOD
2S 1 33BC



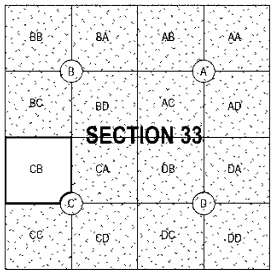

2S133CB




**WASHINGTON COUNTY OREGON**
**NW 1/4 SW 1/4 SECTION 33 T2S R1W W.M.**
**SCALE 1" = 100'**




**FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT**
***www.co.washington.or.us***




**Cancelled Taxlots For: 2S133CB**
400,500,800,900,1400,1500,1600,1700,1800,
1900,2000,2100,1050,200,300.

Feet
0 50 100 200 300

Assessment CARTOGRAPHY Taxation

Exhibit A22

**PLOT DATE: 6/25/2021**
**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

November 1, 2021

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 22900 SW Murdock Road, Sherwood. This property can be legally identified as 2S133BC, Tax Lot 1700 and is zoned Very Low Density Residential (VLDR).

We are considering a proposed Planned Unit Development (PUD) for a 34 – Lot PUD Subdivision and associated open space. Before applying to the City of Sherwood Planning Department, I would like to take the opportunity to discuss the proposal with you.

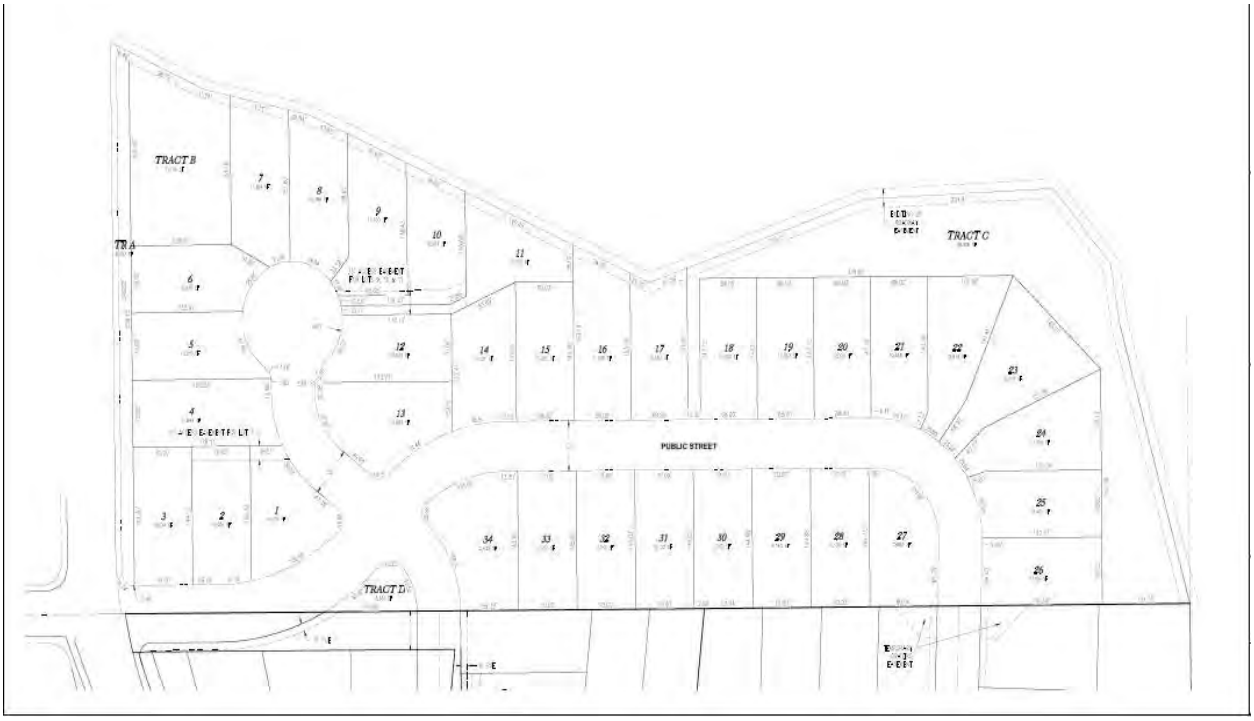
The meeting is scheduled for:

Topic: Sherwood Neighborhood Meeting
Date: Tuesday, November 16, 2021
Time: Meeting begins promptly at 6:30 PM
Location: https://us02web.zoom.us/j/86029391129
Or dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Washington DC) Meeting ID: 860 2939 1129 Find your local number:
https://us02web.zoom.us/u/kouVtSb9x

Meeting materials can also be found here:
https://emeriodesign-my.sharepoint.com/:f:/p/smiller/Esw9St3LdEdIo0b6CCVlRj0B-iEYD0-Ir2sn0Kq5ebhU4Q?e=mWYvng

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 this will be an informational meeting only on the preliminary development plan. 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 or comments prior to the meeting. Thanks!

# Preliminary Development Plan



# VICINITY MAP – 22900 SW Murdock Rd.



EMERIO Design

CIVIL ENGINEERS & PLANNERS

## 22900 MURDOCK RD. NEIGHBORHOOD MEETING AGENDA

- 6:30PM – Welcome
- 6:40 PM - Project Presentation
- 7:10 PM – Question and Answer
- 8:00 PM – Meeting Adjourn

# NEIGHBORHOOD MEETING SIGN IN SHEET

**Proposed Project:** 34-Lot Planned Unit Development (PUD)

**Proposed Project Location:** 22900 SW Murdock Rd.

**Project Contact:** Steve Miller

**Meeting Location:** Zoom Meeting

**Meeting Date:** Nov. 16th 2021

| Name | Address | E-Mail | Please identify yourself (check all that apply) | | | |
|---|---|---|---|---|---|---|
| | | | Resident | Property owner | Business owner | Other |
| David Brim | 14300 SW Fairoaks Dr. | Not provided | | X | | |
| James Cornelius | 22917 SW Upper Roy St. | Not provided | | X | | |
| | | | | | | |
| | | | | | | |
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| | | | | | | |
| | | | | | | |

Figure 15 - Alternative B/C Plan View

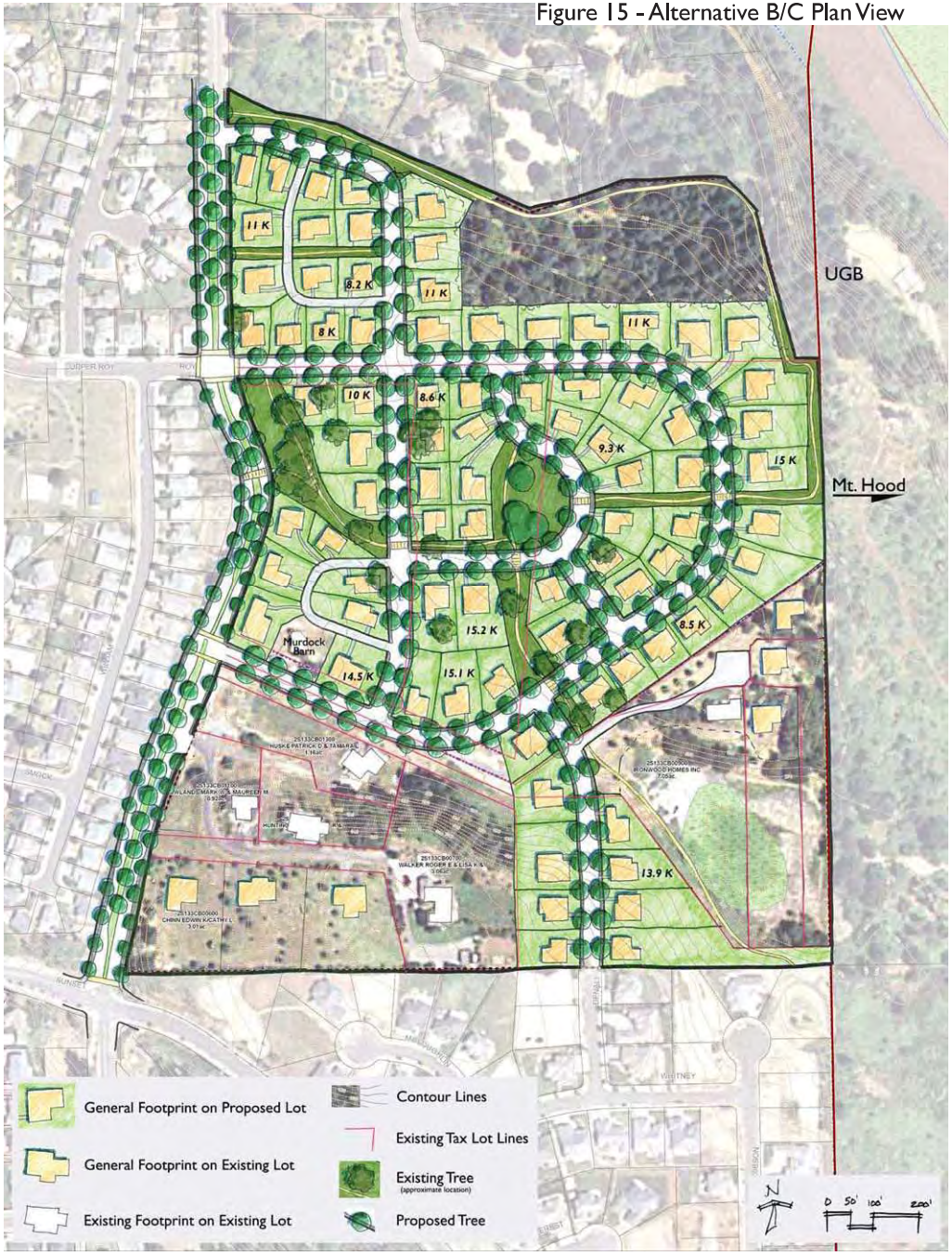


Exhibit A22

N

SCALE: 1" = 50'
11"X17" @ 1" = 100'

**LEGEND**

BOUNDARY LINE
EASEMENT




22900 SW MURDOCK ROAD

TAX MAP 2S1W 33BC
TAX LOT 01700
SHERWOOD, OREGON

PRELIMINARY PLAT

| REVISIONS | | |
|---|---|---|
| NO. | DATE | DESCRIPTION |


EMERIO
ENGINEERING • SURVEYING • DESIGN
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
EL: (503) 746-8812
FAX: (503) 620-2262
www.emeriodesign.com


SHEET
3
OF
629 8

FILE P:\0200-016 Master Subdivision, Sherwood\dwg\plan\0200-016_exhibit, Layout: EXHIBIT, Plot Date: 11/2/2021 10:40 PM, by: Kyung Han

Summary of November 16th, 2021, Neighborhood Meeting for the Moser 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:

- Thirty-four lot subdivision/planned unit development
- Single-family residential detached dwellings on each lot
- Except for requesting a deviation to the front yard setback for the house to be 15-feet (garage to be 20-feet, all houses will meet the VLDR setback requirements.
- All houses will meet maximum height requirements of 30 feet or two stories
- SW Murdock Rd. will be improved adjacent to the site's frontage.
- A new public street will be extended from the south through the project site, and it will be extended to the west to intersect with SW Murdock Rd. A small cul-de-sac is also being proposed
- 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 space for a PUD will be provided as part of the development.

There was a small audience of just two (2) people who attended the neighborhood meeting and they had the following 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? Yes and No. No, the street won't be named Upper Roy but, yes, the developer will be extending the stubbed street at the southeast corner of the property through the site, and it will intersect with SW Murdock Rd. opposite SW Upper Roy St.
3. What is the maximum height? The maximum height for houses in the VLDR zone is 30 feet or 2 stories.
4. Will the new homes block the view of Mt. Hood for homes on the west side of SW Murdock. Not sure, but no homes will exceed the maximum height limit.
5. Is there a public hearing for the PUD? Yes.
6. Is design review required? No, other than what is required as part of the PUD process.
7. 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 home prices are based upon current market conditions. However, the developer is the same developer of the other developments to the south, so the future houses will likely be higher-priced, upper-end houses.
8. Will a traffic analysis be performed? No, the city is not requiring a traffic analysis for the subdivision.
9. Does the site have contaminated soils. No, the property does What is the status of the DEQ cleanup of the chromium? It is in process and will be completed prior to site development.
10. 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.
11. 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.

## Steve Miller

**From:** Martin Gavin <martingavinj@gmail.com>
**Sent:** Tuesday, November 16, 2021 1:10 PM
**To:** Steve Miller
**Cc:** rutledgee@sherwoodoregon.gov
**Subject:** Neighborhood Meeting for the Former Moser Property Proposed Development

**[External Sender]**

Hello Steve. With the now proposed former Moser property development, the Denali Lane, Denali Meadows, and Denali Summit developments, the SE Sherwood neighborhood as I knew it is basically in the rearview mirror. It's been apparent for the last several years that preserving the natural environment of the SE Sherwood area was not happening. What is just as disappointing to me, is that the recent developments have not taken the opportunity at hand to develop this unique area with a more sustainable residential development in mind. And with the preliminary information you provided for the former Moser property, it appears that this same approach to developing the property is continuing.

Perhaps you can include the following items in your presentation at the neighborhood meeting tonight regarding the development of the former Moser property.

- Site geotech conditions, especially as relates to the Tonquin Scablands Geological Area
- Contaminated soil cleanup, if applicable
- Any historic resources on the property
- Existing easement along the north side of the property
- Future traffic impact on Murdock Road, and what the average daily traffic is forecast at
- Open space considerations
- Home site layout as depicted on the Preliminary Plat Plan
- Construction traffic, and how it will be monitored and controlled
- Excessive construction noise, and how it will impact the surrounding neighborhoods
- Overall compliance with the SE Sherwood Master Plan

Thank you,

**Martin Gavin**
Mobile 971 832 4844
Email martingavinj@gmail.com

# Engineering Land Use Application Comments

| | |
|---|---|
| To: | Eric Rutledge, Associate Planner |
| From: | Craig Christensen, P.E., Civil Engineer |
| Project: | (LU 2020-020) Moser Pass at Denali Subdivision |
| Date: | December 19, 2022 |

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 1 parcel of property located north of the Denali Meadows and Denali Summit subdivisions and east of SW Murdock Road.

Sanitary Sewer

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

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

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

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

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

CONDITION: Prior to Final Plat, 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 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 Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

Water

Currently a 12-inch diameter public water main exists within SW Murdock Road along entire length of the subject property frontage of SW Murdock Road.

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

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

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

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

Water meters shall not be located in hardscape.

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

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

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

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

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

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

Storm Sewer

Currently a 12-inch diameter public storm sewer main exists within SW Murdock Road at the northern end of the subject property frontage. This is the only public storm sewer in the area available to serve the subject property.

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

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

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

A storm report in compliance with CWS standards is required.

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

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

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

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

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

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

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

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

Transportation

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

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

The typical half section for a 3-lane arterial street in a residential zone is 25 feet width of pavement, with a 5-foot wide landscape strip, 8-foot wide sidewalk and 1-foot wide

buffer area within a 39-foot wide half street right-of-way section per the Sherwood Transportation System Plan. The developer will need to construct street widening improvements (including street lighting and street trees) and dedicate right-of-way to meet the above noted half-street section.

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

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

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

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

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

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

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

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

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new sidewalk ramps on the western side of the SW Murdock Road/SW

Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations.

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

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

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

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

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

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

<u>Grading and Erosion Control:</u>

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

The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public

improvements is reviewed, approved and released as part of the public improvement plans.

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

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 Approval of Engineering Public Improvement Plans, an engineering compliance agreement shall be executed between the developer and the City of Sherwood.

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

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

CONDITION: Prior to Issuance of Building Permits, substantial completion of the public improvements by the Sherwood Engineering Department is required unless otherwise approved by the Sherwood Engineering Department in the case of a model home.

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

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

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

**End of Engineering Land Use Review Comments.**

# M E M O R A N D U M

**Date:** December 13, 2022

**To:** Eric Rutledge, Associate Planner, City of Sherwood

**From:** Jackie Sue Humphreys, Clean Water Services (CWS)

**Subject:** Moser Pass 32-Lot Subdivision, LU 2022-20 SUB/PUD, 2S133BC01700

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. Applicant shall comply with the conditions as set forth in the Service Provider Letter No. 22-002556, dated October 10, 2022.

i. If there is any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits.

j. 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.

# TVFR Materials

Exhibit B3

# FIRE CODE / LAND USE / BUILDING REVIEW APPLICATION

Tualatin Valley Fire & Rescue


**North Operating Center**
11945 SW 70th Avenue
Tigard, OR 97223
Phone: 503-649-8577

**South Operating Center**
8445 SW Elligsen Rd
Wilsonville, OR 97070
Phone: 503-649-8577


REV 6-30-20

## Project Information

Applicant Name: Emerio Design
Address: 6445 SW Fallbrook PL
Phone: 503 746-8812
Email: pam@emeriodesign.com
Site Address: 22900 SW Murdock Rd
City: Sherwood
Map & Tax Lot #: 2S133BC TL 1700
Business Name:
Land Use/Building Jurisdiction: Sherwood
Land Use/ Building Permit #

Choose from: Beaverton, Tigard, Newberg, Tualatin, North Plains, West Linn, Wilsonville, Sherwood, Rivergrove, Durham, King City, Washington County, Clackamas County, Multnomah County, Yamhill County

### Project Description

32 lot subdivision

## Permit/Review Type (check one):

- ☑ Land Use / Building Review - Service Provider Permit
- ☐ Emergency Radio Responder Coverage Install/Test
- ☐ LPG Tank (Greater than 2,000 gallons)
- ☐ Flammable or Combustible Liquid Tank Installation (Greater than 1,000 gallons)
  - * Exception: Underground Storage Tanks (UST) are deferred to DEQ for regulation.
- ☐ Explosives Blasting (Blasting plan is required)
- ☐ Exterior Toxic, Pyrophoric or Corrosive Gas Installation (in excess of 810 cu.ft.)
- ☐ Tents or Temporary Membrane Structures (in excess of 10,000 square feet)
- ☐ Temporary Haunted House or similar
- ☐ OLCC Cannabis Extraction License Review
- ☐ Ceremonial Fire or Bonfire (For gathering, ceremony or other assembly)

### For Fire Marshal's Office Use Only

TVFR Permit # 2022-0101
Permit Type: SPP-COS
Submittal Date: 8-30-22
Assigned To: OFM Am
Due Date: NA
Fees Due: Ø
Fees Paid: Ø

## Approval/Inspection Conditions

(For Fire Marshal's Office Use Only)

**This section is for application approval only**

0430 — 9-9-22
Fire Marshal or Designee — Date

Conditions:

See Attached FS Plans Conditions: ☑ Yes ☐ No

Site Inspection Required: ☐ Yes ☒ No

**This section used when site inspection is required**

Inspection Comments:

Final TVFR Approval Signature & Emp ID — Date

Exhibit B3

LOT 15

TAX LOT 1500
MAP 2S-1-33BC

LOT 12

TAX LOT 1200
MAP 2S-1-33BC

LOT 11

TAX LOT 1100
MAP 2S-1-33BC

"FAIROAKS"
BOOK 71, PAGE 30

LOT 10

TAX LOT 1000
MAP 2S-1-33BC

LOT 9

TAX LOT 900
MAP 2S-1-33BC

TRACT B

15' LANDSCAPE BUFFER

TRACT A

TRACT C

TRACT E

TRACT D

TRACT 'G'

SW MURDOCK RD

SW BYERS LAKE TER

SW UPPER ROYST

SW CURRY RIDGE DR

TAX LOT 1100
MAP 2S-1-33

TAX LOT 251
MAP 2S-1-33CB

TAX LOT 250
MAP 2S-1-33CB

TAX LOT 100
MAP 2S-1-33CB

LOT 7

LOT 8

LOT 9

"DENALI MEADOWS"

YUZON

N

SCALE: 1" = 50'

Tualatin Valley Fire & Rescue

APPROVED PLANS

APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS.

Deputy Fire Marshal II

TVFR Permit# 2022-0101

## UTILITY NOTES:

1. PROPOSED WATER QUALITY FACILITY
2. PROPOSED STORM LINE
3. PROPOSED STORM MANHOLE
4. PROPOSED POLLUTION CONTROL MANHOLE
5. PROPOSED CG-2 CATCH BASIN
6. PROPOSED STORM LATERAL
7. PROPOSED SANITARY LINE
8. PROPOSED SANITARY MANHOLE
9. PROPOSED CONNECTION TO EXISTING SANITARY MANHOLE
10. PROPOSED SANITARY LATERAL
11. PROPOSED CONNECTION TO EXISTING WATERLINE
12. PROPOSED FIRE HYDRANT
13. PROPOSED BLOWOFF
14. PROPOSED SINGLE WATER METER
15. PROPOSED DOUBLE WATER METER
16. PROPOSED WATER LINE

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

# MOSER PASS AT DELALI

TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

# PRELIMINARY UTILITY PLAN

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|

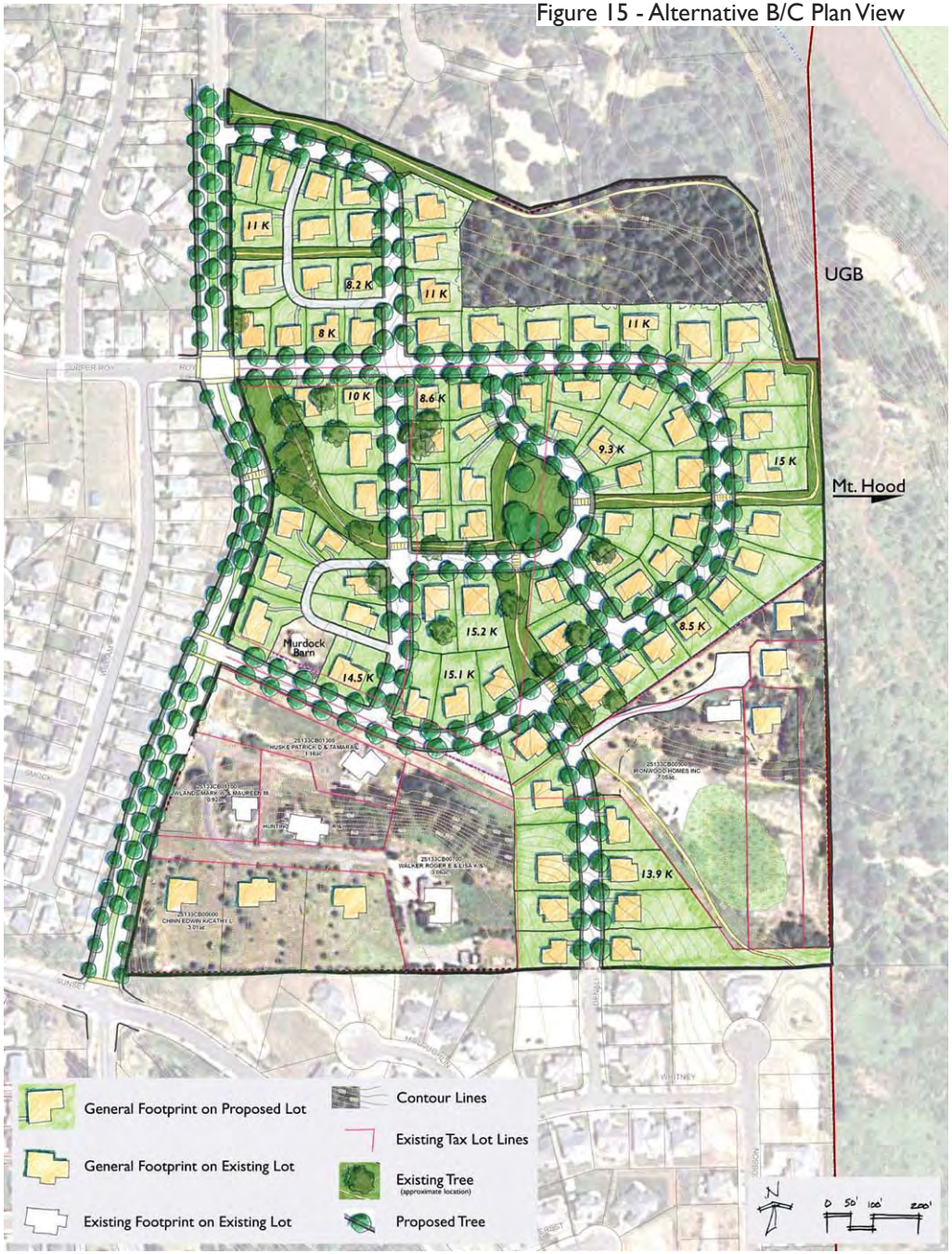

EMERIO
ENGINEERING • SURVEYING • DESIGN
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com

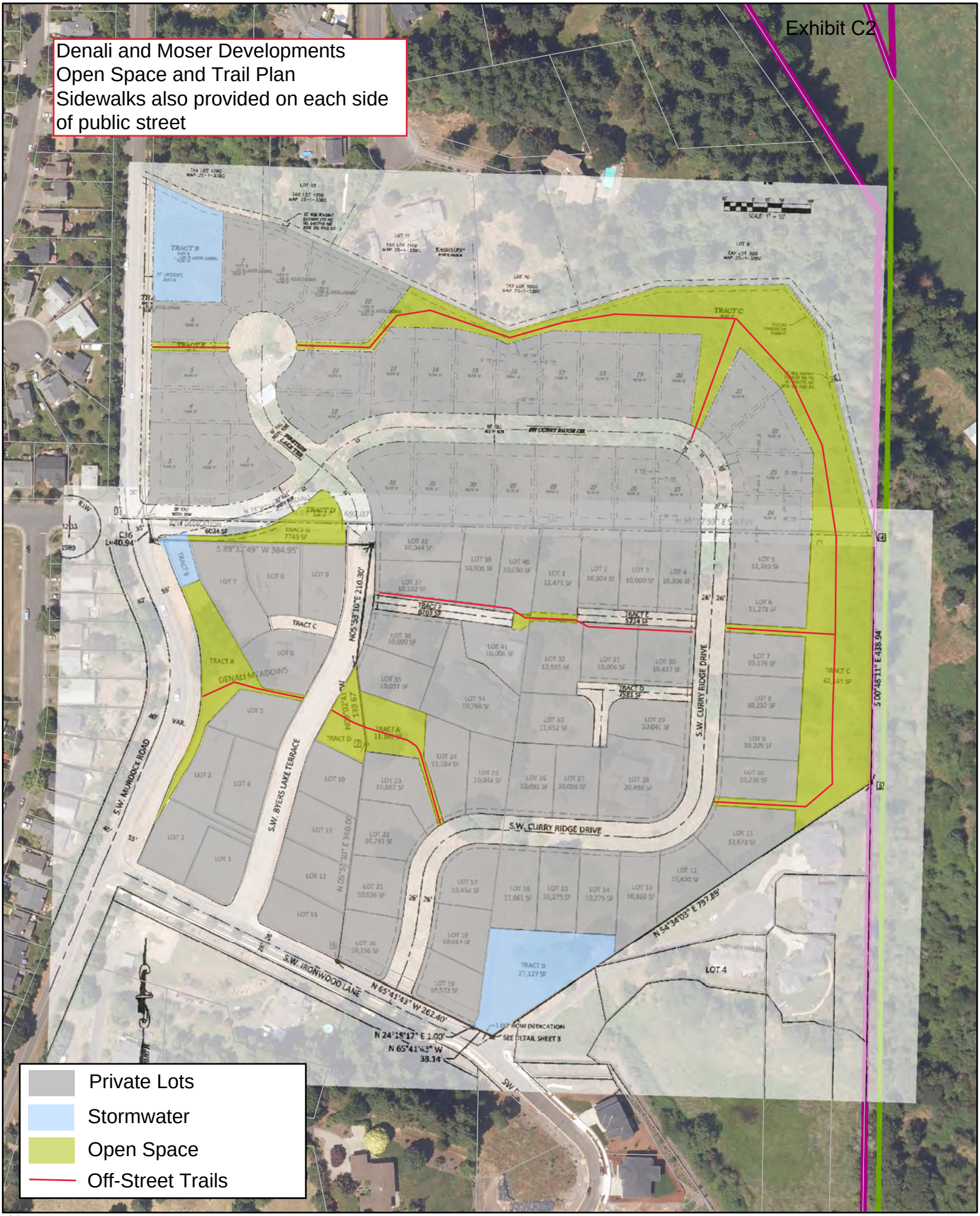

SHEET 11 OF 12

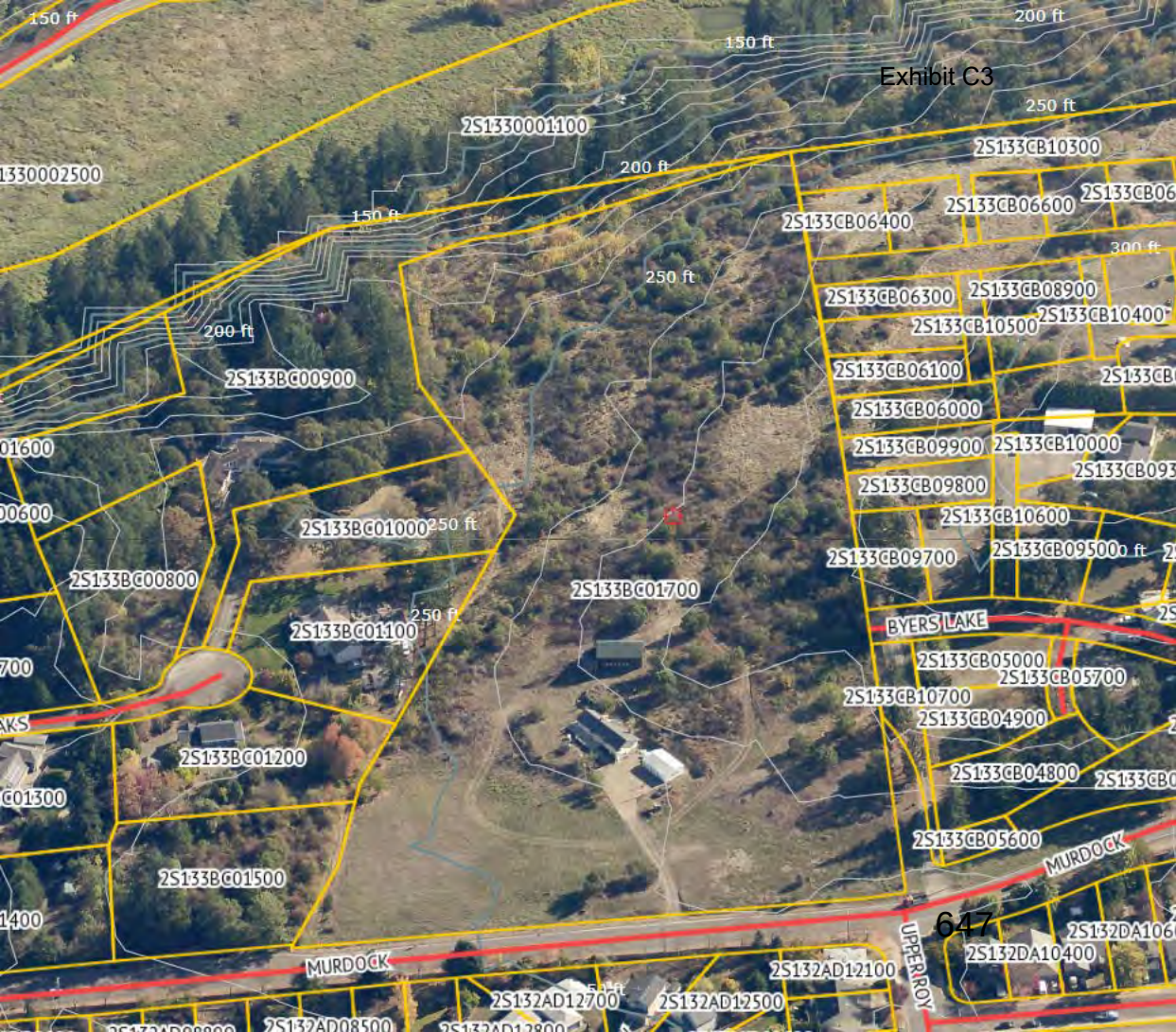
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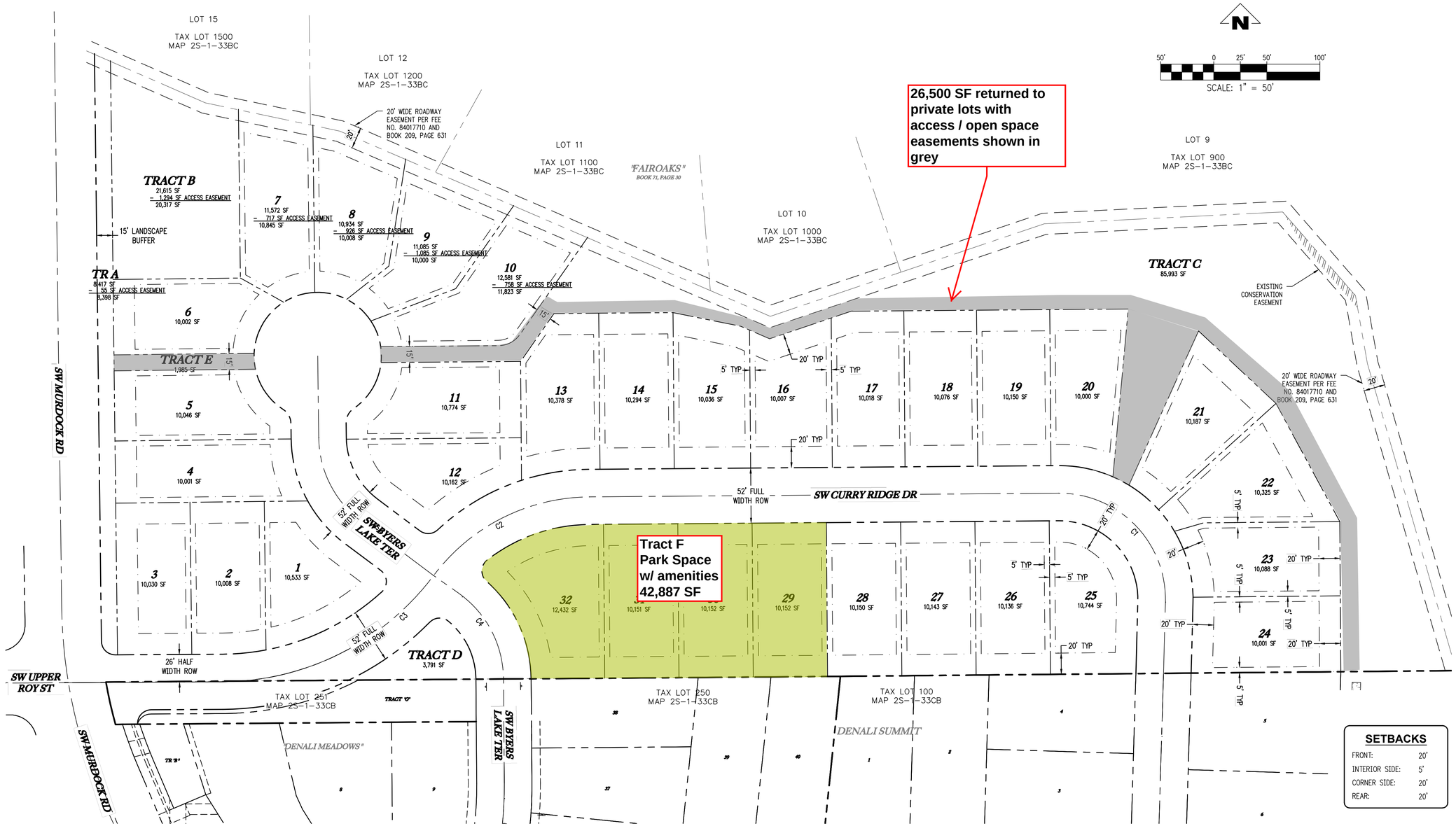
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Figure 15 - Alternative B/C Plan View




Exhibit C2
Denali and Moser Developments
Open Space and Trail Plan
Sidewalks also provided on each side of public street
S.W. CURRY RIDGE DRIVE
S.W. MURDOCK ROAD
S.W. BYERS LAKE TERRACE
S.W. IRONWOOD LANE
DENALI MEADOWS
Private Lots
Stormwater
Open Space
Off-Street Trails
N
0
0.05
0.1
0.2
Miles


Exhibit C3
150 ft
200 ft
150 ft
250 ft
2S1330001100
1330002500
200 ft
150 ft
250 ft
200 ft
2S133BC00900
01600
00600
2S133BC01000
250 ft
2S133BC00800
2S133BC01700
250 ft
2S133BC01100
700
AKS
2S133BC01200
C01300
2S133BC01500
1400
MURDOCK
2S132AD12700
2S132AD12500
2S132AD12100
UPPER ROY
647
2S132DA10400
2S132DA106
2S133CB10300
2S133CB06600
2S133CB06400
250 ft
300 ft
2S133CB06300
2S133CB08900
2S133CB10500
2S133CB10400
2S133CB06100
2S133CB06000
2S133CB09900
2S133CB10000
2S133CB09800
2S133CB10600
2S133CB09700
2S133CB09500
BYERS LAKE
2S133CB05000
2S133CB05700
2S133CB10700
2S133CB04900
2S133CB04800
2S133CB05600
MURDOCK




## GROSS & NET AREAS:

| LOT | AREA |
|---|---|
| 1 | 10,533 SF |
| 2 | 10,008 SF |
| 3 | 10,030 SF |
| 4 | 10,001 SF |
| 5 | 10,046 SF |
| 6 | 10,002 SF |
| 7 | 10,845 SF |
| 8 | 10,008 SF |
| 9 | 10,000 SF |
| 10 | 11,823 SF |
| 11 | 10,774 SF |
| 12 | 10,162 SF |
| 13 | 10,378 SF |
| 14 | 10,294 SF |
| 15 | 10,036 SF |
| 16 | 10,007 SF |
| 17 | 10,018 SF |
| 18 | 10,076 SF |
| 19 | 10,150 SF |
| 20 | 10,000 SF |
| 21 | 10,187 SF |
| 22 | 10,325 SF |
| 23 | 10,088 SF |
| 24 | 10,744 SF |
| 25 | 10,744 SF |
| 26 | 10,136 SF |
| 27 | 10,143 SF |
| 28 | 10,150 SF |
| 29 | 10,152 SF |
| 32 | 12,432 SF |
| TR A | 8,398 SF |
| TR B | 20,317 SF |
| TR C | 85,993 SF |
| TR D | 3,791 SF |
| TR E | 1,985 SF |
| MURDOCK ROW | 3,976 SF |
| PUBLIC STEET ROW | 81,917 SF |
| ACCESS EASEMENT | 5,023 SF |
| GROSS SF | 541,245 SF |
| REQ'D 15% OPEN SPACE | 81,188 SF |
| DEDUCTIONS FROM SQUARE FOOTAGE | |
| MURDOCK ROW | 3,976 SF |
| PUBLIC STEET ROW | 81,917 SF |
| TR B | 20,317 SF |
| TOTAL DEDUCTIONS | 106,210 SF |
| GROSS SF | 541,245 SF |
| DEDUCTIONS | 106,210 SF |
| NET SF | 435,035 SF |

## SETBACKS

| | |
|---|---|
| FRONT: | 20' |
| INTERIOR SIDE: | 5' |
| CORNER SIDE: | 20' |
| REAR: | 20' |

| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD LENGTH |
| C1 | 160.56 | 100.00 | 91.9955 | N44° 27' 16"W | 143.86 |
| C2 | 170.25 | 185.00 | 52.7262 | S63° 11' 04"W | 164.30 |
| C3 | 230.57 | 250.00 | 52.8421 | S63° 14' 33"W | 222.48 |
| C4 | 94.83 | 100.00 | 54.3329 | N27° 36' 45"W | 91.32 |

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

MOSER PASS AT DENALI

TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

PRELIMINARY PLAT

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|

EMERIO
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TEL: (503) 746-8812
FAX: (503) 297-1562
www.emeriodesign.com

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 12, 1994
PATRICK RENO TORTORA

NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

SHEET 04 OF 14

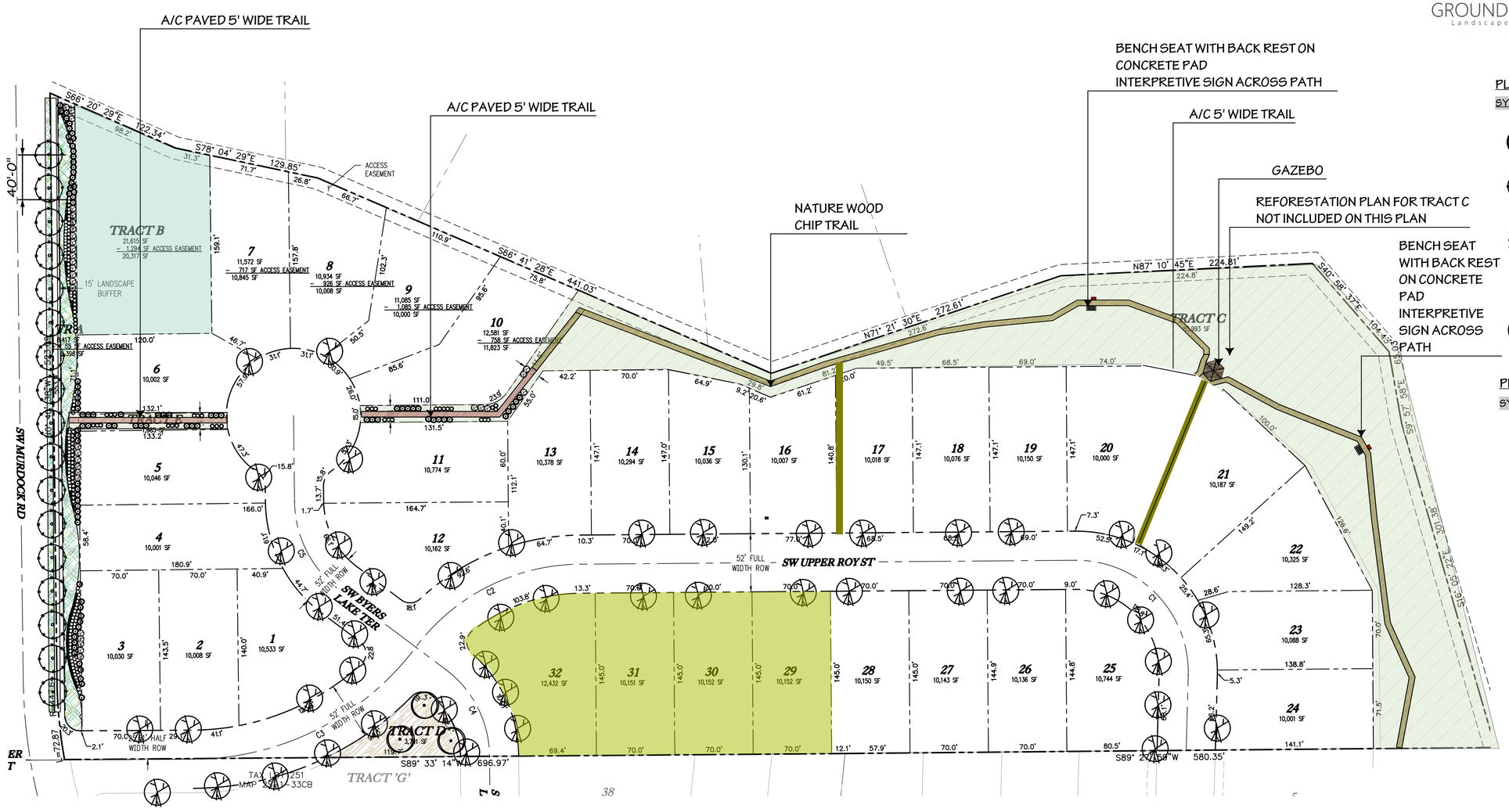
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Exhibit C5

GROUND ROOTS
Landscape Design

| MOSER PASS | PROJECT 22012 |
|---|---|
| TAX LOT 1700 SHERWOOD, OR | |
| DESIGNER | DATE / VERSION |
| GROUND ROOTS LD - JANE ELRICK | 9/7/2022 / 4 |
| LANDSCAPE PLAN | 1/1 |




## PLANT LIST - TREES

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 3 | ACER RUBRUM 'FRANKS RED'<br>Red Sunset Maple | 2" cal | AS SHOWN |
| | 13 | CARPINUS BELTULUS PYRAMIDALIS<br>European Hornbeam | 2" cal | AS SHOWN |
| | 3 | GINKGO BILOBA 'GOLDSPIRE'<br>Goldspire Ginkgo | 6-8' ht. | AS SHOWN |
| | 3 | PINUS FLEXIUS 'VANDERWOLF PINE'<br>Limber Pine | 5' ht | AS SHOWN |
| | 48 | ZELKOVA SERRATA 'VILLAGE GREEN'<br>Village Green Zelkova | 2" cal | AS SHOWN |

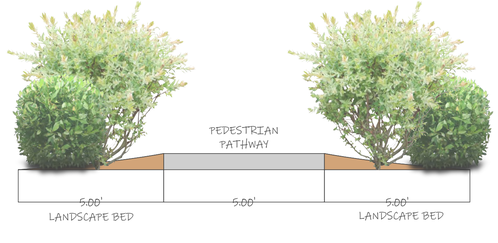
## PLANT LIST - SHRUBS & GROUND COVER

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 9 | MYRICA CALIFORNICA<br>Pacific Wax Myrtle | 5 gal | 6' oc |
| | 45 | VACCINIUM OVATUM<br>Evergreen Huckleberry | 2 gal | 4' oc |
| | 87 | CARYOPTERIS X CLANDONENSIS<br>Blue Mist Bluebeard | 2 gal | 4' oc |
| | 88 | ILEX GLABRA 'SHAMROCK'<br>Shamrock Inkberry | 2 gal | 4' oc |
| | 97 | PENNISETUM ALOPECURIOIDS 'HAMELN'<br>Hameln Dwarf Fountain Grass | 1 gal | 3' oc |
| | 96 | VIBURNUM TINUS 'COMPACTUM'<br>Spring Bouquet Laurustinus | 2 gal | 4' oc |

## SEEDED AREAS

| | | | |
|---|---|---|---|
| | PT LAWN SEED<br>PT 769 R & R ECO-TURF MIX | SEED | 5-7 lbs / 1000 sqft |
| | PT 705 XERISCAPE LAWN ALTERNATIVE | SEED | 2 lbs / 1000 sqft |
| | (2) 6' BENCH WITH BACK REST ON CONCRETE PAD | | |
| | INTERPRETIVE SIGN | | |

## PEDESTRIAN WALKWAY CROSS-SECTION






## TREE DENSITY CALCULATIONS*

*DOES NOT INCLUDE REFORESTATION OF TRACT C

| TREE NAME | QTY | MATURE SPREAD | CANOPY AREA (SF) | CANOPY COVERAGE (SF) |
|---|---|---|---|---|
| **PROPOSED NEW TREES:** | | | | |
| ACER RUBRUM 'FRANKSRED' | 3 | 40 | 1257 | 3771 |
| CARPINUS BETULUS PYRAMIDALIS | 13 | 35 | 962 | 12506 |
| GINKGO BILOBA 'GOLDSPIRE' | 3 | 6 | 28 | 84 |
| PINUS FLEXILIS VANDERWOLF PYRAMID' | 3 | 30 | 707 | 2121 |
| ZELKOVA SERRATA 'VILLAGE GREEN' | 48 | 36 | 1018 | 48864 |
| | | **TOTAL CANOPY COVERAGE** | | 67346 |
| | | **TOTAL SITE AREA** | | 335,896 |
| | | **PERCENT CANOPY COVER** | | 20% |

0 100 200 300 FT

SCALE: 1" = 50'




EXISTING PLANTS-LOCATION APPROXIMATE
UNLESS SPECIFIED, ALL PLANT SYMBOLS ARE PLACEHOLDERS TBD
BASED ON AVAILABILITY

NOTE:

THE EXISTING PROPERTY CONDITIONS, INCLUDING PROPERTY LINE LOCATIONS SHOWN ON THE PLAN, ARE APPROXIMATE AND DO NOT REPRESENT A FIELD-SURVEYED CONDITION. OWNER SHALL VERIFY ALL PROPERTY LINES, DIMENSIONS, EASEMENTS, AND EXISTING UNDERGROUND UTILITY AND IRRIGATION LOCATIONS PRIOR TO ANY CONSTRUCTION. SERVICES AND ADVICE ARE LIMITED TO PLANNING AND CONCEPTUAL DESIGN OF EXTERIOR SPACES AND HORTICULTURE CONSULTATION AND DO NOT INCLUDE ANY ENGINEERING SERVICES, STRUCTURAL ANALYSIS, OR CONSTRUCTION DETAILS WHICH MAY REQUIRE THE SERVICE OF A LICENSED PROFESSIONAL AS REQUIRED BY LAW. CONSTRUCTION DETAILS GIVEN ARE CONCEPTUAL IN NATURE AND SHOULD BE CONFIRMED BY A LICENSED ARCHITECT OR CONTRACTOR. IMAGES SHOWN ARE FOR INSPIRATION AND SOME REFERENCES MAY NOT BE THE WORK OF GROUND ROOTS LANDSCAPE DESIGN. SOURCES AVAILABLE UPON REQUEST.



Nature Play Example 1



Nature Play Example 2

**City Council Meeting Date:** February 21, 2023

**Agenda Item:** Public Hearing *(Second Reading)*

**TO:** Sherwood City Council

**FROM:** Eric Rutledge, Community Development Director
Through: Carrie Richter, Contract City Attorney, and Keith D. Campbell, City Manager

**SUBJECT:** **Ordinance 2023-001, Approving a 31-lot Planned Unit Development and Subdivision to be known as the Moser Pass Planned Unit Development**

PREVIOUS STAFF REPORT FOR 2-7-23 MEETING

**Issue:**
Shall the City Council adopt Ordinance 2023-001, approving the Moser Pass Planned Unit Development and Subdivision?

**Proposal:**
The applicant is proposing a new 32-lot residential subdivision and Planned Unit Development (PUD) on a 12.36-acre property. The property is zoned Very Low Density Residential (VLDR) and is located in the Southeast Sherwood Master Plan area. The applicant is proposing a minimum lot size of 10,000 SF and overall density of approximately 3.10-units per acre. City Council is the final decision authority on all Planned Unit Developments (PUDs) in the City.

**Procedures:**
The Type III subidivison is being processed concurrently with the Type V Planned Unit Development. PUDs are a legislative action and require two hearings before the City Council after an initial recommendation by the Planning Commission. City Council determines compliance with the approval criteria and development standards through a *de novo* hearing, considering all of the information in the record and new information presented.

**Planning Commission Recommendation:**
The Sherwood Planning Commission (Commission) held the initial evidentiary hearing on the subject application on January 10, 2023. The Commission expressed concern about the amount of open space provided and the location and design of open space within the development. The Commission stated the amount of open space provided is less than what is depicted in the SE Sherwood Master Plan and the location of open space is in hard-to-reach areas with steep slopes.

The Commission found that by providing additional usable open space that is more accessible to the public, a beneficial effect on the area could be achieved in return for the increased density. Lot 21 was chosen as an area for additional open space to break up the continuous block of housing along SW Curry Ridge Dr. and to provide a flat, accessible open space for additional public benefit as necessary to satisify the approval criteria (SZCDC 16.12.010(A)(3)(b); SZCDC 16.12.010(A)(3)(b)(2); SZCDC 16.40.020(C)(6)). In order to accomplish this, Condition of Approval B13 was recommended as an additional condition.

NEW CONDITION OF APPROVAL B13: Prior to Final Development Plan approval, the applicant shall provide a revised plat and open space plan converting Lot 21 to usable open space. Usable open space means grass, walkways, or other improvements accessible to the public.

**Public Testimony**
One member of the public provided neutral testimony and inquired about proposed fencing or buffering between Tract C Open Space and their property to the north (Tax Lots 2S133BC00900 and 1000). The applicant and member of the public agreed to work offline on a plan for fencing or buffering between the properties. No new condition related to this issue was recommended.

**Financial Impacts:**
The application fee is expected to cover the costs associated with processing this request. The developer is responsible for constructing public improvements associated with the development. The City is responsible for maintenance of public improvements after construction.

**Alternatives:**
Approve, modify, or deny the application based on the Planning Commission Recommendation to City Council (Attachment 2).

**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 modifcations or deny Ordinance 2023-001.

**Exhibits / Attachments:**
Attachment 1: Draft Ordinance 2023-001
Attachment 2: Planning Commission Recommendation to City Council
Attachment 3: Exhibits to Planning Commission Recommendation to City Council

PREVIOUS STAFF REPORT FOR 2-7-23 MEETING

**CITY OF SHERWOOD**
**JANURY 10, 2022**
**PLANNING COMMISSION RECOMMENDATION**

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

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

**PLANNING COMMISSION HEARING SUMMARY:** The City of Sherwood Planning Commission (Commission) held the initial evidentiary hearing subject application on January 10, 2023. The Commission heard presentations from City staff and the applicant, followed by an opportunity for testimony from the public.

During the open record period, the Commission asked the applicant about the design of the wood chip trail, lighting for pedestrian corridors, and other aspects of the open space plan. The Commission expressed concern about the amount of open space provided and the location and design of open space within the development. The Commission stated the amount of open space provided is less than what is depicted in the SE Sherwood Master Plan and the location of open space is in hard-to-reach areas with steep slopes.

During the applicant presentation, the applicant indicated the trail would not be ADA accessible because of the steep topography of the area, however, the 5 ft. pathways providing access into the open space from the public street would be constructed with asphalt. The applicant agreed to all the conditions of approval in the staff report dated January 3, 2023, including revised findings and conditions presented by staff on p. 5 of the staff presentation.

One member of the public provided neutral testimony and inquired about proposed fencing or buffering between Tract C Open Space and their property to the north (Tax Lots 2S133BC00900 and 1000). The applicant clarified that no fencing is proposed because an existing 20 ft. road easement is located on the shared property line. During

a recess, the applicant and member of the public agreed to work offline on a plan for fencing or buffering between the properties. No condition related to this issue was adopted as part of the decision based on the voluntary agreement between the two parties and the existing easement that precludes fencing on the property line.

During deliberations the Commission discussed whether the proposal provided adequate public benefit in return for the increased density and whether the development conformed to Alternative B/C of the SE Sherwood Master Plan. The applicable standards and approval criteria related to the discussion include:

- *SZCDC 16.12.010(A)(3)(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)"*

- *SZCDC 16.12.010(A)(3)(b)(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."*

- *SZCDC 16.40.020(C)(6) – "That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district."*

The Commission acknowledged the difficulties of developing the site based on topography and bedrock conditions but found the criteria above were not satisfied. The approval criteria are not met because approximately 4.5-acres of forested open space are identified on the subject property in Alternative B/C of the master plan while approximately 2.06-acres are proposed. The Commission also found that most of the open space would not be accessible to all members of the community based on the proposed trail surface and grade in Tract C. The Commission found that by providing additional usable open space that is more accessible to the public, a beneficial effect on the area could be achieved in return for the increased density. Lot 21 was chosen as an area for additional open space to break up the continuous block of housing along SW Curry Ridge Dr. and to provide a flat, accessible open space for additional public benefit.

**NEW CONDITION OF APPROVAL B13:** Prior to Final Development Plan approval, the applicant shall provide a revised plat and open space plan converting Lot 21 to usable open space. Usable open space means grass, walkways, or other improvements accessible to the public.

After considering all of the information in the record, the Commission unanimously recommended approval of the application to City Council based on the findings in the staff report dated January 3, 2023 with revised findings for SZCDC 16.12.010(A)(3)(b), SZCDC 16.12.010(A)(3)(b)(2), SZCDC 16.40.020(C)(6), and additional of Condition of Approval B13. Revised findings and Condition B13 have been incorporated into this findings report.

by Jean Simson, Chair — 01/22/2023

Jean Simson, Planning Commission Chair — Date

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

## I. BACKGROUND

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

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

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

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

D. **Review Type:** Type V Planned Unit Development (PUD) and Type III Subdivision. PUDs are processed as a Type V application per SZCDC § 16.72.010(A)(5)(c). The Type V Hearing Authority is the City Council and

the Appeal Authority is the Land Use Board of Appeals (LUBA). The subdivision request will be reviewed and approved concurrently with the PUD.

E. **Review Criteria:** Chapter 16.12 Residential Land Use Districts; Chapter 16.14 Residential Building Design; Chapter 16.40 Planned Unit Development; Chapter 16.58 Vision Clearance and Fence Standards; Chapter 16.60 Yard Requirements; Chapter 16.72 Procedures for Processing Development Permits; Chapter 16.89 Residential Design Checklist and Residential Design Review; Chapter 16.92 Landscaping; Chapter 16.94 Off-Street Parking and Loading; Chapter 16.96 On-Site Circulation; Chapter 16.106 Transportation Facilities; Chapter 16.108 Improvement Plan Review; Chapter 16.110 Sanitary Sewers; Chapter 16.112 Water Supply; Chapter 16.114 Storm Water; Chapter 16.116 Fire Protection; Chapter 16.118 Public and Private Utilities; Chapter 16.120 Subdivisions; Chapter 16.128 Land Division Design Standards; Chapter 16.142 Parks, Trees, and Open Spaces; Chapter 16.144 Wetland, Habitat, Natural Areas

F. **Public Notice:** Notice of the application was provided in accordance with SZCDC § 16.72.020 for a Type V application as follows: notice was distributed in five locations throughout the City, posted on the site, and mailed to property owners within 1,000 ft. of the site on or before December 21, 2022. Notice was also published in a local newspaper (Tigard Times) on December 22, 2022 and January 5, 2023.

G. **History and Background:** The subject site is identified as the “Moser” property and is located at the north end of the SE Sherwood Master Plan study area. The property has been occupied by a single-family residence and several outbuildings for many years. A mature forest was located behind the home towards the middle and eastern edges of the property until it was removed by the previous owner between 2006 and 2007. The site is located north of the former Ken Foster Farm site and is not known to have soil contaminants.

The site has been issued a tree removal permit (AD 2022-067) and a grading permit to prepare the site for development. It is anticipated the site will be used for parking for the Sherwood Street of Dreams event taking place on the adjacent Denali Summit development in July 2022. The grading permit will allow the site to be used for parking and requires protection of the on-site wetland. The tree removal permit allows removal of 20 of the existing 70 on-site trees.

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

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

## II. AFFECTED AGENCY AND PUBLIC COMMENTS

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

B. Public Comments
1. 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 residential PUD and is subject to a Type V review process. The 32-lot Type III subdivision application is being reviewed concurrently with the Type V PUD.

**FINDING:** This criterion is met.

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

**A. Very Low Density Residential (VLDR)**

**3. Southeast Sherwood Master Planned Unit Development**

**a. Property in the VLDR zone that is developed through the Planned Unit Development process under Chapter 16.40 and is based on, and generally conforms to the concepts, goals and objectives of the SE Sherwood Master Plan may develop to a maximum density of four (4.0) dwelling units per net buildable acre (except middle housing types pursuant to 16.12.010.F).**

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

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

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

**32 lots / 9.98 acres = 3.20 units per acre**

**FINDING:** The applicant is proposing a density of 3.20 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. There is an existing single-family residential development to the north of the subject site. Proposed Open Space Tract C will provide a vegetated buffer between the existing and proposed development. Lots 7 – 10 will directly abut the existing development, however, existing building setbacks and vegetation provide a buffer between the existing homes and the proposed development.

**FINDING:** This criterion is met.

**(2) The open space areas as required by Chapter 16.40 (Planned Unit Development), where feasible, should include parks and pathways that**

**are located within the general vicinity of Alternative B/C in the SE Sherwood Master Plan.**

**ANALYSIS:** The applicant is proposing 2.06-acres of open space within Tracts C and D. The open space in Tract C will include a gazebo, benches, interpretive signage, and pedestrian trail system. The pedestrian trail system completed as part of the adjacent "Denali" subdivisions will connect to and be continued through the proposed open space tract, however, the trail will transition to a wood chip design for the majority of Tract C.

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

While the proposed open space is located in the general vicinity identified in Alternative B/C of the SE Sherwood Master Plan, the plan calls for 4.50-acres of open space while only 2.06-acres are proposed. The proposal does not meet the criteria above as adequate open space has not been provided in Tract C based on Alternative B/C. Because the developer will be required to re-plant the wooded area as opposed to simply preserving it, the full 4.50-acres is not required. The criteria above can be satisfied through dedication of additional open space that is located in a flat and more accessible location. While this can be provided in various areas and quantities, a Condition of Approval is provided below requiring Lot 21 to be converted to open space to better meet Alternative B/C.

**FINDING:** This criterion is met as conditioned below.

**CONDITION OF APPROVAL G1:** Prior to Occupancy, open space improvements shall be installed in accordance with the Final Open Space Plan and Landscape Plan. Improvements shall include pathways and trails, benches, interpretive signage, and a gazebo. Improvements shall be located in the general location shown on the approved plans.

**NEW CONDITION OF APPROVAL B13:** Prior to Final Development Plan approval, the applicant shall provide a revised plat and open space plan converting Lot 21 to usable open space. Usable open space means grass, walkways, or other improvements accessible to the public.

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

**ANALYSIS:** The applicant is proposing a new off-street trail system that will connect to the trail system completed as part of the adjacent "Denali" developments. Exhibit C2 provides an overview of the entire open space trail system completed as part of the Denali developments. The trail system will run through open space Tract C and connect to SW Murdock Rd. Where the trail runs between private lots to provide access to the open space, the design will include a 15 ft. exclusive corridor including a 5 ft. asphalt trail and 5 ft. of landscaping on each side. The remainder of the trail through the open space is designated as a "Nature Wood Chip Trail". Benches, interpretive signage, and a gazebo are all planned along the nature trail.

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

**FINDING:** This criterion is met.

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

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

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

**ANALYSIS:** The applicant has submitted an Architectural Pattern Book (Exhibit A6) that provides details on the proposed housing design. The housing types are compatible in design and material to surrounding residential developments (Denali Meadows, Denali Lane, and Denali Summit). Home designs are also subject to the City's new Residential Design Standards in SZCDC § 16.14 and will be reviewed prior to the issuance of building permits.

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion does not apply.

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

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

**FINDING:** This criterion is met.

**16.12.020 - Allowed Residential Land Uses**

**A. Residential Land Uses**

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

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

**Whereas P = Permitted**

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

**FINDING:** This criterion is met.

**16.12.030 - Residential Land Use Development Standards**

**A. Generally**

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

**B. Development Standards**

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

**C. Development Standards per Residential Zone**

| Development Standards by Residential District | VLDR - PUD |
|---|---|
| Min Lot area (in square feet)<br>Single-Family Detached | 10,000 |
| Min Lot width at front property line | 25 ft. |
| Min Lot width at building line; Single-Family | 60 ft. |
| Lot Depth | 80 ft. |

| | |
|---|---|
| **Max Height (in feet)** | **30 ft. or 2 stories** |
| **Front yard** | **20 ft.** |
| **Face of garage** | **20 ft.** |
| **Interior side yard; Single-Family Detached** | **5 ft.** |
| **Corner lot street side** | **20 ft.** |
| ***Rear yard:*** | ***20 ft.*** |

***2. Minimum lot width at the building line on cul-de-sac lots may be less than that required in this Code if a lesser width is necessary to provide for a minimum rear yard.***

***3. Maximum height is the lesser of feet or stories.***

**ANALYSIS:** The development standards for the VLDR PUD zone are shown in the table above. A 5 ft. reduction is requested to the front and garage setbacks, however, no exceptions are permitted to setbacks in the VLDR PUD zone. The applicant's narrative also indicates there are no standards related to minimum lot depth and minimum lot width at the building line, however, the City updated the VLDR standards prior to the application being submitted and the minimum lot depth is 80 ft. and the minimum lot width at property line is 60 ft. The plans also do not show the minimum lot width at front property line.

**FINDING:** These standards are met as conditioned below.

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

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

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

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

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

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

**16.12.040 - Community Design**

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

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

**B. The vehicle parking area(s) shall be functional based on the minimum design standards listed on the table above, 16.12.040.A. Furnaces, stairs, etc. shall not be located within the garage designated parking areas.**

**C. Residential Front-Yard Landscaping – the front-yard area of a lot shall be fully landscaped excluding paved off-street parking areas, paved pedestrian paths, and utility areas. Landscaping materials shall meet standards identified in Section 16.92.020 Landscaping Materials.**

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

**ANALYSIS:** Details on the proposed garage design and front yard landscaping are generally not provided during land use review. Both standards will be reviewed and approved as part of the building permit and occupancy phase, as conditioned below. Future owners are required to maintain garages and front yard landscaping in accordance with applicable code.

**FINDING:** This standard is met as conditioned below.

**CONDITION OF APPROVAL E2:** Prior to Issuance of Building Permits, the applicant shall demonstrate how the proposed garages for each residential unit meet the garage standards in SZCDC § 16.12.040.

**CONDITION OF APPROVAL G2:** Prior to Occupancy each residence, the front yard of each lot shall be fully landscaped excluding any paved off-street parking areas, paved pedestrian paths, and utility areas.

**Chapter 16.14 RESIDENTIAL BUILDING DESIGN**

**16.14.010 Residential Building Design Standards for All Housing Types Except for Multi-Family Housing that is Subject to the Provisions of Chapter 16.90 Site Planning**

**A. Purpose**

**The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design.**

**The standards in this section are intended to be clear and objective to allow a streamlined review process per the Residential Design Checklist provisions of Chapter 16.89. Each standard has an associated guideline that provides flexibility for discretionary Design Review by the Planning Commission per Chapter 16.89, Residential Design Review if necessary or desired by the applicant. Adjustments or variances to the standards below can be requested through one of the review processes described in B below.**

**B. Review Process.**

**The following review processes can be used to review those housing types that are subject to these standards per 16.14.010.C and 16.89.020.A through D. The applicable review process depends on the level of compliance with the clear and objective standards in this section.**

**1. If all applicable standards from this section are met, Residential Design Checklist review is applied per Chapter 16.89.**

**2. If any standards of Table 16.14-1 - A, B or C are not met outright, a Type I Adjustment or Type II Class B Variance is required, in addition to the Residential Design Checklist, per Chapter 16.89. The Detailed Design standards of Table 16.14-1.D cannot be adjusted.**

**3. If the applicant chooses to meet the design guidelines instead of the design standards, a Type IV Design Review is required, per Chapter 16.89.**

**C. Applicability**

**1. The standards in this section apply to all new residential development, unless otherwise indicated per the subsections below or per applicable overlay zones. Manufactured home parks and manufactured homes on individual residential lots are subject to the provisions of Chapter 16.46 Manufactured Homes.**

**Additional standards are located in 16.14.020, 16.14.030, and 16.14.040. Multi-family development is subject to the provisions of Chapter 16.90 Site Planning.**

**2. Expansions and conversions of residential structures in Chapter 16.14. The standards in this section apply to expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhome that add more than 50 percent of area to any building elevation(s) adjacent to a public right-of-way or public accessway, as follows:**

**a. The expansion or conversion shall include design elements from Table 16.14-1 below that bring the overall building elevation(s) adjacent to a public right-of-way or public accessway closer to conformance with applicable standards; and**

**b. The expansion or conversion shall not bring the overall building elevation(s) adjacent to a public right-of-way or public accessway further out of conformance with applicable standards. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently out of conformance shall not be made more non-conforming. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently in conformance shall not be made non-conforming.**

**Table 16.14-1. Residential Design Standards**

| Design Standard (Objective Process) | | Design Guideline (Discretionary Process: Residential Design Review) |
|---|---|---|
| **A. Entry location and orientation** | | |
| These standards apply to all new residential development, except for Multi-family, at the time of building permit submittal.<br>At least one main entrance for each residential structure, or each townhome unit, must meet the following standards. | | Building elevations facing streets and common courtyards should include pedestrian oriented entrances. Special attention should be given to designing a primary building entrance that is both attractive and functional. Primary entrances should incorporate changes in |
| 1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit. | | |
| 2. The entrance must either: | | |
| | a. Face the street; or | |
| | b. Be at an angle of up to 45 degrees from the street; or | |

| | | | |
|---|---|---|---|
| | c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or | | mass, surface, or finish to emphasize the entrance. |
| | d. Open onto a porch. If the entrance opens onto a porch, the porch must: | | |
| | | 1) Be at least 25 square feet in area with a minimum four-foot depth; | |
| | | 2) Have at least one porch entry facing the street; | |
| | | 3) Have a roof that is no more than 12 feet above the floor of the porch; and | |
| | | 4) Have a roof that covers at least 30% of the porch area. | |
| Additional provisions: | | | None |
| B. Garages and Off-Street Parking Areas | | | |
| These standards apply to all residential housing development except for townhomes and Multi-family development.<br>Where one or more garages face a street, all of the following standards apply: | | | Garages should not be a dominant feature of the front residential elevation. Garage doors should be articulated to reduce their visual impact. |
| 1. The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure. | | | |
| 2. The width of all garages on the street-facing elevation shall not exceed 60 percent of the total width of that elevation. The width of the garage shall be measured from the edges of the finished exterior garage wall. | | | |
| 3. Garages that face a street shall contain at least one of the following design features: | | | |
| | a. Garage trellis or pergola extending at least 12 inches from the building face | | |
| | b. Windows on 15 percent of the garage door | | |
| | c. Natural wood finish | | |
| | d. A recess of at least three (3) feet behind the primary dwelling | | |
| | e. Use of multiple materials finish or colors | | |
| Additional provisions: | | | 16.14.020—Additional Townhome Design Standards<br>16.14.030 - Additional Triplex and Quadplex Design Standards |
| C. Windows and Doors | | | |

| | |
|---|---|
| **These standards apply to all residential housing development except for Multi-family development.**<br><br>**A minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way, or common courtyard elevations must include windows or entrance doors. For side building elevations, adjacent to a public right-of-way or public accessway, a minimum of 10 percent of area is required. Percentage calculation can include window trims and shutters. First floor roof elevations are excluded from the calculations. Elevations separated from the street property line by a dwelling are exempt from meeting this standard. For townhomes, this standard applies on each individual unit.** | **Building elevations adjacent to streets, and common courtyards should include ample levels of glazing to ensure articulation on the façade, daylighting of interior spaces and visibility into the public realm.** |
| **Additional provisions:** | **None** |
| **D. Detailed design[1]** | |
| **1. All single detached dwellings, duplexes, triplexes and quadplexes shall incorporate at least five (5) of the following elements on the primary building elevation adjacent to a public right-of-way. At least one element shall be incorporated from each of Subsections a, b and c below. The other two required elements may come from any subsection (a through e) below.**<br><br>**All cottages in a cottage cluster shall incorporate at least three (3) of the following elements on the building elevation(s) facing a public right-of-way and/or common courtyard-facing elevation. At least one element shall be incorporated from each of Subsections a, b and c below.**<br><br>**All townhome units shall incorporate at least two (2) of the following elements on the primary building elevation adjacent to a public right-of-way. At least one element shall be incorporated from two (2) of Subsections a, b and c below.**<br><br>**For corner lots, this standard applies to both street- facing elevations.** | **Primary building elevations adjacent to streets and common courtyards should include pedestrian oriented design elements and other design features that provide articulation, variety, interest and quality.** |
| **a. Porches, entries and other offsets:** | |
| **i. Covered porch at least 36 square feet with a depth not less than six (6) feet as measured perpendicular from the face of** | |

| | | | |
|---|---|---|---|
| | | **the main building façade to the edge of the porch.** | |
| | | **ii. Recessed entry area at least two (2) feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide.** | |
| | | **iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other.** | |
| | | **iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and accessible from an interior room.** | |
| | **b. Roof elements:** | | |
| | | **i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.** | |
| | | **ii. Roof line offsets of at least two (2) feet from the top surface of one roof to the top surface of the other.** | |
| | | **iii. Any roofing materials other than asphalt shingles.** | **[Cont'd.]** |
| | | **iv. Gable roof, hip roof, shed roof, or gambrel roof design.** | |
| | | **v. Dormer that is at least four (4) feet wide.** | |
| | | **vi. Decorative eave braces.** | |
| | **c. Window elements:** | | |
| | | **i. Window trim around all windows at least three (3) inches wide and five-eighths (5/8) inches deep.** | |
| | | **ii. Window recesses, in all windows, of at least three (3) inches as measured horizontally from the face of the building façade.** | |
| | | **iii. Bay window at least one (1) foot deep and three (3) feet wide.** | |
| | | **iv. Shutters on the exterior of ground floor windows.** | |
| | | **v. Window Grids.** | |
| | **d. Garage elements:** | | |
| | | **i. Attached garage width, as measured between the edges of the exterior finished garage wall, of 30 percent or less of the total width of that elevation.** | |

| | | | |
|---|---|---|---|
| | | **ii. A balcony that extends out over the garage and includes columns.** | |
| | | **iii. Two separate doors for two car garages instead of one large door.** | |
| | | **iv. Decorative windows on the garage door.** | |
| | | **v. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail.** | |
| | **e. Building materials:** | | |
| | | **i. Horizontal lap siding between three (3) to eight (8) inches wide (the visible portion once installed).** | |
| | | **ii. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade.** | |
| | | **iii. Vertical board and batting siding three (3) to eight (8) inches wide (the visible portion once installed).** | |
| | | **iv. Belly band trim** | |
| | | **v. Four (4) Paint Color Scheme** | |
| **Additional provisions:** | | | **None** |
| **E. Building Materials** | | | |
| **Prohibited building materials include:**<br>**1. Aluminum**<br>**2. Vinyl**<br>**3. T-111 siding** | | | **Residential buildings should utilize durable and high quality exterior building materials that create a visually appealing façade.** |
| **F. Limitation on parking** | | | |
| **Off-street parking is not allowed within the front yard of a dwelling except within a designated driveway or garage or per the provisions of 16.14.020 and 16.14.030.** | | | **Parking is located in a manner that does not overwhelm the street-facing façade.** |
| **G. House plan variety** | | | |
| **This standard applies to new residential subdivisions and townhome developments only. It does not apply to cottage clusters.** | | | **New residential developments should provide a variety of house styles and means of articulation along the front façade to avoid repetitive facades along a block face.** |
| **1. No two directly adjacent or opposite dwellings in a single dwelling detached development of more than four units may have the same front or street-facing facade. This standard is met when front or street-facing facades differ from one another by at least three of the elements listed in subsections** | | | |

| | | |
|---|---|---|
| **(3) through (8) below. Where facades repeat on the same block face, they must have at least three intervening lots between them that meet this standard.** | | |
| **2. No two directly adjacent or opposite townhome blocks in a development of more than two (2) townhome blocks may have the same front or street-facing façade.** | | |
| | **a. For this standard a townhome block is the entire structure of attached townhome units.** | |
| | **b. This standard does not apply to individual units within the townhome block.** | |
| | **c. This standard is met when front or street-facing facades differ from one townhome block to another by at least three of the elements listed in subsections (3) through (8) below.** | |
| **3. Materials. The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another.** | | |
| **4. Articulation. The plans have different offsets, recesses, or projections; or the front building elevations break in different places. For example, a plan that has a stoop entry (recess) varies from one that has an entry under a front porch (projection). For this standard to apply, a recess must have a minimum depth of four (4) feet and a projection or offset must be at least four (4) feet in depth.** | | **[Cont'd.]** |
| **5. Variation in roof elevation. The plans have different roof forms (e.g., gable versus gambrel or hip), different roof height (by at least 10 percent), different orientation (e.g., front-facing versus side-facing gable), different roof projections (e.g., with and without dormer or shed, or different type of dormer or shed), or different roof pitch by more than 2 feet of vertical rise to 12 feet of horizontal run.** | | |
| **6. Entry or porch. The plans have different configuration or detailing of the front porch or covered entrance.** | | |

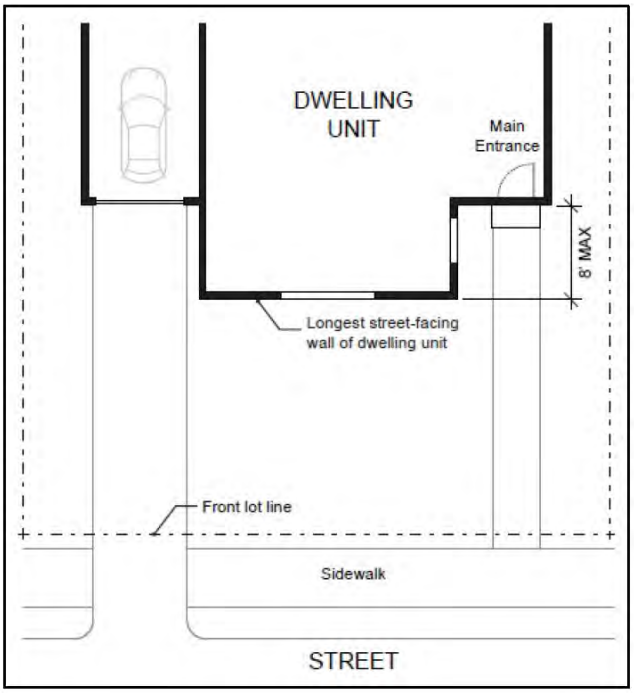
| | |
|---|---|
| **7. Fenestration. The plans have different placement, shape, or orientation of windows or different placement of doors.** | |
| **8. Height. The elevation of the primary roofline (along the axis of the longest roofline) changes by not less than four (4) feet from building to building, or from dwelling unit to dwelling unit, on abutting lots, as applicable. Changes in finished grade of eight (8) feet or more from one lot to the adjacent lot are counted toward change in height for purposes of evaluating facade variation.** | |
| **Additional provisions:** | **16.14.020—Additional Townhome Design Standards**<br>**16.14.030 - Additional Triplex and Quadplex Design Standards** |

**Notes:**

1. **The Detailed Design standards in Subsection D of Table 16.14-1 cannot be adjusted through an Adjustment or Variance per Chapter 18.64. If a Detailed Design standard from Subsection D cannot be met for a development, then the development should utilize another option from the list.**

**D. Illustrations**

**Figure 3. Entry Location and Orientation—Main Entrance**



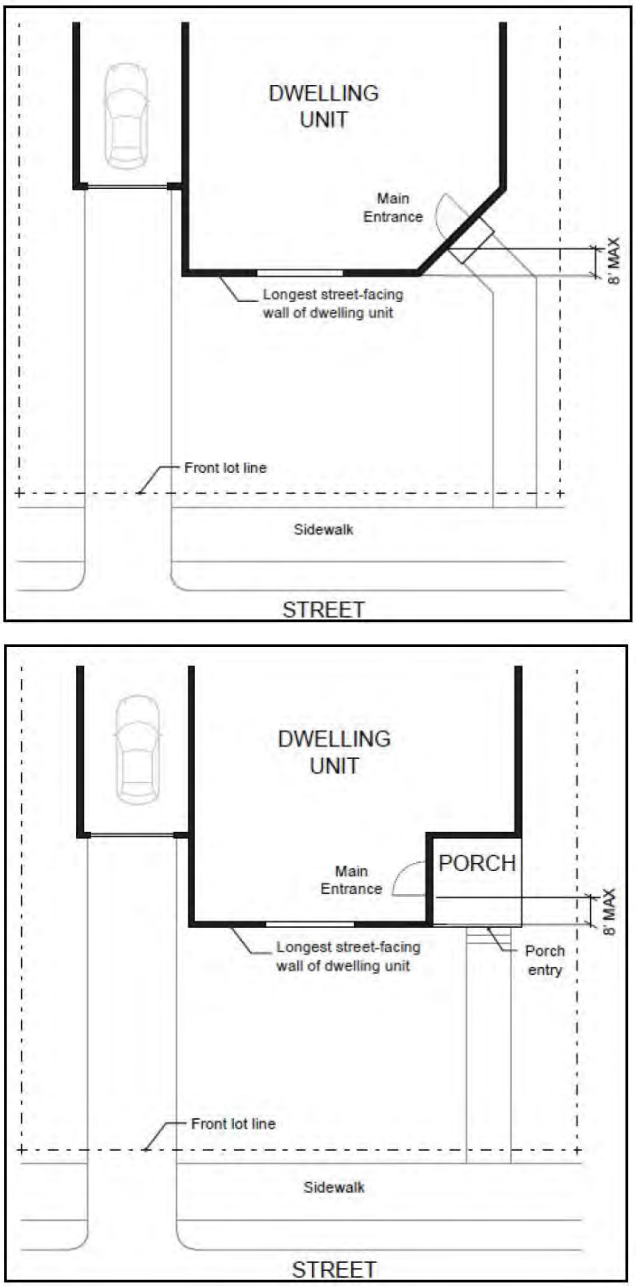



**Figure 6. Window Coverage Calculations**




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

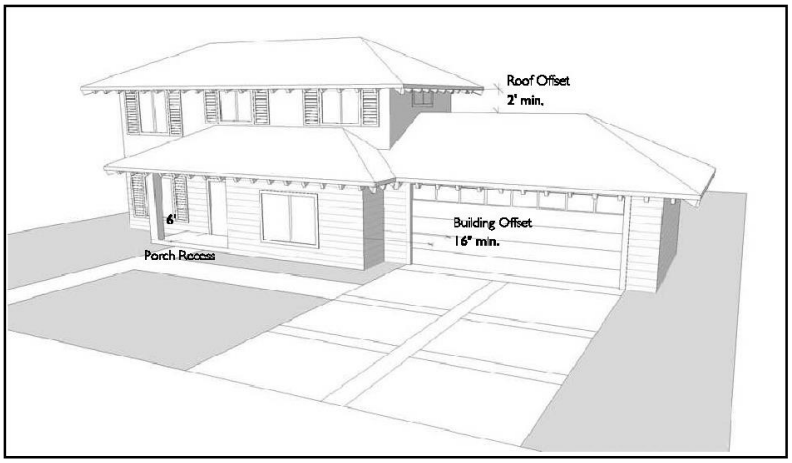
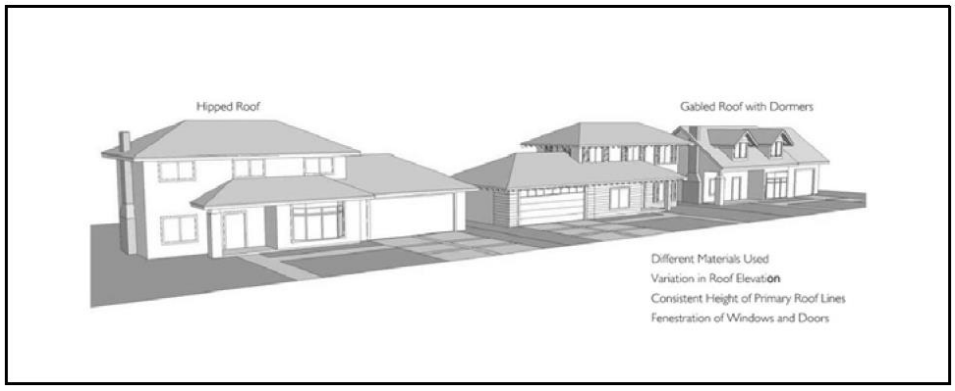



**Figure 9. House Plan Variety—Single Detached**




**ANALYSIS:** The applicant has elected to comply with the Residential Design Standards through the clear and objective Type I process. The applicant will be required to submit

a Residential Design Standard Checklist form with the application for a building permit. A housing variety plan has not been provided.

**FINDING:** These standards are met as conditioned below.

**CONDITION OF APPROVAL E3:** Prior to Issuance of Building Permits, the applicant shall demonstrate compliance with the Residential Design standards in SZCDC § 16.14.010 Table 16.14-1.

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

## Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD)*

### 16.40.010 - Purpose

**A. PUDs integrate buildings, land use, transportation facilities, utility systems and open space through an overall site design on a single parcel of land or multiple properties under one or more ownerships. The PUD process allows creativity and flexibility in site design and review which cannot be achieved through a strict adherence to existing zoning and subdivision standards.**

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

1. **Encourage efficient use of land and resources that can result in savings to the community, consumers and developers.**
2. **Preserve valuable landscape, terrain and other environmental features and amenities as described in the Comprehensive Plan or through site investigations.**
3. **Provide diversified and innovative living, working or neighborhood shopping environments that take into consideration community needs and activity patterns.**
4. **Achieve maximum energy efficiency in land uses.**
5. **Promote innovative, pedestrian-friendly, and human scale design in architecture and/or other site features that enhance the community or natural environment.**

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

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

**16.40.020 - Preliminary Development Plan**

**A. Generally**

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

**ANALYSIS:** The applicant narrative states "In this case, the site is unusually limited in development potential due to the natural features on site such as a small seasonal wetland, the extreme rocky topography, eastern property boundary abutting the Rock Creek natural area, as well as the man-made features, such as the surrounding developments to the north.

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

**FINDING:** This standard is met.

***

**C. Commission Review**

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

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

**ANALYSIS:** Analysis and findings for PUD eligibility are provided above. The property is being developed in accordance with the City's Comprehensive Plan & Zoning Map, which designates the property as VLDR. The historic forest on the property will be

partially restored and a new off-street pedestrian trail system will be provided. The proposal complies conforms to Alternative B/C of the SE Sherwood Master Plan and is eligible for a PUD as described in findings and conditions for SZCDC § 16.12.010(A)(3)(b).

**FINDING:** This criterion is met.

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

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

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

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

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

**FINDING:** This criterion is met per Condition H1.

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

**ANALYSIS:** The applicant's response to this criterion indicates that a 5 ft. reduction is requested to the front yard setback for the house and garage. Pursuant to SZCDC § 16.40.050, no exceptions to lot sizes or setbacks are permitted as part of residential PUDs. The applicant is proposing minimum lot sizes of 10,000 SF which is permitted in

the VLDR-PUD zone if the development conforms to the SE Sherwood Master Plan. The applicant is proposing a PUD design that will provide new public amenities such as a nature trail, benches, gazebo, and interpretive signage. The open space will also be restored to provide forest habitat for wildlife and scenic opportunities for the public.

The applicant is proposing various exceptions to the City's transportation standards which are addressed under SZCDC § 16.106.020(E).

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

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

**ANALYSIS:** The PUD will create two new open space tracts (C & D). The open space tracts will be constructed by the developer and maintained by the future HOA. 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** | Visual Corridor | Applicant / developer | Future HOA |
| **B** | Stormwater facility | Applicant / developer | City of Sherwood |
| **C** | Open space and trail | Applicant / developer | Future HOA |
| **D** | Open space | Applicant / developer | Future HOA |
| **E** | Public access tract | Applicant / developer | Future HOA |

**FINDING:** 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 VLDR zone has a minimum lot size of 40,000 SF and a maximum density of 1.0 units per acre. The VLDR-PUD zone permits a minimum lot size of 10,000 SF and a maximum density of 4.0 units per acre when the development generally conforms to Alternative B/C of the SE Sherwood Master Plan.

The applicant's narrative states that it may not be feasible to develop the site without achieving a higher density than the underlying zone. While permitting the PUD will increase the density on the site, the development will also restore a portion of the historic forest and provide amenities such as walking trails, interpretive signage, seating and a gazebo. The restored habitat will be protected as part of the development.

While the site will be difficult to develop based on existing topography and bedrock conditions, most of the open space and nature trail will not be accessible to all members of the community because of the proposed trail surface and grade in Tract C. By providing additional usable open space that is more accessible to the public, a beneficial effect on the area could be achieved in return for the increased density, meeting the approval criteria above.

Condition of Approval B13 requires Lot 21 to be converted for additional open space to break up the continuous block of housing along SW Curry Ridge Dr. and to provide a flat, accessible open space for additional public benefit.

As the open space is a key improvement of the PUD development that provides an enhanced public benefit that may not otherwise be achieved, the open space is required to be available for general public use.

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

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

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

**FINDING:** This criterion is met as conditioned below.

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

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

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

**ANALYSIS:** The gross site area is 12.40-acres.

**FINDING:** This criterion is met.

**D. Council Action**

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

**E. Effect of Decision**

**Approval of the Preliminary Development Plan shall not constitute final acceptance of the PUD. Approval shall, however, be binding**

**upon the City for the purpose of preparation of the Final Development Plan, and the City may require only such changes in the plan as are necessary for compliance with the terms of preliminary approvals.**

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

**FINDINGS:** These criteria are met as conditioned below.

**CONDITION OF APPROVAL A16:** The Final Plat shall be processed as a Type I administrative decision. The Final Development Plan shall be processed as a Type IV land use decision.

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

**16.40.040 - General Provisions**

**A. Phasing**

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

**2. Any PUD which requires more than twenty four (24) months to complete must be constructed in phases that are substantially complete in themselves and conform to a phasing plan approved as part of the Final Development Plan.**

**B. Failure to Complete**

**1. When substantial construction or development of a PUD, or any approved phase of a PUD, has not taken place within one (1) year from the date of approval of a Final Development Plan, the Commission will determine whether or not the PUD's continuation, in whole or in part, is in the public interest.**

**2. If continuation is found not to be in the public interest, the Commission will recommend to the Council that the PUD be extinguished. The Council, after public hearing, may extend the PUD, extend with conditions, or extinguish the PUD.**

**C. Changes in Approved Plans**

**1. Major Changes**

**Proposed major changes in a Final Development Plan are considered the same as a new application, and are made in accordance with the procedures specified in this Chapter.**

**2. Minor Changes**

**Minor changes in a Final Development Plan may be approved by the Council without further public hearing or Commission review, provided that such changes do not increase densities, change boundaries or uses, or change the location or amount of land devoted to specific uses.**

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

**FINDING:** This criterion is met.

**D. Multiple Zone Density Calculation**

**When a proposed PUD includes multiple zones, the density may be calculated based on the total permitted density for the entire project and clustered in one or more portions of the project, provided that the project demonstrates compatibility with the adjacent and nearby**

**neighborhood(s) in terms of location of uses, building height, design and access.**

**ANALYSIS:** A density zone transfer is not proposed.

**FINDING:** This criterion is met.

**16.40.050 - Residential PUD**

**A. Permitted Uses**

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

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

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

**FINDING:** This criterion is met.

**B. Conditional Uses**

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

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

**FINDING:** This criterion does not apply.

**C. Development Standards**

1. **Density**

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

2. **Density Transfer**

   **Where the proposed PUD site includes lands within the base floodplain, wetlands and buffers, or steeply sloped areas which are proposed for public dedication, and such dedication is approved as a part of the preliminary development plan,**

**then a density transfer may be allowed adding a maximum of 20% to the overall density of the land to be developed**

**3. Minimum Lot Size and Setbacks**

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

**a) Where there are multiple zones within a single PUD, lot sizes and setbacks shall meet the following:**

**1) Lots on the perimeter boundary of the PUD shall be consistent with the underlying zone.**

**2) All remaining lots, not on the perimeter boundary of the PUD, may utilize the provision of average lot size of the underlying zones.**

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

**FINDING:** These criteria are met.

**16.58.010 Clear Vision Areas**

**A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.**

**B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.**

**C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.**

**The following requirements shall govern clear vision areas:**

**1. In all zones, the minimum distance shall be twenty (20) feet.**

**2. In all zones, the minimum distance from corner curb to any driveway shall be twenty-five (25) feet.**

**3. Where no setbacks are required, buildings may be constructed within the clear vision area.**

**ANALYSIS:** The plans submitted by the applicant do not show clear vision areas as required by this section. Clear vision areas are required on the corners of each intersection in the subdivision. Trees appear to be located in the vision clearance triangle within open space Tract D. Trees within the vision clearance triangles are required to be pruned to a height of 7 ft. above the sidewalk and 10 ft. above the street.

**FINDING:** These standards are met as conditioned below.

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

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

**Chapter 16.120 - SUBDIVISIONS**
**16.120.010 - Purpose**
**Subdivision regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.**

**16.120.020 - General Subdivision Provisions**

**A. Approval of a subdivision occurs through a two-step process: the preliminary plat and the final plat.**

**1. The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and**

**2. The final plat shall reflect all conditions of approval of the preliminary plat.**

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

**FINDING:** This criterion will be met.

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

**E. Lot averaging**
**Lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district subject to the following regulations:**
1. **The average lot area for all lots is not less than allowed by the underlying zoning district.**
2. **No lot created under this provision shall be less than 90 % of the minimum lot size allowed in the underlying zoning district.**
3. **The maximum lot size cannot be greater than 10 % of the minimum lot size.**

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

**FINDING:** This standard does not apply.

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met as conditioned below.

**CONDITION OF APPROVAL A8:** No property created by the subdivision approval shall be disposed of, transferred, or sold 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 32-lot subdivision is being processed concurrently with the Type V PUD approval request with the City Council as the Hearing Authority.

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

**B. Phased Development**

**1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat.**

**2. The criteria for approving a phased subdivision review proposal are:**

**a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;**

**b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:**

**(1) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and**

**(2) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.**

**3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.**

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

**FINDING:** This criterion does not apply.

**16.120.040 - Approval Criteria: Preliminary Plat**
**No preliminary plat shall be approved unless:**

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

**ANALYSIS:** The proposed street system will conform to the adjacent Denali developments and complete the local transportation system within the SE Sherwood Master Plan area. The proposed right-of-way width is 52 ft., which is below the new 60 ft. local street standards adopted by the City in Spring 2022. Utilizing the new standard is not recommended as the right-of-way width will change between developments and may lead to safety issues and poor aesthetic. In order to match the existing right-of-way width and design, the applicant has requested a Transportation Facility Modification pursuant to SZCDC § 16.106.020(E).

**FINDING:** This criterion is met.

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

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

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

**FINDING:** This criterion is met as conditioned below.

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

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

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion does not apply.

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

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

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

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

**16.120.050 - Final Subdivision Plat**

**A. Procedure**

**1. Unless otherwise noted below, final subdivision approval includes meeting all conditions from the land use approval, review and approval by County, and the signature of the City's designee on the mylar.**

**2. The subdivider shall submit the final plat, and all supplementary information required by the Planning Department or pursuant to this Code.**

**3. Upon approval of the final plat drawing, the applicant may submit the mylar for final signature.**

**4. All requirements for signature of the mylar shall be completed within two (2) years of approval of the final plat.**

**B. Extensions**

**If the final plat is not approved within two (2) years, the preliminary plat approval shall expire and a new plat must be submitted. However, the City may, upon written request by the applicant, grant a single extension up to one (1) year upon a written finding that the**

**facts upon which approval was based have not changed to an extent sufficient to warrant 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**

*******

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

**FINDINGS:** These criteria are met as conditioned below.

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

**16.120.060 - Improvement Agreement**

**A. Subdivision Agreement**

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

**B. Performance Security**

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

**16.120.070 - Bond**

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

**1. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated or cash.**

2. **Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.**
3. **Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.**
4. **When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit for reimbursement.**
5. **Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.**

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

**FINDINGS:** These criteria are met.

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

**FINDING:** This standard is met.

**2. Block Length**

**Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.**

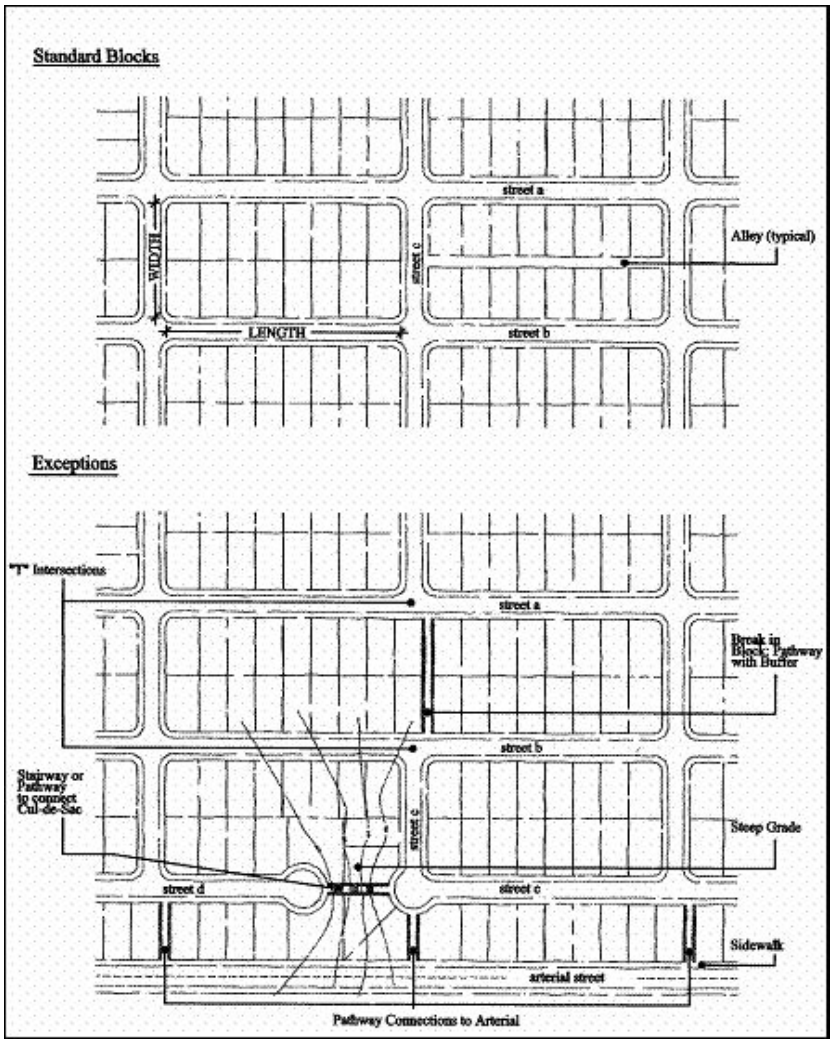
**ANALYSIS:** The partial block created as part of the adjoining Denali developments will be continued and completed through the subject site. When completed, the block will exceed 530 ft. per the standard above. As part of the Denali Summit PUD approval, the applicant received an exception to the block length standard.

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

**FINDING:** This standard is met.

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

**Figure 7.401 — Block Connectivity**




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

**FINDING:** This standard is met.

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

**ANALYSIS:** The development proposal will require an extension of public main line utilities throughout the site including sanitary sewer, storm sewer, water, and franchise utilities. The applicant has provided a Preliminary Utility Plan (Exhibit A17 – Sheet 13)

that shows public utilities will be located within the new public streets. An 8 ft. wide Public Utility Easement is also provided along the frontage of each lot.

**FINDING:** This standard is met.

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

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

**FINDING:** This standard is met.

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

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

**FINDING:** This standard is met.

**16.128.030 - Lots**

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

**ANALYSIS:** The Preliminary Plat shows the proposed lot size, width, shape, and orientation. Grading of the site will provide new public infrastructure and prepare each

lot for a new single-family residence. The proposed lot sizes and shapes are appropriate for the topography of the area.

**FINDING:** This criterion is met.

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

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

**FINDING:** This standard does not apply.

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

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

**FINDING:** This standard is met.

**C. Double Frontage**
**Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.**

**ANALYSIS:** No double frontage lots are proposed.

**FINDING:** This standard is met.

**D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.**

**ANALYSIS:** As shown in the Preliminary Plat (Exhibit A1 – Sheet 4) side lot lines run at right. Where curves exist in the street, the side lot lines are radial to the curve of the street as 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 subdivision. Landscaping standards related to subdivisions (e.g. open space landscaping) are addressed below.

**FINDING:** This criterion is met.

**16.92.020 Landscaping Materials**

**A. Type of Landscaping**

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

1. **Ground Cover Plants**
   a. **All of the landscape that is not planted with trees and shrubs must be planted in ground cover plants, which**

**may include grasses. Mulch is not a substitute for ground cover, but is allowed in addition to the ground cover plants.**

**b. Ground cover plants other than grasses must be at least the four-inch pot size and spaced at distances appropriate for the plant species. Ground cover plants must be planted at a density that will cover the entire area within three (3) years from the time of planting.**

**2. Shrubs**

**a. All shrubs must be of sufficient size and number to be at full growth within three (3) years of planting.**

**b. Shrubs must be at least the one-gallon container size at the time of planting.**

**3. Trees**

**a. Trees at the time of planting must be fully branched and must be a minimum of two (2) caliper inches and at least six (6) feet in height.**

**b. Existing trees may be used to meet the standards of this chapter, as described in Section 16.92.020.C.2.**

**B. Plant Material Selection and Preparation**

**1. Required landscaping materials shall be established and maintained in a healthy condition and of a size sufficient to meet the intent of the approved landscaping plan. Specifications shall be submitted showing that adequate preparation of the topsoil and subsoil will be undertaken.**

**2. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection of the plants should include consideration of soil type, and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.**

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

**FINDING:** These standards are met as conditioned below.

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

***

**16.92.030 Site Area Landscaping and Perimeter Screening Standards**

**D. Visual Corridors**

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

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

**FINDING:** This criterion is met.

**16.92.040 Installation and Maintenance Standards**

**A. Installation**

**All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Clean Water Services storm water management requirements. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.**

**B. Maintenance and Mitigation of Landscaped Areas**

**1. Maintenance of existing non-invasive native vegetation is encouraged within a development and required for portions of the property not being developed.**

**2. All landscaping shall be maintained in a manner consistent with the intent of the approved landscaping plan.**

**3. Any required landscaping trees removed must be replanted consistent with the approved landscaping plan and comply with § 16.142, (Parks, Trees and Open Space).**

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

**FINDING:** These standards are met as conditioned below.

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

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

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

**C. Irrigation**

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

1. **Option 1: A permanent built-in irrigation system with an automatic controller installed.**
2. **Option 2: An irrigation system designed and certified by a licensed landscape architect or other qualified professional as part of the landscape plan, which provides sufficient water to ensure that the plants become established. The system does not have to be permanent if the plants chosen can survive independently once established.**
3. **Option 3: Irrigation by hand. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.**

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

**FINDING:** This standard is met as conditioned below.

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

**Chapter 16.94 OFF-STREET PARKING AND LOADING**

**16.94.010 General Requirements**

**E. Location**

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

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

**FINDING:** These standards are met.

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**16.94.020 Off-Street Parking Standards**

**A. Generally**

**Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses.**

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

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

**[3] If the street on which the house has direct access does not permit on-street parking or is less than twenty-eight (28) feet wide, two (2) off-street parking spaces are required per single-family residential unit. (includes single-family detached or attached, two-family**

**dwelling or a manufactured home on an individual lot) If the abutting street is twenty-eight (28) feet or wider, one (1) standard (9 ft. × 20 ft.) parking space is required.**

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

**FINDING:** This standard is met as conditioned below.

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

***

**Chapter 16.96 - ONSITE CIRCULATION**
**16.96.020 Minimum - Residential standards**
**Minimum standards for private, on-site circulation improvements in residential developments:**

**A. Driveways**

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

**ANALYSIS:** Each lot will include a private driveway.

**FINDING:** This standard is met as conditioned below.

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

**Chapter 16.142 Parks, Trees and Open Space**

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

**16.142.030 - Single-Family or Duplex Residential Subdivisions**

**A. A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. The following may not be used to calculate open space:**

**1. Required yards or setbacks.**

**2. Required visual corridors.**

**3. Required sensitive areas and buffers.**

**4. Any area required to meet a standard found elsewhere in this code.**

**ANALYSIS:** The application includes PUD approval and the development is required to meet the 15% open space requirement of SZCDC § 16.40.020(C)(2). The applicant is proposing 20.65% open space.

The open space will be usable and include walking trails, seating, a gazebo, and interpretive signage. The applicant has been conditioned to provide these open space amenities prior to occupancy.

**FINDING:** This criterion is met.

**B. Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.**

**1. Example: if a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement.**

**ANALYSIS:** Enhanced streetscapes are not proposed.

**FINDING:** This standard does not apply.

**C. The open space shall be conveyed in accordance with one of the following methods:**

**1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager's**

**designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;**

**2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.**

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

**FINDING:** This standard is met as conditioned below.

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

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

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

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

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

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

**FINDING:** This criterion is met.

**E. If a proposed residential subdivision contains or is adjacent to a site identified as "parks" on the Acquisition Map of the Parks Master Plan (2006) or has been identified for acquisition by the Sherwood Parks**

**and Recreation Board, establishment of open space shall occur in the designated areas if the subdivision contains the park site, or immediately adjacent to the parks site if the subdivision is adjacent to it.**

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

**FINDING:** This criterion is met.

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

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

**FINDING:** This criterion is met.

**G. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.**

**ANALYSIS:** A residential partition is not proposed.

**FINDING:** This standard does not apply.

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

**ANALYSIS:** The value of open space provided is eligible for Park SDC credits based on the methodology in the most current Parks and Recreation System Development Charges Methodology Report and as determined by the City Engineer.

**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 frontage along SW Murdock Road, identified as an arterial in the City's Transportation System Plan (TSP). A 15 ft. wide visual corridor is required along the length of SW Murdock Rd. The applicant is proposing a 15 ft. wide visual corridor to be located in Tract A.

**FINDING:** This criterion is met as conditioned below.

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

***

**16.142.050 - Park Reservation**

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

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

**FINDING:** This criterion is met.

**16.142.060: STREET TREES**

**A. Installation of Street Trees on New or Redeveloped Property. Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.**

**1. Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.**

**2. Size: Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.**

**3. Types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.**

**4. Required Street Trees and Spacing:**

**a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.**

**b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type**

**of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.**

**c. A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:**

**(1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or**

**(2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and**

**(3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.**

**(4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.**

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

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

**FINDING:** These standards are met as conditioned below.

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

**16.142.070 Trees on Property Subject to Certain Land Use Applications**

**A. Generally**

**The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands**

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

**B. Applicability**

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

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

**FINDING:** This criterion is met.

**C. Inventory**

**1. To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a tree and woodland inventory and report. The report shall be prepared by a qualified professional and must contain the following information:**

**a. Tree size (in DBH and canopy area)**

**b. Tree species**

**c. The condition of the tree with notes as applicable explaining the assessment**

**d. The location of the tree on the site**

**e. The location of the tree relative to the planned improvements**

**f. Assessment of whether the tree must be removed to accommodate the development**

**g. Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.**

**2. In addition to the general requirements of this Section, the tree and woodland inventory's mapping and report shall also include, but is not limited to, the specific information outlined in the appropriate land use application materials packet.**

**3. Definitions for the inventory purposes of this Section**

**a. A tree is a living woody plant having a trunk diameter as specified below at Diameter at Breast Height (DBH). Trees planted for commercial agricultural purposes, and/or those subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition and from regulation under this Section, as are any living woody plants under six (6) inches at DBH. All trees six (6) inches or greater shall be inventoried.**

**b. A woodland is a biological community dominated by trees covering a land area of 20,000 square feet or greater at a density of at least fifty (50) trees per every 20,000 square feet with at least fifty percent (50%) of those trees of any species having a six (6) inches or greater at DBH. Woodlands planted for commercial agricultural purposes and/or subject to farm forest deferral, such as nut and fruit orchards and Christmas tree farms, are excluded from this definition, and from regulation under this Section.**

**c. A large stature tree is over 20 feet tall and wide with a minimum trunk diameter of 30 inches at DBH.**

**FINDING:** The applicant has submitted a Tree Protection and Removal Plan (Exhibit A17 – Sheet 03) that shows existing trees on the site and the proposal for preservation or removal. All of the trees are proposed for removal based on the limited supply of mature healthy trees and the need to remove invasive understory and grade the property. The applicant is proposing to restore a portion of the historic forest based on a detailed plan created by Ash Creek Forest Management. The applicant has previously obtained approval to remove 20 of the existing 70 trees in order to grade the site in preparation of development and for the upcoming Street of Dreams event.

**FINDING:** These criteria are met.

**D. Retention requirements**

**1. Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.**

**FINDING:** The applicant is proposing to remove all on-site trees to accommodate grading of the site. In order to provide a gravity flow sewer system, site fill is located at the east end of the property. The open space will be located behind the building pads and will include a slope area and retaining wall. Trees within this area are required to be

removed based on the proposed site layout and fill required at the east end of the site. The applicant is proposing to plant 250 Incense Cedars, 40 Oregon White Oaks, 25 Ponderosa Pines, and 10 Big Leaf Maples in order to restore the forest. Street trees and other open space plantings will also be provided. The tree canopy exceeds 70% of the site and meets standard D2 below.

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

**FINDING:** This standard is met.

**2. Required Tree Canopy - Residential Developments (Single Family Attached, Single Family Detached and Two - Family) Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation $\pi r^2$ 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** |

| Residential (single family & two family developments) | |
|---|---|
| **Landscaping requirements included in canopy requirement** | **N/A** |
| **Existing trees onsite** | **Yes x2** |
| **Planting new trees onsite** | **Yes** |

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

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

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

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

**FINDING:** This standard is met.

**4. The City may determine that, regardless of D.1 through D.3, that certain trees or woodlands may be required to be retained. The basis for such a decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical both within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, and are:**

**a. Within a Significant Natural Area, 100-year floodplain, City greenway, jurisdictional wetland or other existing or future public park or natural area designated by the City Comprehensive Plan, or**

**b. A landscape or natural feature as per applicable policies of the City Comprehensive Plan, or are necessary to keep other identified trees or woodlands on or near the**

**site from being damaged or destroyed due to windfall, erosion, disease or other natural processes, or**

**c. Necessary for soil stability and the control of erosion, for managing and preserving surface or groundwater quantities or quality, or for the maintenance of a natural drainageway, as per Clean Water Services stormwater management plans and standards of the City Comprehensive Plan, or**

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

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

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

**FINDING:** These criteria are met.

***

**Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS***

**16.144.010 - Generally**

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

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

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

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

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

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

*******

**16.144.020 – Standards (Wetlands)**

**A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:**

**1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.**

**a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.**

**b. Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.**

**c. A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.**

**2. If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.**

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

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

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

**FINDING:** This standard is met as conditioned below.

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

**B. The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:**

**1. The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).**

**2. The facility will comply with applicable requirements of the zone.**

**3. The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed**

**areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.**

4. **The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.**
5. **Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 16.140.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.**

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

**FINDING:** These standards are met.

**C. When the Regionally Significant Fish and Wildlife Habitat map indicates there are resources on the site or within 50 feet of the site, the applicant shall provide plans that show the location of resources on the property. If resources are determined to be located on the property, the plans shall show the value of environmentally sensitive areas using the methodologies described in Sections 1 and 2 below. The Metro Regionally Significant Fish and Wildlife Habitat map shall be the basis for determining the location and value of environmentally sensitive habitat areas. In order to specify the exact locations on site, the following methodology shall be used to determine the appropriate boundaries and habitat values:**

**2. Verifying boundaries of inventoried upland habitat. Upland habitat was identified based on the existence of contiguous patches of forest canopy, with limited canopy openings. The "forest canopy" designation is made based on analysis of aerial photographs, as part of determining the vegetative cover status of land within the region. Upland habitat shall be as identified on the HCA map. The perimeter of an area delineated as "forest canopy" on the Metro Vegetative Cover map may be adjusted to more precisely indicate the drip line of the trees within the canopied area.**

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

**FINDING:** This standard is met.

**Chapter 16.106 - TRANSPORTATION FACILITIES**
**16.106.010 - Generally**

**A. Creation**

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

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

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Arterial** | **60-102'** | **2-5** | **12'** | **Limited** | **6 feet** | **6-8'** | **5'** | **14' if required** |

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

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

**FINDING:** These criteria are met.

**B. Street Naming**

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

**C. Street Name Standards**

1. **All streets named or renamed shall comply with the following criteria:**
   a. **Major streets and highways shall maintain a common name or number for the entire alignment.**
   b. **Whenever practicable, names as specified in this Section shall be utilized or retained.**
   c. **Hyphenated or exceptionally long names shall be avoided.**
   d. **Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.**

**e. Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.**

**2. The following classifications (suffixes) shall be utilized in the assignment of all street names:**

**a. Boulevards: North/south arterials providing through traffic movement across the community.**

**b. Roads: East/west arterials providing through traffic movement across the community.**

**c. Avenues: Continuous, north/south collectors or extensions thereof.**

**d. Streets: Continuous, east-west collectors or extensions thereof.**

**e. Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.**

**f. Lanes: Short east/west local streets under 1,000 feet in length.**

**g. Terraces: short north/south local streets under 1,000 feet in length.**

**h. Court: All east/west cul-de-sacs.**

**i. Place: All north/south cul-de-sacs.**

**j. Ways: All looped local streets (exceeding 180 degrees).**

**k. Parkway: A broad landscaped collector or arterial.**

**3. Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.**

**4. All proposed street names shall be approved, prior to use, by the City.**

**D. Preferred Street Names**

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

**1. Original holders of Donation Land Claims in Sherwood.**

**2. Early homesteaders or settlers of Sherwood.**

**3. Heirs of original settlers or long-time (50 or more years) residents of Sherwood.**

**4. Explorers of or having to do with Sherwood.**

**5. Indian tribes of Washington County.**

**6. Early leaders and pioneers of eminence.**

**7. Names related to Sherwood's flora and fauna.**

**8. Names associated with the Robin Hood legend.**

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

**FINDING:** These criteria are met.

**16.106.020 - Required Improvements**

**A. Generally**

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

**B. Existing Streets**

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

**C. Proposed Streets**

**1. Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.**

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

**D. Extent of Improvements**

**1. Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.**

**2. If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in**

**lieu of street improvements if one or more of the following conditions exist, as determined by the City:**

**a. A partial improvement is not feasible due to the inability to achieve proper design standards;**

**b. A partial improvement may create a potential safety hazard to motorists or pedestrians.**

**c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;**

**d. The improvement would be in conflict with an adopted capital improvement plan;**

**e. The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or**

**f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.**

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

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

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

Since the developer will be constructing improvements within the SW Murdock Road/SW Upper Roy intersection, it will be required to reconstruct the existing sidewalk ramps on the west side of the intersection. A marked crosswalk across the intersection

will also be required with a rapid flashing beacon at the new pedestrian crossing. City transportation SDC credits and Washington County TDT credits in compliance with their regulations are available.

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

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

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

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

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

**FINDING:** These criteria are met as conditioned below.

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

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

**CONDITION OF APPROVAL C4:** Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new sidewalk ramps on the western side of the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation

SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations.

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

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

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

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

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

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

**E. Transportation Facilities Modifications**

**1. A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.**

2. **A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8 in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:**
   a. **Reduced sight distances.**
   b. **Vertical alignment.**
   c. **Horizontal alignment.**
   d. **Geometric design (length, width, bulb radius, etc.).**
   e. **Design speed.**
   f. **Crossroads.**
   g. **Access policy.**
   h. **A proposed alternative design which provides a plan superior to these standards.**
   i. **Low impact development.**
   j. **Access Management Plans**
3. **Modification Procedure**
   a. **A modification shall be proposed with the application for land use approval.**
   b. **A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.**
   c. **When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.**
4. **Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:**
   a. **Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.**
   b. **Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.**

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

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

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

(a) The proposed modifications will enable development of the site at the density envisioned in the SE Sherwood Master Plan and will extend local streets as identified in Figure 18 Local Street Connectivity Map of the City's Transportation System Plan. SW Curry Ridge Dr. will create a new intersection with SW Murdock Rd., completing the block and allowing vehicle and pedestrian circulation through the "Denali" developments.

(b) The site faces an unusual hardship that warrants a modification to the underlying standards based on the physical conditions of the site and existing construction surrounding the site. The site has varying topography and hard subsurface bedrock that increase costs of providing new streets and public utilities. The reduced design speed is related to the curve of SW Curry Ridge Dr. at the northeast end of the site. This curve will allow buildable lots to be created on both sides of the street and allow the site to meet the density of the SE Sherwood Master Plan. The reduced width of 52 ft. will allow the local streets to match the existing street widths, avoiding a narrowing street within the existing block and alleviating a potential safety concern. The proposed cul-de-sac length for SW Byers Lake Terrace will exceed 200 ft. and is proposed based on existing construction. The land to the north is developed with single-family uses and cannot be extended to create a through street.

**FINDING:** This criterion is met.

*******

**16.106.030 - Location**

**A. Generally**

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

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

**FINDING:** This criterion is met.

**B. Street Connectivity and Future Street Systems**

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

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

**FINDING:** This criterion is met.

**2. Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.**

**a. A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the decision-maker.**

**b. Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.**

**c. Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width**

**street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.**

**d. Driveways that are more than 24 feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.**

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

**FINDING:** This criterion is met.

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

**ANALYSIS:** An exception to the block length standard was approved as part of the Denali Summit subdivision (LU 2020-013 SUB / PUD). The proposed street system will complete this block by connecting SW Curry Ridge Dr. to SW Byers Lake Terrace and SW Murdock Rd. The block length is broken up by public access easements within open space and the private streets in Denali Summit. A convenient transportation system has been created within the Denali developments as shown in Exhibit C2.

**FINDING:** This criterion is met.

**4. Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.**

**ANALYSIS:** This project does not involve a street crossing of water features identified in Title 3 of the UGMFP.

**FINDING:** This standard does not apply.

5. **Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.**

**ANALYSIS:** This project does not involve a street crossing of water features identified in Title 3 of the UGMFP.

**FINDING:** This standard does not apply.

6. **Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right- of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted TSP.**

**ANALYSIS:** A full street connection cannot be created for the SW Byers Lake Terrace cul-de-sac. A 15 ft. wide pedestrian and bike easement has been proposed within Tract E to break up this block length. A 5 ft. wide sidewalk with landscaping on each side is proposed, as shown in A12.

**FINDING:** This standard is met.

7. **Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:**
   a. **Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.**
   b. **Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or**
   c. **Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.**

**ANALYSIS:** Public access easements have been provided within the subject development to break up block lengths where feasible based on existing conditions. A new public access easement cannot be provided to the north as the property has already been developed at densities consistent with the underlying zoning.

**FINDING:** This criterion is met.

**C. Underground Utilities**
**All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

**ANALYSIS:** Public and private utilities are proposed to be located underground with the construction of streets and accessways through the site.

**FINDING:** This standard is met.

**D. Additional Setbacks**
**Generally additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.**

| | Classification | Additional Setback |
|---|---|---|
| 1. | Principle Arterial (99W) | 61 feet |
| 2. | Arterial | 37 feet |
| 3. | Collector | 32 feet |
| 4. | Neighborhood Route | 32 feet |
| 5. | Local | 26 feet |

**ANALYSIS:** The applicant is required to dedicate street right-of-way to meet current standards for SW Murdock Rd. An exception to the standard is requested for local streets. Development of the site represents full build out based on the underlying zoning and additional setbacks are not required.

**FINDING:** This standard is met.

**16.106.040 - Design**
**Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood's Engineering Design Manual.**

**A. Reserve Strips**
**Reserve strips or street plugs controlling access or extensions to streets are not allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the appropriate jurisdiction that maintains the street.**

**ANALYSIS:** No reserve strips or street plugs are proposed.

**FINDING:** This standard does not apply.

**B. Alignment**
**All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet are not allowed.**

**ANALYSIS:** No new T intersections are proposed.

**FINDING:** This standard is met.

**C. Future Extension**
**Where necessary to access or permit future subdivision or development of adjoining land, streets must extend to the boundary of the proposed development and provide the required roadway width. Dead-end streets less than 100' in length must comply with the Engineering Design Manual.**
**A durable sign must be installed at the applicant's expense. The sign is required to notify the public of the intent to construct future streets. The sign must read as follows: "This road will be extended with future development. For more information contact the City of Sherwood Engineering Department."**

**ANALYSIS:** No future extension of public streets is required.

**FINDING:** This standard is met.

**D. Intersection Angles**
**Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In all cases, the applicant shall comply with the Engineering Design Manual.**

**ANALYSIS:** All new intersections are proposed at 90 degrees. Final design meeting this standard will be reviewed and approved with the public improvement plans.

**FINDING:** This standard is met.

**E. Cul-de-sacs**

1. **All cul-de-sacs shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation. A cul-de-sac shall not be more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.**
2. **All cul-de-sacs shall terminate with a turnaround in accordance with the specifications in the Engineering Design Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.**
3. **Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where a cul-de-sac or dead-end street is planned, to connect the ends of the streets together, connect to other streets, or connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP, the Engineering Design Manual or other provisions identified in this Code for the preservation of trees.**

**ANALYSIS:** A new cul-de-sac will be created in excess of 200 ft. A 15 ft. wide public access easement is proposed to connect the cul-de-sac to SW Murdock Rd. An easement cannot be provided to the property to the north as the property is already developed.

**FINDING:** This standard is met.

**F. Grades and Curves**
**Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual.**

**ANALYSIS:** All street grades within the development have been designed in accordance with the applicable City standards with the exceptions described in this report and included in the exhibits. The City's engineering department will review the grades and curves of the site during the approval of the final engineering plans.

**FINDING:** This standard will be met.

**G. Streets Adjacent to Railroads**
**Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.**

**ANALYSIS:** No streets associated with the development are adjacent to a railroad.

**FINDING:** This standard does not apply.

**H. Buffering of Major Streets**
**Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties must be provided, through and local traffic be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.040, and all applicable access provisions of Chapter 16.96, are to be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.**

**ANALYSIS:** The development site has frontage on SW Murdock Rd., an arterial street. A 15 ft. wide visual corridor will be provided in Tract A to separate the road from the residential development..

**FINDING:** This standard is met.

**I. Median Islands**

**As illustrated in the adopted Transportation System Plan, Chapter 8, median islands may be required on arterial or collector streets for the purpose of controlling access, providing pedestrian safety or for aesthetic purposes.**

**ANALYSIS:** No new arterial or collector streets will be created.

**FINDING:** This standard does not apply.

**J. Transit Facilities**

**Development along an existing or proposed transit route, as illustrated in Figure 7-2 in the TSP, is required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:**

1. **Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.**
2. **Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.**
3. **Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).**
4. **Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.**
5. **Provide lighting at a transit stop (if not already existing to transit agency standards).**

**ANALYSIS:** The proposed development is not located along an existing or proposed transit route.

**FINDING:** This standard does not apply.

**K. Traffic Controls**

1. **Pursuant to Section 16.106.080, or as otherwise required by the City Engineer, an application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.**
2. **For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT, or as otherwise required by the City Engineer, the application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.**

**ANALYSIS:** The City of Sherwood Engineering Department has reviewed the proposal and determined that a Traffic Impact Analysis (TIA) is not required. At build-out the development will create 32 new residential homes. The applicant is proposing to complete transportation improvements that will result in a safe and convenient circulation system for vehicles and pedestrians. Pedestrian trips are anticipated between the proposed development and the existing neighborhood to the west, across SW Murdock Rd. The applicant has been conditioned to provide a new crosswalk and flashing beacon at the SW Curry Ridge Rd. / SW Murdock Rd. intersection for pedestrians crossing Murdock Rd. Stop signs are also required at all intersections. No new signals are required.

**FINDING:** This standard is met.

**L. Traffic Calming**

**1. The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:**

**a. Curb extensions (bulb-outs).**

**b. Traffic diverters/circles.**

**c. Alternative paving and painting patterns.**

**d. Raised crosswalks, speed humps, and pedestrian refuges.**

**e. Other methods demonstrated as effective through peer reviewed Engineering studies.**

**2. With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.**

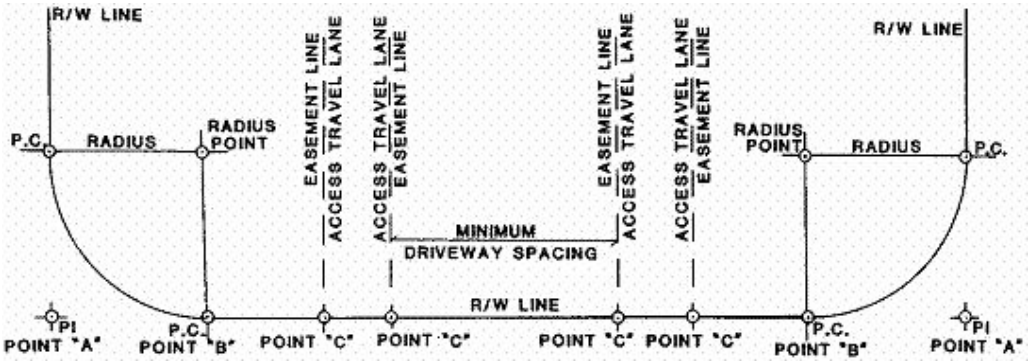
**ANALYSIS:** The applicant has been conditioned to provide a new crosswalk and flashing beacon for pedestrians to safely cross SW Murdock Rd.

**FINDING:** This standard is met.

**M. Vehicular Access Management**

**All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the Engineering Design Manual.**

1. **Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.**
   a. **Minimum right-of-way radius at intersections shall conform to City standards.**
   b. **All minimum distances stated in the following sections shall be governed by sight distance requirements according to the Engineering Design Manual.**
   c. **All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.**
   d. **All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.**
   e. **Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:**




2. **Roadway Access**

   **No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.**

   a. **Local Streets**

      **Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with**

**AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.**
**Where joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one- hundred (100) feet of any present Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.**

**3. Exceptions to Access Criteria for City-Owned Streets**

**a. Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is submitted to and approved by the City Engineer as the access management plan must be included as part of the land use submittal or an application for modification as described in § 16.106.020 E. (Transportation Facilities Modifications).**

**b. Access in the Old Town (OT) Overlay Zone**
**Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.**

**ANALYSIS:** The proposed street system meets the access spacing standard above, or has previously obtained a design modification for an exception to the standards.

**FINDING:** These criteria are met.

**N. Private Streets**

**1. The construction of a private street serving a single-family residential development is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).**

2. **Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan.**

3. **A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.**

4. **A private street shall also be signed differently from public streets and include the words "Private Street".**

**ANALYSIS:** No new private streets are proposed.

**FINDING:** These criteria are met.

**16.106.060 - Sidewalks**

**A. Required Improvements**

1. **Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.**
2. **For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.**
3. **In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the City Manager or designee.**

**ANALYSIS:** As shown on the submitted plan set, sidewalks meeting city local street standards will be provided along new public streets.

**FINDING**: This standard is met.

**B. Design Standards**

1. **Arterial and Collector Streets**
   **Arterial and collector streets shall have minimum six (6) or eight (8) foot wide sidewalks/multi-use paths, located as required by this Code. Residential areas shall have a minimum of a six (6) foot wide sidewalk and commercial industrial areas shall have a minimum of an eight (8) foot wide sidewalk.**
2. **Local Streets**

**Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.**

**3. Handicapped Ramps**
**Sidewalk handicapped ramps shall be provided at all intersections.**

**ANALYSIS:** The new local streets will provide a 6 ft. wide sidewalk.

**FINDING:** These criteria are met.

**C. Pedestrian and Bicycle Paths**
**Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.**

**ANALYSIS:** 15 ft. wide public access easements have been proposed within Tracts C and E to break up block lengths.

**FINDING:** This standard is met.

**16.106.070 - Bike Lanes**
**If shown in Figure 13 of the Transportation System Plan, bicycle lanes shall be installed in public rights-of-way, in accordance with City specifications. Bike lanes shall be installed on both sides of designated roads, should be separated from the road by a twelve-inch stripe or other means approved by Engineering Staff, and should be a minimum of five (5) feet wide.**

**ANALYSIS:** The new public streets created as part of the subdivision will meet the standards for a standard residential street. No bike lanes are required.

**FINDING:** This standard is met.

**16.106.080 - Traffic Impact Analysis (TIA)**

**A. Purpose**
**The purpose of this section is to implement Sections 660-012-0045(2)(b) and -0045(2)(e) of the State Transportation Planning Rule (TPR), which require the City to adopt performance standards and a process to apply conditions to land use proposals in order to minimize impacts on and protect transportation facilities. This section establishes requirements for when a traffic impact analysis (TIA) must be prepared and submitted; the analysis methods and content involved in a TIA; criteria used to review the TIA; and**

**authority to attach conditions of approval to minimize the impacts of the proposal on transportation facilities.**
**This section refers to the TSP for performance standards for transportation facilities as well as for projects that may need to be constructed as mitigation measures for a proposal's projected impacts. This section also relies on the City's Engineering Design Manual to provide street design standards and construction specifications for improvements and projects that may be constructed as part of the proposal and mitigation measures approved for the proposal.**

**B. Applicability**

**A traffic impact analysis (TIA) shall be required to be submitted to the City with a land use application at the request of the City Engineer or if the proposal is expected to involve one (1) or more of the following:**

1. **An amendment to the Sherwood Comprehensive Plan or zoning map.**
2. **A new direct property approach road to Highway 99W is proposed.**
3. **The proposed development generates fifty (50) or more PM peak-hour trips on Highway 99W, or one hundred (100) PM peak-hour trips on the local transportation system.**
4. **An increase in use of any adjacent street or direct property approach road to Highway 99W by ten (10) vehicles or more per day that exceed the twenty thousand-pound gross vehicle weight.**
5. **The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.**
6. **A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.**

**C. Requirements**

**The following are typical requirements that may be modified in coordination with Engineering Staff based on the specific application.**

1. **Pre-application Conference. The applicant shall meet with the City Engineer prior to submitting an application that requires a TIA. This meeting will be coordinated with Washington County and ODOT when an approach road to a County road or**

**Highway 99W serves the property, so that the TIA will meet the requirements of all relevant agencies.**

2. **Preparation. The TIA shall be prepared by an Oregon Registered Professional Engineer qualified to perform traffic Engineering analysis and will be paid for by the applicant.**
3. **Typical Average Daily Trips and Peak Hour Trips. The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE), shall be used to gauge PM peak hour vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate.**
4. **Intersection-level Analysis. Intersection-level analysis shall occur at every intersection where the analysis shows that fifty (50) or more peak hour vehicle trips can be expected to result from the development.**
5. **Transportation Planning Rule Compliance. The requirements of OAR 660-012-0060 shall apply to those land use actions that significantly affect the transportation system, as defined by the Transportation Planning Rule.**

**D. Study Area**

**The following facilities shall be included in the study area for all TIAs:**

1. **All site-access points and intersections (signalized and unsignalized) adjacent to the proposed development site. If the site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.**
2. **Roads and streets through and adjacent to the site.**
3. **All intersections needed for signal progression analysis.**
4. **In addition to these requirements, the City Engineer may require analysis of any additional intersections or roadway links that may be adversely affected as a result of the proposed development.**

**E. Analysis Periods**

**To adequately assess the impacts of a proposed land use action, the following study periods, or horizon years, should be addressed in the transportation impact analysis where applicable:**

1. **Existing Year.**
2. **Background Conditions in Project Completion Year. The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should**

**account for all City-approved developments that are expected to be fully built out in the proposed land use action horizon year, as well as all planned transportation system improvements.**

3. **Full Buildout Conditions in Project Completion Year. The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.**
4. **Phased Years of Completion. If the project involves construction or occupancy in phases, the applicant shall assess the expected roadway and intersection conditions resulting from major development phases. Phased years of analysis will be determined in coordination with City staff.**
5. **Twenty-Year or TSP Horizon Year. For planned unit developments, comprehensive plan amendments or zoning map amendments, the applicant shall assess the expected future roadway, intersection, and land use conditions as compared to approved comprehensive planning documents.**

**F. Approval Criteria**

**When a TIA is required, a proposal is subject to the following criteria, in addition to all criteria otherwise applicable to the underlying land use proposal:**

1. **The analysis complies with the requirements of 16.106.080.C;**
2. **The analysis demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the City Engineer and, when County or State highway facilities are affected, to Washington County and ODOT;**
3. **For affected non-highway facilities, the TIA demonstrates that mobility and other applicable performance standards established in the adopted City TSP have been met; and**
4. **Proposed public improvements are designed and will be constructed to the street standards specified in Section 16.106.010 and the Engineering Design Manual, and to the access standards in Section 16.106.040.**
5. **Proposed public improvements and mitigation measures will provide safe connections across adjacent right-of-way (e.g., protected crossings) when pedestrian or bicycle facilities are present or planned on the far side of the right-of-way.**

**ANALYSIS:** The City of Sherwood Engineering Department has reviewed the proposal and determined that a Traffic Impact Analysis (TIA) is not required. At build-out the development will create 32 new residential homes. All lots will be accessed from public

streets. Compliance with all applicable engineering design standards is required unless an exception has been granted. Compliance with engineering standards is reviewed as part of the public improvement plan review after land use approval.

**FINDING:** This criterion is met.

**G. Conditions of Approval**

**The City may deny, approve, or approve a development proposal with conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to ensure consistency with the future planned transportation system. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities, pursuant to Section 16.106.090. Findings in the development approval shall indicate how the required improvements are directly related to and are roughly proportional to the impact of development.**

**ANALYSIS:** A number of Conditions of Approval related to public infrastructure are required, as described in this report. The applicant is responsible for meeting all conditions of approval described in the Notice of Decision.

**FINDING:** This criterion is met.

**16.106.090 - Rough Proportionality**

**A. Purpose**

**The purpose of this section is to ensure that required transportation facility improvements are roughly proportional to the potential impacts of the proposed development. The rough proportionality requirements of this section apply to both frontage and non-frontage improvements. A proportionality analysis will be conducted by the City Engineer for any proposed development that triggers transportation facility improvements pursuant to this chapter. The City Engineer will take into consideration any benefits that are estimated to accrue to the development property as a result of any required transportation facility improvements. A proportionality determination can be appealed pursuant to Chapter 16.76. The following general provisions apply whenever a proportionality analysis is conducted.**

**B. Mitigation of impacts due to increased demand for transportation facilities associated with the proposed development shall be provided in rough proportion to the transportation impacts of the proposed development. When applicable, anticipated impacts will be**

**determined by the TIA in accordance with Section 16.106.080. When no TIA is required, anticipated impacts will be determined by the City Engineer.**

**C. The following shall be considered when determining proportional improvements:**

1. **Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a one-half-mile radius of the proposed development. If a TIA is required, the impact area is the TIA study area.**
2. **Existing vehicle, bicycle, pedestrian, and transit use within the impact area.**
3. **The effect of increased demand on transportation facilities and other approved, but not yet constructed, development projects within the impact area that is associated with the proposed development.**
4. **Applicable TSP goals, policies, and plans.**
5. **Whether any route affected by increased transportation demand within the impact area is listed in any City program including school trip safety; neighborhood traffic management; capital improvement; system development improvement, or others.**
6. **Accident history within the impact area.**
7. **Potential increased safety risks to transportation facility users, including pedestrians and cyclists.**
8. **Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.**
9. **Other considerations as may be identified in the review process pursuant to Chapter 16.72.**

**ANALYSIS:** All of the new or modified improvements required as part of the development will directly serve the new residential homes. Credits are available for SW Murdock Rd. based on applicable City policy. The required public improvements are roughly proportional to the scope and intensity of the development, as described in this report and the agency comments.

**FINDING:** These criteria are met.

**Chapter 16.108 – IMPROVEMENT PLAN REVIEW**
**16.108.010 – Preparation and Submission**
**An improvement plan shall be prepared and stamped by a Registered Civil Engineer certifying compliance with City specifications. Two (2) sets of the plan**

**shall be submitted to the City for review. An improvements plan shall be accompanied by a review fee as per this Section.**

**A. Review Fee**

**Plan review fees are calculated as a percentage of the estimated total cost of improvements and are set by the "Schedule of Development and Business Fees" adopted by Resolution of the Council. This schedule is included herein for the purposes of information, but is deemed to be separate from and independent of this Code.**

**B. Engineering Agreement**

**A copy of an agreement or contract between the applicant and Registered Civil Engineer for:**

1. **Surveying sufficient to prepare construction plans.**
2. **Preparation of construction plans and specifications.**
3. **Construction staking, and adequate inspection.**
4. **Construction notes sufficient to develop accurate as-built plans.**
5. **Drawing of accurate as-built plans and submission of reproducible mylars for finals to the City.**
6. **Certificate stating that construction was completed in accordance with required plans and specifications.**

**16.108.040 - Acceptance of Improvements**

**A. Final Inspection**

**At such time as all public improvements, except those specifically approved for later installation, have been completed, the applicant shall notify the City of the readiness for final inspection.**

**B. Notification of Acceptance**

**The City shall give written notice of acceptance of the improvements upon finding that the applicant has met the requirements of this Chapter and the specifications of all approved plans.**

**C. Maintenance Bond**

**Prior to City acceptance of public improvements, the applicant shall provide the City a maintenance bond computed at ten percent (10%) of the full value of the improvements, for the purpose of correcting any defective work or maintenance that becomes apparent or arises within two (2) years after final acceptance of the public improvements.**

**ANALYSIS:** The development will require new public infrastructure that requires City of Sherwood Engineering approval of the Public Improvement Plans.

**FINDING:** These criteria are met as conditioned below.

**CONDITION OF APPROVAL C8:** Prior to Approval of Engineering Public Improvement Plans, an engineering compliance agreement shall be executed between the developer and the City of Sherwood.

**CONDITION OF APPROVAL F4:** Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL E5:** Prior to Issuance of Building Permits, substantial completion of the public improvements by the Sherwood Engineering Department is required unless otherwise approved by the Sherwood Engineering Department in the case of a model home.

**CONDITION OF APPROVAL G7:** Prior to Occupancy, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.

**Chapter 16.110 – SANITARY SEWERS**

**16.110.010 - Required Improvements**

**Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however, that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future connection and the temporary system meets all other applicable City, Clean Water Services, Washington County and State sewage disposal standards.**

**16.110.020 - Design Standards**

**A. Capacity**

**Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map in the Sanitary Sewer Master Plan, and other applicable Clean Water Services and City standards, in order to adequately serve the proposed development and allow for future extensions.**

**B. Over-Sizing**

**1. When sewer facilities will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.**

**2. Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. The boundary of the reimbursement area and the method of determining proportionate shares shall be**

**determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.**

**16.110.030 - Service Availability**
**Approval of construction plans for new facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing sewer systems shall include certification by the City that existing or proposed sewer facilities are adequate to serve the development.**

**ANALYSIS:** Per the City of Sherwood Engineering comments, there is an 8-inch diameter public sanitary sewer main exists within SW Murdock Road along the southern portion (+/- 200') of the property frontage of SW Murdock Road. Extending the sanitary sewer northward within SW Murdock Road would not provide service to any additional properties as the roadway drops heading northward. The development north of the subject property has access to sanitary sewer service from the north. Therefore extension of the sanitary sewer northward within SW Murdock Road is not required.

The subject development will need to construct a public sanitary sewer system within the new public streets to provide sanitary sewer service to each lot of the subject development. Public sanitary sewer may be within private property within a public easement with the approval of the Sherwood Engineering Department.

Since the property to the south was recently developed to provide public sanitary sewer to all lots, extension of the public sanitary sewer to the southern property line in not necessary.

The existing homes appears to be on a private septic system. Any private sanitary sewer system will need to be abandoned/removed in compliance with all regulations. This will need to be done prior to recording of the subdivision plat.

Currently one of the existing homes appears to be on a private septic system.

**FINDING:** This standard is met as conditioned below.

**CONDITION OF APPROVAL C9:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public sanitary sewer service to all proposed lots through new public streets/public easements meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL B11:** Prior to Final Plat Approval, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.

**CONDITION OF APPROVAL F5:** Prior to Acceptance of the Public Improvements, any public sanitary sewer located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL G8:** Prior to Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

**Chapter 16.112– WATER SUPPLY**
**16.112.010 Required Improvements**
**Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with the Water System Master Plan.**

**16.112.020 - Design Standards**

**A. Capacity**
**Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water System Master Plan, the City's Design and Construction Manual, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions.**

**B. Fire Protection**
**All new development shall comply with the fire protection requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District.**

**C. Over-Sizing**

**1. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.**

**2. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made**

**as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.**

3. **When over-sizing is required in accordance with the Water System Master Plan, it shall be installed per the Water System Master Plan. Compensation for over-sizing may be provided through direct reimbursement, from the City, after mainlines have been accepted. Reimbursement of this nature would be utilized when the cost of over-sizing is for system wide improvements.**

**16.112.030 - Service Availability**

**Approval of construction plans for new water facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing water systems shall include certification by the City that existing or proposed water systems are adequate to serve the development.**

**ANALYSIS:** Per the City of Sherwood Engineering comments, there is a 12-inch diameter public water main exists within SW Murdock Road along entire length of the subject property frontage of SW Murdock Road.

The subject development will need to construct a public water system within the new public streets to provide water service and fire protection to each lot of the subject development.

The new water system shall connect into the higher pressure zone at SW Murdock Road, SW Byers Lake Terrace and SW Curry Ridge Drive. Pressure reducing valves will be needed for individual homes.

Due to the distance between fire hydrants along the subject development section of SW Murdock Road, a new fire hydrant will be required along SW Murdock Road.

There may be a well located within the subject property. Any well located within the subject property shall be abandoned in accordance with all regulations.

Water meters shall not be located in hardscape.

**FINDING:** These criteria are met as conditioned below.

**CONDITION OF APPROVAL C10:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide water service and fire protection to all proposed lots meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL C11:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to extend public water lines to connect to the water lines within SW Murdock Road, SW Byers Lake Terrace and SW Curry Ridge Drive meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL C12:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to add a fire hydrant along SW Murdock Road meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL F6:** Prior to Acceptance of the Public Improvements, the public water system that is currently under construction within the Denali Summit subdivision will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.

**CONDITION OF APPROVAL B12:** Prior to Final Plat Approval, any well within the subject property shall be abandoned/removed in accordance with all applicable regulations.

**CONDITION OF APPROVAL G9:** Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

**Chapter 16.114 – STORM WATER**
**16.114.010 - Required Improvements**
**Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement.**
**(Note: Section 16.114.015, Street Systems Improvement Fees (SIF) was repealed by Ordinance 91-922 § 19) to be removed from the SZCDC and permanently located in the Municipal Code).**

**16.114.020 - Design Standards**

**A. Capacity**
**Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9 or its replacement, and hydrologic data and improvement plans submitted by the developer.**

**B. On-Site Source Control**

**Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed according to Clean Water Services Design and Construction Standards.**

**C. Conveyance System**

**The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.**

**16.114.030 - Service Availability**

**Approval of construction plans for new storm water drainage facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing storm water drainage systems shall include certification by the City that existing or proposed drainage facilities are adequate to serve the development.**

**ANALYSIS:** Per the City of Sherwood Engineering Comments, there a 12-inch diameter public storm sewer main exists within SW Murdock Road at the northern end of the subject property frontage. This is the only public storm sewer in the area available to serve the subject property.

The subject development will need to construct a public storm sewer system within the new public streets to provide storm sewer service to each lot of the subject development and for street drainage of new streets and street widening. Public storm sewer may be within private property within a public easement with the approval of the Sherwood Engineering Department.

Since the property to the south was recently developed to provide public storm sewer to all lots, extension of the public storm sewer to the southern property line in not necessary.

The subject development is required to provide storm water quality treatment and hydro-modification for all new/modified impervious area unless otherwise approved by the City of Sherwood and Clean Water Services (CWS). The water quality treatment

and hydro-modification facilities shall be in a separate tract of land dedicated to the City of Sherwood.

A storm report in compliance with CWS standards is required.

On site water quality facilities shall not have retaining walls unless otherwise approved by the Sherwood Engineering Department.

City policy requires that prior to grading, a permit is obtained from the Building Department for grading on the private portion of the site.

The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public improvements is reviewed, approved and released as part of the public improvement plans.

The proposed development will disturb over 5 acres, therefore a DEQ NPDES 1200-C is required. A DEQ NPDES 1200-C permit is already in place for the site grading, however a new 1200-C will likely be required by DEQ for the new development.

**FINDING:** These criteria is met as conditioned below

**CONDITION OF APPROVAL C13:** Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public storm sewer service to all proposed lots, new streets and new street widening meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL C14:** Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide on-site water quality treatment/hydro-modification facilities with maintenance access to all facility structures in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services. These facilities shall be designed meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL C15:** Prior to Approval of Engineering Public Improvement Plans, the proposed development shall provide a storm report in compliance with CWS standards meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL F7:** Prior to Acceptance of the Public Improvements, any public storm sewer located on private property shall have a recorded public storm sewer

easement encompassing the related public storm sewer improvements meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL F8:** Prior to Acceptance of the Public Improvements, the tract of land containing the public water quality facilities meeting the approval of the Sherwood Engineering Department shall be dedicated to the City of Sherwood.

**CONDITION OF APPROVAL F9:** Prior to Acceptance of the Public Improvements, any fence for protection of the public water quality/hydro-modification facility that is located on private property shall have a Fence and Maintenance Covenant recorded meeting the approval of the Sherwood Engineering Department.

**CONDITION OF APPROVAL G10:** Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

**CONDITION OF APPROVAL C16:** Prior to Approval of Engineering Public Improvement Plans, the proposed development shall obtain a DEQ NPDES 1200-C permit.

**CONDITION OF APPROVAL A14:** The proposed development shall comply with the conditions of the CWS Service Provider Letter.

**CONDITION OF APPROVAL C17:** Prior to Approval of Engineering Public Improvement Plans, a CWS Storm Water Connection Permit Authorization shall be obtained.

**Chapter 16.116 - FIRE PROTECTION**
**16.116.010 Required Improvements**
**When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.**

**A. Capacity**
**All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.**

**B. Fire Flow**
**Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire**

**protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.**

**C. Access to Facilities**

**Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.**

**D. Hydrants**

**Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.**

**16.116.030 - Miscellaneous Requirements**

**A. Timing of Installation**

**When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.**

**B. Maintenance of Facilities**

**All on-site fire protection facilities, shall be maintained in good working order. The Fire District may conduct periodic tests and inspection of fire protection and may order the necessary repairs or changes be made within ten (10) days.**

**C. Modification of Facilities**

**On-site fire protection facilities, may be altered or repaired with the consent of the Fire District; provided that such alteration or repairs shall be carried out in conformity with the provisions of this Chapter.**

**ANALYSIS:** The applicant has obtained a Tualatin Valley Fire & Rescue Service Provider Letter (SPL). The SPL indicates fire standards are met. The applicant is required to follow the plans as indicated in the approval. A final inspection is not required.

**FINDING:** These criteria are met.

**Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES**
**16.118.010 Purpose**
**Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.**
**16.118.020 Standard**

- **A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- **B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.**
- **C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).**
- **D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**
- **E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.**
- **F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.**

**16.118.030 - Underground Facilities**
**Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to**

**existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.**

**ANALYSIS:** Utility facilities including but not limited to electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground. The applicant has been conditioned to provide an 8 ft. wide PUE along the frontage of each public street.

**FINDING:** These standards are met as conditioned below.

**CONDITION OF APPROVAL A15:** Per City of Sherwood standards, all new utilities shall be placed underground.

**CONDITION OF APPROVAL F10:** Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property frontage of all streets interior to the subject development and the frontage along SW Murdock Road per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

**CONDITION OF APPROVAL C18:** Prior to Approval of Engineering Public Improvement Plans, the developer shall design to underground the existing overhead utilities along the east side of SW Murdock Road along the frontage of the subject development meeting the approval of the Sherwood Engineering Department.

***

## IV. CONDITIONS OF APPROVAL

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's submittal, 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 2022-020 SUB / PUD Moser Pass subject to the following conditions of approval:**

### A. GENERAL CONDITIONS

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. Development and construction on the site shall conform substantially to the preliminary plat plans submitted by Emerio Design as part of the land use review, except as modified in the conditions below, (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official, Clean Water Services, and Tualatin Valley Fire and Rescue, and

Washington County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.

3. Placement of construction trailers or temporary storage containers on the subject property shall require a Temporary Use Permit per Section 16.86 of the SZCDC.
4. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.
5. All fences within the subdivision shall meet the requirements in Sherwood Zoning and Community Development Code Chapter 16.58.020.
6. The applicant and future owners shall restrict and maintain on-site landscaping, utilities, and any other obstructions in the sight distance triangles to provide adequate sight distance at access locations.
7. Prior to Building Permit application submittal, obtain address(es) for the site or parcels.
8. No property created by the subdivision approval shall be disposed of, transferred, or sold unit required subdivision approvals are obtained, pursuant to Sherwood Zoning & Community Development Code.
9. The required public improvements and common areas shall be substantially completed within one (1) year from the date of the Notice of Decision of the Final Development Plan.
10. Trees within the Clear Vision Areas shall be maintained in accordance with the clear vision standards in SZCDC § 16.58.010. Trees shall be pruned to 7 ft. above the sidewalk and 10 ft. above the street.
11. If the existing access easement along the north property line is not extinguished, no fences, retaining walls, or permanent structures shall be constructed within the easement on Lots 7 – 10 and Tracts B and C.
12. The preliminary plat approval is valid for two years from the date of the Notice of Decision. The final plat shall be approved by the City within two years of Notice of Decision, unless an extension is granted by the City prior to the two-year deadline.
13. The applicant and future owners shall install and maintain the restored forest area in accordance with the final Forest Restoration Plan. Landscaping under the Forest Restoration Plan is not required for occupancy as tree planting is required to follow a specific schedule based on the season.
14. The proposed development shall comply with the conditions of the CWS Service Provider Letter.
15. Per City of Sherwood standards, all new utilities shall be placed underground.
16. The Final Plat shall be processed as a Type I administrative decision. The Final Development Plan shall be processed as a Type IV land use decision.

**B. PRIOR TO FINAL SUBDIVISION PLAT / FINAL DEVELOPMENT PLAN APPROVAL**

1. Prior to Final Plat and Final Development Plan approval, provide a revised plat that demonstrates how the minimum lot depth and minimum lot width at front property line standards are met.
2. Prior to Final Plat approval, the applicant shall obtain Final Development Plan approval from the Planning Commission.
3. Prior to Final Plat Approval, show a clear vision area on the corners of each street intersection in accordance with SZCDC § 16.58.010 Clear Vision Areas.
4. Prior to Final Development Plan approval, the existing access easement shall be extinguished on the subject property, or the plans shall be revised to maintain existing access within the easement.
5. Prior to Final Development Plan approval, provide a final Landscape Plan (including open space improvements) and Forest Restoration Plan.
6. Prior to Final Plat Approval, the applicant shall provide draft CC&Rs that demonstrate how the open space plantings, including the restored forest area, will be maintained by the developer or future HOA.
7. Prior to final plat approval, submit draft deeds for City review dedicating Open Space Tracts C and D to the future HOA. The deeds shall be recorded with the final plat.
8. Prior to final plat approval, submit draft CC&Rs to the City that describe how Open Space Tracts C and D will be maintained by the future HOA. The final CC&Rs shall be recorded with the final plat.
9. Prior to final plat approval, the plat and CC&Rs shall clearly state that the open space Tracts C, D, and E are available for public use.
10. Prior to Final Plat Approval, submit draft CC&Rs demonstrating how visual corridor Tract A will be owned and maintained by the future HOA.
11. Prior to Final Plat Approval, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.
12. Prior to Final Plat Approval, any well within the subject property shall be abandoned/removed in accordance with all applicable regulations.
13. Prior to XX

## C. PRIOR TO APPROVAL OF THE PUBLIC IMPROVEMENT PLANS / ISSUANCE OF A CITY OF SHERWOOD ENGINEERING COMPLIANCE AGREEMENT

1. Prior to engineering plan approval and any filling of the on-site wetland, the proposed development shall obtain a US Army Corps of Engineers/Oregon Department of State Lands joint permit.
2. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for street widening improvements (including street lighting and street trees) along the subject property frontage of SW Murdock Road to meet a 3-lane city arterial street section meeting the approval of the Sherwood Engineering Department.

3. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for left turn lanes within SW Murdock Road at the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department.
4. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new sidewalk ramps on the western side of the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations.
5. ~~Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new sidewalk ramps on the western side of the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations. (duplicate condition to C4 above)~~
6. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new continental crosswalk and rapid flashing beacon at the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations.
7. Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new local street improvements (including street lighting and street trees) within the subdivision to meet a 28' local standard residential street section meeting the approval of the Sherwood Engineering Department.
8. Prior to Approval of Engineering Public Improvement Plans, an engineering compliance agreement shall be executed between the developer and the City of Sherwood.
9. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public sanitary sewer service to all proposed lots through new public streets/public easements meeting the approval of the Sherwood Engineering Department.
10. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide water service and fire protection to all proposed lots meeting the approval of the Sherwood Engineering Department.
11. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to extend public water lines to connect to the water lines within SW Murdock Road, SW Byers Lake Terrace and SW Curry Ridge Drive meeting the approval of the Sherwood Engineering Department.
12. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to add a fire hydrant along SW Murdock Road meeting the approval of the Sherwood Engineering Department.

13. Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public storm sewer service to all proposed lots, new streets and new street widening meeting the approval of the Sherwood Engineering Department.
14. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide on-site water quality treatment/hydro-modification facilities with maintenance access to all facility structures in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services. These facilities shall be designed meeting the approval of the Sherwood Engineering Department.
15. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall provide a storm report in compliance with CWS standards meeting the approval of the Sherwood Engineering Department.
16. Prior to Approval of Engineering Public Improvement Plans, the proposed development shall obtain a DEQ NPDES 1200-C permit.
17. Prior to Approval of Engineering Public Improvement Plans, a CWS Storm Water Connection Permit Authorization shall be obtained.
18. Prior to Approval of Engineering Public Improvement Plans, the developer shall design to underground the existing overhead utilities along the east side of SW Murdock Road along the frontage of the subject development meeting the approval of the Sherwood Engineering Department.

**D. PRIOR TO ISSUANCE OF A SITE GRADING PERMIT**

1. None

**E. PRIOR TO ISSUANE OF BUILDING PERMITS**

1. Prior to Issuance of Building Permits for each lot, the applicant shall provide plot plans and building plans showing the residential structures meet the development standards of the VLDR-PUD zone. No exceptions to the underlying standards are permitted unless a modification to the PUD is approved pursuant to SZCDC § 16.40.
2. Prior to Issuance of Building Permits, the applicant shall demonstrate how the proposed garages for each residential unit meet the garage standards in SZCDC § 16.12.040.
3. Prior to Issuance of Building Permits, the applicant shall demonstrate compliance with the Residential Design standards in SZCDC § 16.14.010 Table 16.14-1.
4. Prior to Issuance of Building Permits, the applicant shall provide a House Variety Plan that demonstrates compliance with the housing variety standards in Residential Design standards in SZCDC § 16.14.010 Table 16.14-1.
5. Prior to Issuance of Building Permits, substantial completion of the public improvements by the Sherwood Engineering Department is required unless otherwise approved by the Sherwood Engineering Department in the case of a model home.

## F. PRIOR TO ACCEPTANCE OF CONSTRUCTED PUBLIC IMPROVEMENTS

1. Prior to Acceptance of Public Improvements, the developer shall dedicate right-of-way as necessary to achieve a 39-foot wide half street right-of-way along the subject property frontage of SW Murdock Road meeting the approval of the Sherwood Engineering Department.
2. Prior to Acceptance of Public Improvements, the developer shall dedicate right-of-way to a 52-foot width for local street improvements within the subject development meeting the approval of the Sherwood Engineering Department.
3. Prior to Acceptance of Public Improvements, the developer shall dedicate a minimum 8-foot wide PUE along all street frontages within the subject development meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer.
4. Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements meeting the approval of the Sherwood Engineering Department.
5. Prior to Acceptance of the Public Improvements, any public sanitary sewer located on private property shall have a recorded public sanitary sewer easement encompassing the related public sanitary sewer improvements meeting the approval of the Sherwood Engineering Department.
6. Prior to Acceptance of the Public Improvements, the public water system that is currently under construction within the Denali Summit subdivision will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.
7. Prior to Acceptance of the Public Improvements, any public storm sewer located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting the approval of the Sherwood Engineering Department.
8. Prior to Acceptance of the Public Improvements, the tract of land containing the public water quality facilities meeting the approval of the Sherwood Engineering Department shall be dedicated to the City of Sherwood.
9. Prior to Acceptance of the Public Improvements, any fence for protection of the public water quality/hydro-modification facility that is located on private property shall have a Fence and Maintenance Covenant recorded meeting the approval of the Sherwood Engineering Department.
10. Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property frontage of all streets interior to the subject development and the frontage along SW Murdock Road per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

## G. PRIOR TO OCCUPANCY OF STRUCTURES

1. Prior to Occupancy, open space improvements shall be installed in accordance with the Final Open Space Plan and Landscape Plan. Improvements shall include pathways and trails, benches, interpretive signage, and a gazebo.

Improvements shall be located in the general location shown on the approved plans.

2. Prior to Occupancy each residence, the front yard of each lot shall be fully landscaped excluding any paved off-street parking areas, paved pedestrian paths, and utility areas.
3. Prior to Occupancy, all common landscaped areas must have an irrigation system in accordance with SZCDC § 16.92.040(C).
4. Prior to Occupancy of Each Residence, a minimum of one off-street parking stall shall be provided on the lot. Garage spaces cannot be counted towards meeting this requirement. The minimum stall dimension is 9 ft. x 20 ft
5. Prior to Occupancy of Each Residence, one hard surface driveway shall be provided on the lot. Pavement width shall be a minimum of 10 ft. wide and grades shall not exceed 14%.
6. Prior to Occupancy, street trees shall be installed in accordance with the final landscape plan.
7. Prior to Occupancy, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.
8. Prior to Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
9. Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
10. Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
11. Prior to Occupancy, all open space and visual corridor landscaping shall be installed in accordance with the final landscape plans.

## V. EXHIBITS

### A. Applicant Submittal (complete application materials available in the paper project file at City Hall)

1. Narrative
2. Application Form
3. CWS and TVF&R SPL
4. Geotech Report
5. CC&Rs
6. Architectural Pattern Book
7. Tree and Open Space Plan
8. Tree Inventory
9. Vicinity Map
10. Deed
11. Deed of Trust
12. Landscape Plan (copy, same as A7 above)

13. Pre-application Materials
14. Habitat Compliance Letter
15. Nesting Bird BMP Letter
16. DEQ LUCS Form for Early Grading
17. Preliminary Plans
18. Wetland Concurrence Letter
19. Tax Map
20. Reforestation Narrative (copy, same as A7 above)
21. Access Easement
22. Neighborhood Meeting Material

**B. Agency Comments**

1. City of Sherwood Engineering Comments
2. Clean Water Services Memorandum
3. Tualatin Valley Fire & Rescue SPL

**C. Additional Information**

1. SE Sherwood Master Plan – Figure 15 Alternative B/C
2. Overall Circulation Plan – Denali and Moser Developments
3. Aerial Photo of Subject Site

**DATE:** 7-22-2022

**DATE UPDATED:** 11/7/2022

**PROPERTY OWNERS/ DEVLOPER:**
J.T. Roth Construction, Inc.
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:** 32-Lot residential subdivision in the VLDR Planned Unit Development (PUD) Zone. The proposed **"Moser Pass PUD"** will be developed pursuant to the City of Sherwood Land Use and Development Code requirements.

**SITE LOCATION:** 22900 SW Murdock Road

**ZONING:** VLDR, Very Low Density Residential

**TOTAL SITE SIZE:** 12.36 Acres / 538,401.6 Square Feet

**LEGAL DESCRIPTION:** Tax Map 2S133BC, Tax Lots 1700

## I. INTRODUCTION

Background Information: The subject site consists of one (1) tax lot totaling approximately 12.36 acres in size. The site area is irregular in shape with a 10-foot access easement located along the northern and eastern property boundary for access to the property to the southeast of the subject property. The site is currently developed with a single-family dwelling, as well as a couple accessory structures. 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 32-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 (4) 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. The Applicant is requesting that the front yard setback be 15-feet for the house and 20 feet for the garage.

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## 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(except middle housing types pursuant to 16.12.010.F).*

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. Middle housing is not being proposed as part of the PUD.

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 – 10,533 square feet; Lot 2 – 10,008 square feet; Lot 3 – 10,030 square feet; Lot 4 – 10,001 square feet; Lot 5 – 10,046 square feet; Lot 6 – 10,002 square feet; Lot 7 – 10,845 square feet; Lot 8 – 10,008 square feet; Lot 9 – 10,000 square feet; Lot 10 – 11,823 square feet; Lot 11 – 10,774 square feet; Lot 12 – 10,162 square feet; Lot 13 – 10,378 square feet; Lot 14 10,294 square feet; Lot 15 10,036 square feet; Lot 16 10, 007 square feet; Lot 17 10,018 square feet; Lot 18 10,076 square feet; Lot 19 10,150 square feet; Lot 20 10,000 square feet; Lot 21 10,187 square feet, Lot 22 10,325 square feet; Lot 23 10,088 square feet; Lot 24 10,001 square feet; Lot 25 10,744 square feet; Lot 26 10,136 square feet; Lot 27 10,143 square feet; Lot 28 10,150 square feet; Lot 29 10,152 square feet; Lot 30 10,152 square feet; Lot 31 10,151 square feet; Lot 32 12,432 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 northwest corner and landscaped usable open space along the north and east (i.e. Tract C) of the subject site all acts as buffer to adjacent developed properties to the north.

*(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 C and D will provide usable and passive open space areas for the PUD and will be dedicated as Tracts C and D usable open space on the final plat. Tract C has been located to abut with the Denali Summit open space tract to the south to help facilitate pedestrian connectivity to the north and west as intended in the SE Sherwood Master Plan.

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).




Since the grove of trees identified as open space on the Alternative B/C have been removed from the Moser property, the Applicant would like to restore the grove of trees to the maximum extent practicable as part of this PUD proposal. To accomplish this goal, the developer has worked closely with Ash Creek Forest Management, LLC to develop a reforestation plan. A letter from Ash Creek Forest Management, LLC has been submitted as part of the overall application materials detailing the reforestation plan and the benefits associated with replanting the Moser property.

In addition to reforesting Tract C, the developer has also proposed extending the pedestrian trail in the Denali Summit PUD north and west through the Moser Pass PUD. There will also be a pedestrian viewing platform within Tract C to provide wildlife viewing opportunities within the adjacent Rock Creek natural aera and views of Mt. Hood.

*(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. The existing PUD developments to the south (Denali, Denali Meadows, and Denali Summit) have been developed by the owner of the subject property and the proposed PUD (Moser Pass at Denali) is a continuation of the Denali PUD developments. Developments to the west of SW Murdock Rd. are more densely

developed than proposed PUD, while lands to the north are comprised of larger lots with detached single-family homes.

The proposed Moser Pass at Denali PUD will extend SW Curry Ridge Drive north from Denali Summit through the subject property to connect with SW Murdock Rd. In addition, SW Byers Lake Terrace will be extended north into the subject property and terminate into a cul-de-sac. By extending the existing stubbed streets within the Denali PUD's into the subject property, it will allow for a pedestrian-friendly transportation system that links the development with the surrounding residential developments, as well as with the greater Sherwood transportation street system.

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 east side of SW Murdock Rd., as well as along both sides of the proposed streets running north/south and east/west through the site. With the construction of these features, pedestrian connectivity will be provided throughout the site and beyond.

*(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 did contain unique environmental opportunities in the form of a large grove of trees in the northeast corner of the property. However, as noted above, those unique environmental opportunities identified in the SE Sherwood Master Plan for the Moser property have since been cleared from the property.

In the spirit of the SE Sherwood Master Plan B/C alternative, the Applicant is proposing to reforest the NE corner of the property to the extent practicable as part of the PUD. To achieve the reforestation of the northeast corner of the property that was identified on the Alternative B/C in the SE Sherwood Master Plan, the proposed PUD sets aside Tract C as open space. Tract C will be 85,993 square feet is size. As noted in the submitted letter from Ash Creek Forest Management, LLC, the plan is to provide habitat improvement plans along the open space, tract C, in association with the construction of Moser Pass at Denali development. Given the regional habitat depletion and the site's natural tendency towards Oak Woodland/Oak Forest habitat, the actions recommended by Ash Creek Forest Management, LLC within the open space are to promote improvement of the existing habitat conditions.

The subject property also contains unique constraints in the form of rock outcroppings. Even though the rock outcroppings are not constraints identified in the SE Sherwood

Master Plan for the site, they do present unique constraints to developing the property. The rock outcroppings on-site will be graded as part of the development proposal and the rocks will be crushed on-site to provide a road base for the future roads.

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 reforestation plan within Tract C will have a positive impact on the future redevelopment of the Moser property.

*(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 house designs, as discussed in the submitted PUD Architectural Pattern Book, will range from a Contemporary to Transitional to Modern to Traditional to Early American and Modern Farmhouse styles that will complement the surrounding community. The proposed housing styles are similar and compatible with the existing houses in the adjacent PUD subdivisions.

*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*

*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 | VLDR | LDR | MDRL | MDRH | HDR |
|---|---|---|---|---|---|
| RESIDENTIAL | | | | | |
| • Single Family Detached Dwellings | P | P | P | P | P |

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 above 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 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*

1. *Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.*

2. *Creation of new lots or parcels as part of a townhome or cottage cluster developments are subject to the applicable land division or Planned Unit Development approval process.*

3. *Sufficient Infrastructure. Prior to obtaining a residential building permit for construction of any new middle housing structure or division of an existing structure into middle housing, the applicant must submit a request for verification of Sufficient Infrastructure, together with any documentation requested by the City Engineer or designee, and receive approval from the City Engineer or designee.*

*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 Thirty-two (32) 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. As depicted on Sheet 4 of the submitted plans, all proposed lots exceed the minimum lot width requirement of the VLDR-PUD code.

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 | 20 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 | 20 feet for all corner lots |
| Rear yard: | 20 feet | 20 feet |

All setbacks will be reviewed for compliance during the building permit process.

As part of this planned unit development, the applicant is not requesting any modifications to the VLDR zone setbacks.

No middle housing is being proposed as part of the planned unit development proposal.

*16.12.040 – Community Design*

*A. Residential garages shall meet the minimum design standards listed on the table below:*

| | Minimum Width | Minimum Depth | Minimum Garage Door Width |
|---|---|---|---|
| One (1) Car Garage | 12 ft. | 20 ft. | 8 ft. |
| Two (2) Car Garage | 18 ft. | 20 ft. | 16 ft. |
| Three (3) Car Garage | 26 ft. | 20 ft. | Single Door – 8 ft.<br>Double Door – 16 ft. |

B. *The vehicle parking area(s) shall be functional based on the minimum design standards listed on the table above, 16.12.040.A. Furnaces, stairs, etc. shall not be located within the garage designated parking areas.*

C. *Residential Front-Yard Landscaping – the front-yard area of a lot shall be fully landscaped excluding paved off-street parking areas, paved pedestrian paths, and utility areas. Landscaping materials shall meet standards identified in Section 16.92.020 Landscaping Materials.*

D. *For additional standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII, IX.*

RESPONSE: The future homes that will be developed in the proposed PUD will be custom homes with two (2) to three (3) garages. At this time detailed housing plans for the homes have been finalized. As required by the above criteria, the garages will be functional based on the minimum design standards and furnaces, stairs, etc. will not be located within the garage designated parking areas. All future homes will be reviewed for compliance with the residential garages minimum design standards during the building permit process.

Except for the hard surface driveway areas providing off-street parking, as well as any necessary utility areas, all front yard areas will be fully landscaped to satisfy the standards identified in Section 16.92.020 Landscape Materials. The landscape material standards identified in Section 16.92.020 will be reviewed for compliance during the building permit review process.

All relevant sections of Divisions V, VIII and IX are addressed in this narrative and application package.

*Chapter 16.14 - RESIDENTIAL BUILDING DESIGN*

*16.14.010 – Residential Building Design Standards for all housing types except for Multi-family housing that is subject to the provisions of Chapter 16.90 Site Planning.*

*A. Purpose*

*The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design.*

*The standards in this section are intended to be clear and objective to allow a streamlined review process per the Residential Design Checklist provisions of Chapter 16.89. Each standard has an associated guideline that provides flexibility for discretionary Design Review by the Planning Commission per Chapter 16.89, Residential Design Review if necessary or desired by the applicant. Adjustments or variances to the standards below can be requested through one of the review processes described in B below.*

*B. Review Process. The following review processes can be used to review those housing types that are subject to these standards per 16.14.010.C and 16.89.020.A through D. The applicable review process depends on the level of compliance with the clear and objective standards in this section.*

*1. If all applicable standards from this section are met, Residential Design Checklist review is applied per Chapter 16.89.*

*2. If any standards of Table 16.14-1 - A, B or C are not met outright, a Type I Adjustment or Type II Class B Variance is required, in addition to the Residential Design Checklist, per Chapter 16.89. The Detailed Design standards of Table 16.14-1.D cannot be adjusted.*

*3. If the applicant chooses to meet the design guidelines instead of the design standards, a Type IV Design Review is required, per Chapter 16.89.*

RESPONSE: The applicant understands that 16.14.010 applies to this application. The developer is choosing to use the streamlined review process per the Residential Design Checklist provisions of Chapter 16.89 to satisfy the above criteria. In addition, the developer has included a copy of the Residential Design Checklist provisions of Chapter 16.89 into the Architectural Pattern Book to further assure compliance with the provisions. Compliance with the clear and objective provisions of the Residential Design Checklist will be reviewed for compliance during the building permit review process.

*C. Applicability*

*1. The standards in this section apply to all new residential development, unless otherwise indicated per the subsections below or per applicable overlay zones.*

*Manufactured home parks and manufactured homes on individual residential lots are subject to the provisions of Chapter 16.46 Manufactured Homes. Additional standards are located in 16.14.020, 16.14.030, and 16.14.040. Multi-family development is subject to the provisions of Chapter 16.90 Site Planning.*

2. *Expansions and conversions of residential structures in Chapter 16.14. The standards in this section apply to expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhome that add more than 50 percent of area to any building elevation(s) adjacent to a public right-of-way or public accessway, as follows:*

   a. *The expansion or conversion shall include design elements from Table 16.14-1 below that bring the overall building elevation(s) adjacent to a public right-of-way or public accessway closer to conformance with applicable standards; and*

   b. *The expansion or conversion shall not bring the overall building elevation(s) adjacent to a public right-of-way or public accessway further out of conformance with applicable standards. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently out of conformance shall not be made more non-conforming. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently in conformance shall not be made non-conforming.*

RESPONSE: The above criteria do not apply to the Applicant's proposal because the proposed PUD lots will ultimately be developed with new single-family detached dwellings. As such, there will be no expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhomes as part of the proposed PUD. Additionally, this application does not propose a manufactured home park or manufactured homes on individual proposed residential lots.

*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 the review and approval in accordance with Chapter 16.72. PUDs may be considered only:*

1. *On sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of:*

   a. *Natural features such as floodplains, wetlands, and extreme topography, or*

   b. *Man-made features, such as parcel configuration and surrounding development, but not including man-made features on or resulting from other parcels owned by any owner of the property subject to the PUD application;*

2. *On parcels of land within an Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or*

3. *For a cottage cluster development that is unable to meet the standards of Section 16.14.040; or*

4. *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 due to the natural features on site such as a small seasonal wetland, the extreme rocky topography, eastern property boundary abutting the Rock Creek natural area, as well as the man-made features, such as the surrounding developments to the north. By developing the subject property to align with the vision of the SE Sherwood Master Plan, it will bring greater public benefit to the surrounding area than developing to the strict adherence to the code. It will also allow for 85,993square feet of the site to be preserved in Tract C and reforested, which will be a significant benefit to SE Sherwood.

There is further public benefit with the development in this site as it implements the street system envisioned in the Sherwood Transportation System Plan and the SE Sherwood Master Plan for this region of the city. The number of lots proposed makes it feasible to develop the property considering the undulating topography, rock outcroppings and infrastructure costs, thereby ensuring that the vehicular and pedestrian connectivity and circulation patterns are provided.

A cottage cluster development is not being proposed as part of the PUD.

Lastly, no variations are being sought to the required VLDR setbacks.

*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 4 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 existing wetland and extreme topography. Even though the Applicant is proposing to fill the existing wetland, it comes with great expense. To fill we documented wetland, the developer needs to obtain a joint permit from the Army Corps of Engineers and the Division of State Lands (DSL), which requires the help of an Environmental Specialist, as well as paying mitigation fees to DSL. In addition, the subject property has significant rock outcroppings that need to be removed to accommodate the extension of S.W. Curry Ridge Dr. through the site to intersect with S.W. Murdock Rd. as contemplated in the S.E. Sherwood Master Plan.

There is great public benefit to facilitating the completion of the SE Sherwood Master Plan, as well as the proposed improvements along the east side of SW Murdock Rd. and the extension of the proposed streets 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 net buildable area of the site is 435,035 square feet and 15% of the net buildable area is 65,255 square feet. Tracts C, D, and E have been designated as usable and passive open space tracts comprising 91,769 square feet. Thus, the proposed open space exceeds the 15% requirement by 26,514 square feet. As the sole developer of the SE Sherwood Master Plan area, the Applicant's PUD proposals for all the properties within the master plan boundary exceeds the 15% open space requirement for the SE Sherwood Master Plan area by 36,901 square feet.

Tract C will run along the east side of the site and provide for pedestrian connectivity between the proposed PUD and the Denali Summit PUD. Tract C contains 85,993 square feet of open-space and will provide expanded open-space as contemplated in the SE Sherwood Master Plan. Tract C will also be reforested to align with the goals of the SE Sherwood Master Plan and have a viewing platform with two (2) benches. A pedestrian trail will also be extended from the Denali Summit PUD through Tract C to connect with SW Murdock Rd. as envisioned by the SE Sherwood Master Plan.

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. Specifically, the Applicant is requesting the following: Front yard setback: 15-feet front yard setback for the house and 20-feet for the garage.

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, vernacular, 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 house designs ranging from a Contemporary to Transitional to Modern to Traditional to Early American and Modern Farmhouse styles that will complement the surrounding community. Proposed houses will meet the minimum side and rear setbacks 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 and E, will be dedicated to the homeowners' association for maintenance, preservation and management. These tracts will be developed as open space 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 mitigating the existing wetland and earth work needed to remove the rock outcroppings, 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 (4) dwelling units per net acre which will facilitate complete mitigation of seasonal wetland and removal of the rock outcroppings to allow the extension of S.W. Curry Ridge Dr. through the site. Without SE Sherwood Master Plan PUD approval, complete development of the site may be left undone. Additionally, the proposed development will extend a sidewalk along the sites SW Murdock Rd. frontage, underground any existing overhead utility lines along SW Murdock Rd., and provide for connectivity opportunities with the greater Sherwood Transportation System by connecting S.W. Curry Ridge Dr. with S.W. Murdock Road.

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 (1) 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 east/west and north/south public streets. All lots will also take access from the new public streets as well.

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 16.4****0.050(C)(3).*

RESPONSE: The subject site is approximately 12.36 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.

*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 (4) dwelling units per net buildable acre. The effect of the special density allowance, using the SE Sherwood Master Plan, grants four (4) units per acre rather than the underlying zoning density of up to one (1) unit per acre.

The gross and net square footages are shown below.

| | |
|---|---|
| LOT 1 | 10,533 Sq. Ft. |
| LOT 2 | 10,008 Sq. Ft. |
| LOT 3 | 10,030 Sq. Ft. |
| LOT 4 | 10,001 Sq. Ft. |
| LOT 5 | 10,046 Sq. Ft. |
| LOT 6 | 10,002 Sq. Ft. |
| LOT 7 | 10,845 Sq. Ft. |
| LOT 8 | 10,008 Sq. Ft. |
| LOT 9 | 10,000 Sq. Ft. |
| LOT 10 | 11,823 Sq. Ft. |
| LOT 11 | 10,774 Sq. Ft. |
| LOT 12 | 10,162 Sq. Ft. |
| LOT 13 | 10,378 Sq. Ft. |
| LOT 14 | 10,294 Sq. Ft. |
| LOT 15 | 10,036 Sq. Ft. |
| LOT 16 | 10, 007 Sq. Ft. |
| LOT 17 | 10,018 Sq. Ft. |
| LOT 18 | 10,076 Sq. Ft. |
| LOT 19 | 10,150 Sq. Ft. |
| LOT 20 | 10,000 Sq. Ft. |
| LOT 21 | 10,187 Sq. Ft. |
| LOT 22 | 10,325 Sq. Ft. |
| LOT 23 | 10,088 Sq. Ft. |

| | |
|---|---|
| LOT 24 | 10,001 Sq. Ft. |
| LOT 25 | 10,744 Sq. Ft. |
| LOT 26 | 10,136 Sq. Ft. |
| LOT 27 | 10,143 Sq. Ft. |
| LOT 28 | 10,150 Sq. Ft. |
| LOT 29 | 10,152 Sq. Ft. |
| LOT 30 | 10,152 Sq. Ft. |
| LOT 31 | 10,151 Sq. Ft. |
| LOT 32 | 12,432 Sq. Ft. |
| SW Murdock Rd. ROW dedication | 3,976 Sq. Ft. |
| Public Street ROW dedication | 81,917 Sq. Ft. |
| Cul-de-sac Street right-of-way | 4,411 Sq. Ft. |
| Access Easement along Lots 7 – 10 and Tract B | 5,023 Sq. Ft. |
| Tract A usable open space | 8,398 Sq. Ft. |
| Tract B water quality | 20,317 Sq. Ft. |
| Tract C usable open space | 85,993 Sq. Ft. |
| Tract D usable open space | 3,791 Sq. Ft. |
| Tract E usable open space | 1,985 Sq. Ft. |
| Gross Square Footage = | 541,245 Sq. Ft. |

| Deductions from Gross Square Footage: | |
|---|---|
| SW Murdock Rd. ROW dedication = | 3,976 Sq. Ft. |
| Public Street right-of-way = | 81,917 Sq. Ft. |
| Water quality tract (Tract B) = | 20,317 Sq. Ft. |
| Total = | 106,210 Sq. Ft in Deductions |

| | |
|---|---|
| Gross Square Footage | 541,245 Sq. Ft. |
| -Deductions | 106,210 Sq. Ft |
| Net Square Footage = | 435,035 Sq. Ft. or 9.98 Net Acres |

In this case, there are 9.98 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 39 units (9.98 net acres x 4 units = 39.92). The Applicant's proposal is for a 32-Lot residential PUD. Tracts A, B, C, D and E 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 and Setbacks*

*The minimum lot size and setbacks shall be consistent with the provisions in the underlying zone with the exceptions listed below:*

*a) Where there are multiple zones within a single PUD, lot sizes and setbacks shall meet the following:*

*1) Lots on the perimeter boundary of the PUD shall be consistent with the underlying zone.*
*2) All remaining lots, not on the perimeter boundary of the PUD, may utilize the provision of average lot size of the underlying zones.*

RESPONSE: The minimum lot size of the underlying zoning district, which is VLDR, is 10,000 square feet when in a PUD. All proposed lot sizes are 10,000 square feet or greater in size. All setbacks for the future homes will be consistent with the VLDR zone provisions.

*Chapter 16.58 - VISION CLEARANCE AND FENCE STANDARDS*

*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.*

RESPONSE: The proposed PUD will have a total of three (3) corner lots (i.e. Lots 1, 12, and 32). In addition to the three (3) corner lots, the PUD will also have one (1) lot that will have rounded corners (i.e. Lot 25). Given the front yard setback is 20-feet in the VLDR zone, it should not be a problem for the three (3) corner lots and the one (1) rounded lot to meet the requirements of the clear vision areas. Regardless, the Applicant anticipates that the above criteria will be made an on-going condition of any final approval and they will ultimately be reviewed for compliance during the building permit review for the future homes.

*16.58.020 - Fences, Walls and Hedges.*

*A. Purpose:*

*The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of the property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.*

*B. Applicability:*

*The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. These standards do not apply to sound walls and landscape features that are not hedges.*

*C. Fences, Walls, and Hedges in Residential Zones:*

RESPONSE: At this time no fences or walls are being proposed as part of the PUD. Regardless, the Applicant anticipates that the above criteria will be made an on-going condition of any final approval and they will ultimately be reviewed for compliance during the building permit review for the future homes.

*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.*

RESPONSE: The above criterion does not apply to the Applicant's proposal because no through lots are being proposed as part of the PUD.

*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.*

RESPONSE: As noted previously in this narrative there will be a total of three (3) corner lots in the proposed PUD (i.e. Lots 1, 12, and 32). The front yard setback in the VLDR zone is 20-feet, which all future homes will be required to meet. The street side yard requirement in the VLDR zone is 20-feet, which is the same as the front yard setback requirement in the VLDR zone. All future corner lot homes will meet the above criteria, which will be future reviewed during the building permit process. All required setbacks are shown on Sheet 4.

*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.*

RESPONSE: No homes are being proposed at this time. As such, the Applicant anticipates that the above criteria will be made a condition of any final approval to be reviewed during the building permit process.

*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 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 for townhomes, and 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).*

RESPONSE: The above criteria do no apply to the Applicant's proposal because the subject property does not have an area or dimension which does not meet the requirements of the city's Code.

*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 October 28, 2021. The planning staff contacts at the meeting were Erika Palmer 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 November 1, 2021. 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, and three (3) 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.

*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 yard setback to 15-feet front yard setback for the house (20-feet for the garage as required by code), is being requested through the planned unit development process.

*Chapter 16.89 - RESIDENTIAL DESIGN CHECKLIST AND RESIDENTIAL DESIGN REVIEW*

*16.89.010 – Purpose and Intent*

*A. Purpose*

*The Residential Design Checklist Review and Residential Design Review are intended to provide an opportunity for the City of Sherwood to encourage development of a variety of housing types while providing for a review process that encourages traditional forms commonly found in Sherwood while providing for a variety of design and site-specific situations for these housing types.*

*This process is designed to provide a streamlined review process to encourage development of housing at a variety of types and scales. The Residential Design Checklist Review is a clear and objective review process and will be implemented at time of Residential Building Permit submittal. For projects seeking additional flexibility, the Residential Design Checklist Review may be paired with either a concurrent Type I Adjustment or Type II Class B Variance process referenced in Section 16.84.030.*

*For residential projects seeking the highest level of flexibility, the Residential Design Review is a Type IV discretionary review. Projects subject to Residential Design Review are to be reviewed against the design guidelines rather than against the degree of departure from the standard.*

RESPONSE: With the proposed PUD, the developer is electing to use the streamlined review process offered through the Residential Design Checklist Review process for the future single-family detached dwellings that will be constructed in the PUD.

*16.89.020 – Residential Design Checklist Review or Residential Design Review Required*

A. *When Required. Residential Design Checklist Review or Residential Design Review is required prior to new residential development, expansions or conversions that are subject to the design standards of 16.14, or any substantial change to a site or use and is required prior to issuance of building permits for a new residential dwelling, or for substantial alteration of an existing residential dwelling or use. Exemptions noted below.*

   *Either a Residential Design Checklist Review or a Residential Design Review is required for the following housing types (multi-family dwellings are subject to Section 16.90 review):*

   1. *Accessory Dwelling Unit*
   2. *Single detached dwelling*

RESPONSE: As noted above, the developer is electing to use the streamlined review process offered through the Residential Design Checklist Review process for the future single-family detached dwellings that will be constructed in the PUD. Compliance with the Residential Design Checklist will be reviewed for compliance during the building permit review 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 thirty-two (32) 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 thirty-two (32) new residential building lots. Power and communications lines will also be extended from what is existing to the residential building lots. Sheet 11 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 4) illustrates the location of these areas, and the landscaping plan details concepts 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 d****ocuments 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, D and E 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 contain a natural feature in the form of a wetland. However, because the wetland is a seasonal wetland, the developer is working with the Army Corps of Engineers and the Division of State Lands to obtain a joint permit to fill the wetland as part of the proposed PUD development. With that being said, the applicating will be preserving, to the extend possible, existing pine trees and vegetation within Tract C. Existing vegetation and trees elsewhere on the subject site, outside of Tract 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 thirty-two (32) single-family residential building lots will not generate more than 400 average daily trips because, 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 part of the submitted application materials.

*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: The submitted landscape plan shows all proposed landscaped area as being covered with a combination of trees, shrubs, grasses, and various groundcovers. Mulch is not being used as a substitute for ground cover. As noted on landscape plan, ground cover plants are either one to five-gallon pots or seed. The ground cover requirements have been met with the proposed plan. It has been show on the landscape plan 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: The submitted landscape plan 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 shown on the landscape plan 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: The submitted landscape plan 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 landscape plan.

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. Nevertheless, it may be possible to preserve some existing trees in Tract A with the landscaping required along the sites SW Murdock Road frontage. Any tree preservation within Tract A will be determined during construction based on the health of the tree. Most, if not all, of the existing trees and vegetation within the footprint of proposed Tract C has been previously disturbed and removed from the site. Any existing trees within the footprint of Tract C that Ash Creek Forest Management, LLC determines to be worthy of preservation as part of the reforestation effort will be retained.

*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. No impervious paving is being proposed within the landscaping areas. The proposed pedestrian trails within Tract C will be a soft surface trail likely covered with woodchips. A viewing area will be provided in Tract C that will include architectural features interspersed with planted areas, such as, benches, interpretive signage, masonry or stone walls, fences, rock groupings, and bark dust.

*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 D. 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*

*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; ADU standards are per OAR Division 46)*

| | Minimum Parking Standard | Maximum Permitted Parking Zone A [1] | Maximum Permitted Parking Zone B [2] |
|---|---|---|---|
| Accessory Dwelling Unit | None | None | None |
| Single Family detached and manufactured home on lot [3] | 1 per dwelling unit | None | None |

RESPONSE: The proposed development is for thirty-two (32) 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 east side of SW Murdock Road. In addition, a pedestrian connection will be made in Tract C to link with the open space in the Denali Summit subdivision to complete the pedestrian trail contemplated in the SE Sherwood Master Plan.

The proposed public street will be extended through the subject property as part of this development and intersect with SW Murdock Rd. at the western boundary of the site. 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*

*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.*

RESPONSE: As part of the proposed PUD two (2) existing public streets will be extended into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into a cul-de-sac. Both public streets will be created in accordance with the provisions of this Chapter. Additionally, as proposed, both streets will conform to the city's standards for their street classification, as shown on the TSP.

SW Murdock Rd. along the property's frontage will also be improved to conform to the city's standards and specifications for a minor arterial street.

*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.*

RESPONSE: As part of the proposed PUD two (2) existing public streets will be extended into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into a cul-de-sac.

Because SW Byers Lake Terrace will terminate into a cul-de-sac, it's likely that the cul-de-sac will need a new street name. The developer will work closely with city Staff to determine if a new street name is required for the cul-de-sac and, if necessary, will provide the new street name prior to submission of the final plat.

*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.*

RESPONSE: The site currently has frontage along SW Murdock Road. The proposed PUD has been designed to take access from SW Murdock Road. Required improvements will be made to SW Murdock Rd. along the site's frontages, which will improve pedestrian access and provide better visibility along the corridor. With the development of the subject property, 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 6 - 9 of the submitted plan set shows the proposed improvements to all existing and proposed streets within the PUD.

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.*

RESPONSE: The subject property abuts SW Murdock Rd., which is classified as a minor arterial street. Half street improvements will be made to SW Murdock Rd. and will comply with the city's standards and specifications for a minor arterial street.

In addition to SW Murdock Rd., the proposed PUD will also be extending two (2) existing public streets into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into a cul-de-sac. Both streets will be constructed to a full public street width and comply with the city's standards and specifications for local public streets.

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.*

RESPONSE: Right-of-way dedication is shown for all new streets proposed with this subdivision, as well as for the frontage of SW Murdock Road. The SE Murdock Road frontage improvements include a sidewalk, curb/gutter and 14 additional feet of pavement. The additional pavement could accommodate a shared use path as identified in the Transportation System Plan (TSP), but this area was not identified in the TSP for a future bike lane. No partial or future improvements are proposed.

*E. Transportation Facilities Modifications*

1. *A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.*
2. *A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8*

*in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:*

a. *Reduced sight distances.*
b. *Vertical alignment.*
c. *Horizontal alignment.*
d. *Geometric design (length, width, bulb radius, etc.).*
e. *Design speed.*
f. *Crossroads.*
g. *Access policy.*
h. *A proposed alternative design which provides a plan superior to these standards.*
i. *Low impact development.*
j. *Access Management Plans*

3. *Modification Procedure*
   a. *A modification shall be proposed with the application for land use approval.*
   b. *A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.*
   c. *When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.*
4. *Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:*
   a. *Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.*
   b. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.*
   c. *A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self- imposed hardships shall not be used as a reason to grant a modification request.*
   d. *An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.*
   e. *Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.*

RESPONSE: The applicant seeks transportation facility modifications with this application. A memorandum stamped by the project engineer provides further detail supporting the requests. The requested modifications include a request to lower the design speed allowing for a centerline radius of 100 feet, right-of-way width reduction from 60 feet to 52 feet, and for intersection spacing to be greater than the maximum requirement. Additionally, the applicant seeks a design exception to the maximum cul-de-sac length as it is proposed to exceed the maximum length of 200 feet. The reasons for these modifications are due to significant topographical constraints, existing development adjacent to the subject property, roadway spacing constraints on SW Murdock Road, and solid rock at the ground surface. Approval of these requested modifications is necessary to address the appearance, cost of maintenance, and functionality of the proposed subdivision. The requested modifications are the minimum necessary to alleviate the hardship. 16.106.020.E.4(a-b) are met with this application.

*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.*

RESPONSE: All proposed streets and existing streets abutting the site have been designed based on their location, street designation, and grade of streets in their relation to existing and planned streets, topographical conditions, and proposed land uses. As proposed, the street system serving the PUD will provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves will be adequate for expected traffic volumes.

To the extent practicable, the street alignment is consistent with the solar access requirements and topographical considerations given the site's limited ability to design around these requirements.

*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).*

RESPONSE: Due to the surrounding development patterns and the Rock Creek natural area located on the east side of the property, the site does not allow for the proposed public streets to be continued beyond the boundaries of the site.

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.*

RESPONSE: The subject property is part of the SE Sherwood Master Plan, which provided a street connectivity plan for the area. The proposed streets within the PUD provide the level of local street connectivity contemplated in the in the SE Sherwood Master Plan. All proposed streets have been located in the general vicinity of the connection(s) shown on the SE Sherwood Master Plan map, except where such connection is not practicable due to topography or other physical constraints, then an alternate connection has been provided.

    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.*

RESPONSE: Except for the shared driveway serving Lots 2 and 3, which will be more than 24-feet in width, all other driveways will be no more that 24-feet in width. The shared driveway serving Lots 2 and 3 will align with the planned streets per the TSP.

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.*

RESPONSE: Due to the surrounding development patterns, existing natural areas, and zoning of surrounding properties, the block lengths within the proposed PUD have been predetermined.

As noted above, the subject property abuts SW Murdock Rd., which is classified as a minor arterial street. In addition to SW Murdock Rd., the proposed PUD will also be extending two (2) existing public streets into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into the proposed cul-de-sac. Since the proposed streets cannot be stubbed to the north or east to facilitate future development, and because the land to the south has been previously developed, the block lengths within the proposed PUD will exceed the block lengths noted above. As such, the applicant has provided an extensive pedestrian trail system within Tract C to help alleviate some out of distance pedestrian travel due to the longer block lengths.

Since the proposed PUD is not able to provide the block lengths required by the above criterion, the applicant is requesting a deviation to the block length standard as part of the PUD.

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.*

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.*

RESPONSE: The above criteria do not apply to the Applicant's proposal because no proposed streets must cross a water feature.

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.*

RESPONSE: Pedestrian and bicycle connectivity has been provided within the proposed public streets, and trail system within the proposed open space. Paved bike and pedestrian accessways consistent with the cross-section standards in Figure 8-6 of the TSP are provided on the public right- of-way. Where full street connections are not possible, public easements are provided on the multi-use paths within the open space.

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.

RESPONSE: All public and private utilities will be located underground, including sanitary sewers and storm water drains, and will be completed prior to surfacing the streets.

No stubs for service connections are required because there are not contiguous properties that can be redeveloped in the future.

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.

RESPONSE: The above criterion does not apply to the Applicant's proposal because no additional setbacks are required for the PUD.

*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.*

RESPONSE: The above criterion does not apply to the Applicant's proposal because no reserve strips are being proposed as part of the PUD.

*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.*

RESPONSE: All proposed streets meet the above criterion because the streets, as far as practicable, have been aligned with existing streets. There is no staggering of any proposed streets that would create at "T" intersection or dangerous condition.

*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."*

RESPONSE: The above section does not apply to the Applicant's proposal because it's not possible for the adjoining lands to be further subdivided.

*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.*

RESPONSE: The proposed PUD satisfies the above criterion because all proposed street will intersect as near to ninety (90) degree angles and practical.

*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 theEngineering 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.*

RESPONSE: A cul-de-sac is being proposed as part of the proposed PUD due to constraints posed by the existing development patterns in the area, which preclude a street extension and continuous circulation. The proposed cul-de-sac will be slightly more than two hundred (200) feet in length from the center line of SW Curry Ridge Rd. to the center of the cul-de-sac, but it will only provide access to nine (9) dwelling units.

Because the proposed cul-de-sac will be more than 200-feet in length, the Applicant is requesting a deviation to the cul-de-sac length as part of the proposed PUD. The exception to the standard is proposed due to topographical and existing development pattern constraints.

A memorandum requesting an exception for block length is also included with this application as the applicant seeks an exception to the maximum block length. Additional findings on block length standards are addressed below in this narrative under the section titled *16.128.010 – Blocks.*

*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: No private streets are being proposed as part of this PUD proposal, therefore, the above criteria to not apply to the Applicant's proposal.

*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.*

3. *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.*

4. *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.*

RESPONSE: Sidewalks will be provided on both sides of the proposed public streets. A sidewalk will also be provided on the east side of SW Murdock Rd. adjacent to the site.

*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.*

RESPONSE: SW Murdock Rd. is classified as a minor arterial street, so the sidewalk along SW Murdock will have a minimum of a six (6) foot wide sidewalk for residential areas.

The sidewalks along the local streets will have a minimum five (5) foot sidewalk and be located as required by this code. Handicapped ramps will be provided at all intersections.

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.*

RESPONSE: Bicycle and pedestrian connections are provided within the right-of-way of the full street connections within the PUD. However, when spacing between connections is more than 330 feet because it is prevented by topography, existing development patterns, or environmental constraints such as rivers and streams, then public easements have been provided over the trail system within the open space to provide additional pedestrian connections within the PUD.

*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.*

RESPONSE: The Applicant's proposal satisfies the above criterion because a 5-foot bike lane will be added along the site's SW Murdock Rd. frontage.

*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.*

RESPONSE: During the required Pre-App. meeting, the Applicant was informed by city Staff that a TIA would not be required for the proposed PUD because it did not meet the threshold of the above code section to require one. As such, the above section does not apply to the Applicant's proposal.

*Chapter 16.110 SANITARY SEWERS*

RESPONSE: Sheet 11 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 Murdock Road. 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 Murdock Road adjacent to the western boundary 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 11 of the submitted plan set along with individual water meters to each of the new lots.

*Chapter 16.114 STORM WATER*

RESPONSE: Sheet 11 of the submitted plan set shows a proposed water quality facility (i.e. Tract B) along the northwestern 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: The developer will be working with TVF&R during the civil plan review on the installation of new fire hydrants to serve the proposed PUD. The future 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 11. 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 thirty-two 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 thirty-two lot PUD development. The subdivision/PUD is proposed to be developed in one phase.

*16.120.040 – 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 6 - 9 of the submitted plan set shows the street plan, profile and section for SW Murdock Rd. and the proposed new public streets, 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: No private streets are proposed as part of this application.

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 11 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 that is not being currently developed.

F. *Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.*

RESPONSE: There is no adjoining land that can either be developed independently or that can be provided access to allow development in accordance with this Code as all surrounding property is either currently developed or is preserved and natural lands.

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 C to the extent practicable 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 4 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 Murdock Rd. 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 adj**acent 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/west public street. The extension of the proposed public street from the south to the north and west will allow for it to connect with SW Murdock Rd. to the west as envisioned in the SE Sherwood Master Plan. Due to the existing development patterns in the surrounding area and the presence of the Tualatin River National Wildlife Refuge (i.e. Rock Creek) to the east of the site, the block lengths for the subject property have been predetermined.

With the proposed pedestrian connections in the open space (i.e. Tract C) and the existing pedestrian connections with the Denali Summit and Denali Meadows PUD's, the block lengths between these connections is minimized for pedestrians. The existing pedestrian connection created in the Denali Summit PUD between the private streets (i.e. Tracts E and F) is approximately 560 feet in length. By extending the street within the Denali Summit PUD north and west through the subject property, the block length created between SW Byers Lake Terrace and the existing pedestrian connection

created in the Denali Summit PUD between the private streets (i.e. Tracts E and F) will exceed 530 feet in length.

Because the proposed block length exceeds the maximum block length of 530 feet, the Applicant is seeking approval of a Design Modification through the PUD process for the proposed block length. The increased block length is necessary due to the sites undulating topography, existing surrounding development and natural areas, and the sites rocky terrain.

Sidewalks are being provided on both sides of the proposed public streets, as well as along the east side of SW Murdock Road. A soft trail (i.e. wood chip) will be provided in Tract C.

Lastly, Tract C will provide connectivity links for pedestrians to provide alternative pedestrian routes to minimize out of distance travel when traveling to the north and west from the Denali Summit PUD to the south. Specifically, Tract C will have a pedestrian trail that connects with the open space and trails in the recently approved Denali Summit PUD. This will allow pedestrians to have an alternative access to SW Murdock Road without having to walk down the public streets before being able to travel to the west. The existing pedestrian connections within the Denali Summit PUD also provide for a mid-block pedestrian connection to SW Murdock Road.

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 contains a small seasonal wetland at the northcentral portion of the site. The existing wetland is depicted on Sheet 2 of the submitted plans. The developer is currently working with the Army Corps of Engineers and the Division of State Lands (DSL) to obtain a joint permit to fill the wetland as part of the development. A copy of the joint permit can be provided to the city prior to beginning any construction activity.

*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 contains one (1) short cul-de-sac street. There are no unusually long or oddly shaped blocks as part of the PUD. 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. All lots front the proposed public streets. 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.

*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*

*16.142.030 – All 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. Cottage cluster development is subject to the open space requirements of 16.14.40 and not to the requirements of this section. 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 C and D provide the required usable open space, neither of which are required sensitive areas or buffers. Tract A provides the required visual corridors along the sites SW Murdock Rd. frontage. 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 C and D 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.

*D. The density of a 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 | 10,533 Sq. Ft. |
| LOT 2 | 10,008 Sq. Ft. |
| LOT 3 | 10,030 Sq. Ft. |
| LOT 4 | 10,001 Sq. Ft. |
| LOT 5 | 10,046 Sq. Ft. |
| LOT 6 | 10,002 Sq. Ft. |
| LOT 7 | 10,845 Sq. Ft. |
| LOT 8 | 10,008 Sq. Ft. |
| LOT 9 | 10,000 Sq. Ft. |
| LOT 10 | 11,823 Sq. Ft. |
| LOT 11 | 10,774 Sq. Ft. |
| LOT 12 | 10,162 Sq. Ft. |
| LOT 13 | 10,378 Sq. Ft. |
| LOT 14 | 10,294 Sq. Ft. |
| LOT 15 | 10,036 Sq. Ft. |
| LOT 16 | 10, 007 Sq. Ft. |
| LOT 17 | 10,018 Sq. Ft. |
| LOT 18 | 10,076 Sq. Ft. |
| LOT 19 | 10,150 Sq. Ft. |
| LOT 20 | 10,000 Sq. Ft. |
| LOT 21 | 10,187 Sq. Ft. |
| LOT 22 | 10,325 Sq. Ft. |
| LOT 23 | 10,088 Sq. Ft. |
| LOT 24 | 10,001 Sq. Ft. |
| LOT 25 | 10,744 Sq. Ft. |
| LOT 26 | 10,136 Sq. Ft. |
| LOT 27 | 10,143 Sq. Ft. |
| LOT 28 | 10,150 Sq. Ft. |
| LOT 29 | 10,152 Sq. Ft. |
| LOT 30 | 10,152 Sq. Ft. |
| LOT 31 | 10,151 Sq. Ft. |
| LOT 32 | 12,432 Sq. Ft. |
| SW Murdock Rd. ROW dedication | 3,976 Sq. Ft. |
| Public Street ROW dedication | 81,917 Sq. Ft. |
| Cul-de-sac Street right-of-way | 4,411 Sq. Ft. |
| Access Easement along Lots 7 – 10 and Tract B | 5,023 Sq. Ft. |
| Tract A usable open space | 8,398 Sq. Ft. |
| Tract B water quality | 20,317 Sq. Ft. |
| Tract C usable open space | 85,993 Sq. Ft. |
| Tract D usable open space | 3,791 Sq. Ft. |

| | |
|---|---|
| Tract E usable open space | 1,985 Sq. Ft. |
| Gross Square Footage = | 541,245 Sq. Ft. |

| Deductions from Gross Square Footage: | |
|---|---|
| SW Murdock Rd. ROW dedication = | 3,976 Sq. Ft. |
| Public Street right-of-way = | 81,917 Sq. Ft. |
| Water quality tract (Tract B) = | 20,317 Sq. Ft. |
| Total = | 106,210 Sq. Ft in Deductions |

| | |
|---|---|
| Gross Square Footage | 541,245 Sq. Ft. |
| -Deductions | 106,210 Sq. Ft |
| Net Square Footage = | 435,035 Sq. Ft. or 9.98 Net Acres |

In this case, there are 9.98 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 39 units (9.98 net acres x 4 units = 39.92). Tracts A, B, C, D and E 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 PUD subdivision consisting of thirty-two 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 Recreation System Development Charges 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 a minor 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 and a 15-foot landscaped visual corridor will be provided as required by the City's development code since right-of-way will be dedicated. A detailed landscape plan has been submitted as part of the overall application materials showing how the 15-foot wide visual corridor will be landscaped.

*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 appro**val. 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 Murdock Rd. and the proposed new public streets within the development. The submitted landscape plan shows the location of 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 the submitted landscape plan 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: The submitted landscape plan shows the proposed planting of one (1) street tree, spaced every 40 feet, in the planter strips along both sides of the new public streets and along the east side of SW Murdock Rd.

*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 12.36 acres (540,977 Sq. Ft.) which yields 4.96 acres (216,390 sq. ft.) of tree canopy. The project will be planting a wide range of tree species and street trees. A large number of pine trees will be located in Tract C to help reforest an area of the property that was previously forested. To achieve this the developer will be working closely with Aspen Creek Forest Management, LLC to reforest portions of Tract C in a strategic manner. Additionally, new landscaping will be provided within the in the open space areas consistent with the requirements for open space. A detailed landscape plan has been submitted demonstrating compliance with this criterion. The

table below further shows how the site will comply with the 40% tree canopy requirement of this section.

| Tract C' Tree Density Calculations | | | | |
|---|---|---|---|---|
| | | | | |
| ***Scientific Name*** **/ Common Name** | **QTY** | **Mature Spread** | **Canopy Area (SF)** | **Canopy Coverage (SF)** |
| *Acer macrophyllum* / Big Leaf Maple | 10 | 50 | 1963 | 19625 |
| *Amelanchier alnifolia* / Western Serviceberry | 500 | 10 | 79 | 39250 |
| *Calocedrus decurrens* / Incense Cedar | 250 | 15 | 177 | 44156 |
| *Pinus ponderosa* / Ponderosa Pine | 25 | 40 | 1256 | 31400 |
| *Quercus garryana* / Oregon White Oak | 40 | 60 | 2826 | 113040 |
| *Rhamnus purshiana* / Cascara | 250 | 15 | 177 | 44156 |
| | | **Total Canopy Coverage:** | | 291628 |
| | | **Total Site Area:** | | 335896 |
| | | **Percent Canopy Coverage:** | | 86.82% |

*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.*

2. *Required Tree Canopy* ***–*** *All Residential Developments subject to Type II-V land use review.*

   *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 detached and middle housing developments) subject to Residential Design Checklist or Type I review | Residential (single family detached and middle housing developments) subject to Type II-IV review | Old Town & Infill developments | Commercial, Industrial, Institutional Public and Multi-Family dwelling |
|---|---|---|---|---|
| Canopy Requirement | N/A | 40% | N/A | 30% |
| Counted Toward the Canopy Requirement | | | | |
| Street trees included in canopy requirement | N/A | Yes | N/A | No |
| Landscaping requirements included in canopy requirement | N/A | N/A | N/A | Yes |
| Existing trees onsite | N/A | Yes<br>x2 | N/A | Yes<br>x2 |
| Planting new trees onsite | N/A | Yes | N/A | Yes |
| Mature Canopy in Square Feet Equation $\pi r^2$ or (3.14159*radius $^2$) (This is the calculation to measure the square footage of a circle.<br>The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half. | | | | |
| Canopy Calculation Example: Pin Oak<br>Mature canopy = 35'<br>(3.14159* 17.5 $^2$) = 962 square feet | | | | |

RESPONSE: As noted above, the proposed PUD will be providing a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage in the

table below is based on the expected mature canopy of each proposed tree by using the equation πr 2 to calculate the expected square footage of canopy for each tree.

The canopy requirement will be achieved by planting new trees. If necessary, the required street trees will be used toward the total on site canopy 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 has provided the estimated tree canopy of the proposed trees in the table below.

**Tract C' Tree Density Calculations**

| ***Scientific Name*** **/ Common Name** | **QTY** | **Mature Spread** | **Canopy Area (SF)** | **Canopy Coverage (SF)** |
|---|---|---|---|---|
| *Acer macrophyllum* / Big Leaf Maple | 10 | 50 | 1963 | 19625 |
| *Amelanchier alnifolia* / Western Serviceberry | 500 | 10 | 79 | 39250 |
| *Calocedrus decurrens* / Incense Cedar | 250 | 15 | 177 | 44156 |
| *Pinus ponderosa* / Ponderosa Pine | 25 | 40 | 1256 | 31400 |
| *Quercus garryana* / Oregon White Oak | 40 | 60 | 2826 | 113040 |
| *Rhamnus purshiana* / Cascara | 250 | 15 | 177 | 44156 |
| | | **Total Canopy Coverage:** | | 291628 |
| | | **Total Site Area:** | | 335896 |
| | | **Percent Canopy Coverage:** | | 86.82% |

*Chapter 16.144 WETLAND, HABITAT AND NATURAL AREAS*

*16.144.020 - Standards*

*A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:*

*1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.*

*a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.*

b. *Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.*

c. *A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.*

2. *If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.*

B. *The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:*

1. *The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).*

2. *The facility will comply with applicable requirements of the zone.*

3. *The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.*

4. *The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.*

5. *Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 16.140.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.*

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:*

1. *Verifying boundaries of inventoried riparian habitat. Locating habitat and determining its riparian habitat class is a four-step process:*

   a. *Located the Water Feature that is the basis for identifying riparian habitat.*

      1. *Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.*

      2. *Locate all flood areas within 100 feet of the property.*

      3. *Locate all wetlands within 150 feet of the property based on the Local Wetland Inventory map and on the Metro 2002 Wetland Inventory map (available from the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232). Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers.*

   b. *Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas or are within 100 feet of flood areas. Vegetative cover status shall be as identified on the Metro Vegetative Cover map. In the event of a discrepancy between the Metro Vegetative Cover map and the existing site conditions, document the actual vegetative cover based on the following definitions along with a 2002 aerial photograph of the property;*

      1. *Low structure vegetation or open soils — Areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).*

2. *Woody vegetation — Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown-closure) located within 300 feet of a surface stream.*

3. *Forest canopy — Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.*

c. *Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% (using the Clean Water Services Vegetated Corridor methodology); and*

d. *Identify the riparian habitat classes applicable to all areas on the property using Table 8-1 below:*

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.*

RESPONSE: The subject site contains a small seasonal wetland as shown on Sheet 2 of the submitted plans. However, the small seasonal wetland does not show up on the City's Wetland Inventory, the Comprehensive Plan Natural Resource Inventory, and/or the Regionally Significant Fish and Wildlife Habitat Area map adopted by Metro because it was recently crated with the removal of the pine trees by the previous property owner. After the trees where cut down and the stumps were removed from the site, it created a small depression that has now become a seasonal wetland.

The site 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 (i.e. Rock Creek), 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. This is further supported by the CWS SPL letter the developer

obtained for the mass grading permit, and the letter dated April 25th, 2022, by Environmental Science & Assessment, LLC. 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.




In order to facilitate the proposed PUD development, the developer has hired Environmental Science & Assessment, LLC. to delineate the boundary of the wetland and to obtain the necessary joint permit from the Division of State Lands (DSL) and the Army Corps of Engineers to fill the wetland. In addition, Environmental Science & Assessment, LLC. has obtained a second required CWS SPL letter for the filling of the wetland as part of the PUD development. Copies of the approved wetland delineation and CWS SPL letter are provided as part of the submitted application materials.

All state and local required mitigation measures for filling the small seasonal wetland will be adhered to as part of the proposed development.

*Chapter 16.148 VIBRATIONS*

*Chapter 16.150 AIR QUALITY*

*Chapter 16.152 ODORS*

RESPONSE: The proposal is for thirty-two (32) new single-family residential building lots for future detached 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 Murdock Rd., 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.

CONCLUSION:

As a needed housing application such as the Applicant's, ORS 197.307(4) requires local governments to "adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing." Needed housing means "all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those

terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a." ORS 197.303(a). Needed housing includes "[a]ttached and detached single-family housing and multiple family housing for both owner and renter occupancy." ORS 197.303(1)(a).

The subject Application falls under the definition of "needed housing" because (a) it is on land zoned for residential use that is within an urban growth boundary, and (b) it will consist of attached and/or detached single-family housing for owner and/or renter occupancy.

Procedures are clear and objective "if they do not impose 'subjective, value-laden analyses that are designed to balance or mitigate impacts.'" *Warren v. Washington County*, LUBA No. 2018-089, *Slip Op.* at p. 21 (Or LUBA 2018) (citing *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff'd* 158 Or App 1, 970 P.2d 685, *rev den* 328 Or 549 (1999)).

The applicant has demonstrated in this written narrative and through the submitted supporting application materials that the proposed 32-Lot residential subdivision satisfies the City's applicable clear and objective review criteria for a residential subdivision within the City of Sherwood. As such, the Applicant respectfully requesting approval of the proposed subdivision with any necessary clear and objective conditions of approval.

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 / Steve Miller
Phone: Cell (541) 318-7487
Applicant Address: 6445 SW Fallbrook Pl., #100, Beaverton, OR 97008
Email: stevem@emeriodesign.com
Owner: J.T. Roth Construction, Inc. / Tim Roth
Phone: (503) 639-2639
Owner Address: 12600 SW 72nd Ave STE 200, Portland, OR 97223
Email: timr@jtrothinc.com
Contact for Additional Information: _____

**Property Information:**

Street Location: 22900 SW Murdock Rd.
Tax Lot and Map No: 2S133BC0; Tax Lot 1700
Existing Structures/Use: Residential
Existing Plan/Zone Designation: VLDR
Size of Property(ies) 12.36 Acres

**Proposed Action:**

Purpose and Description of Proposed Action:

The Applicant is proposing a 32 lot residential PUD in the Southeast Sherwood Master Plan area on land zoned VLDR.

Proposed Use: 32 lot residential PUD

Proposed No. of Phases (one year each): One Phase

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: 7/19/2022

Owner's Signature — Date: 7/19/2022

**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.

# SPL Materials

Clean Water Services
Our commitment is clear.

CWS File Number
**22-002556**

# Service Provider Letter

**This form and the attached conditions will serve as your Service Provider Letter in accordance with Clean Water Services Design and Construction Standards (R&O 19-5, as amended by R&O 19-22).**

| | | | |
|---|---|---|---|
| **Jurisdiction:** | City of Sherwood | **Review Type:** | Tier 2 Analysis |
| **Site Address / Location:** | 22900 SW Murdock Rd<br>Sherwood, OR 97140 | **SPL Issue Date:**<br>**SPL Expiration Date:** | October 10, 2022<br>October 09, 2024 |

| **Applicant Information:** | | **Owner Information:** | |
|---|---|---|---|
| Name | TIM ROTH | Name | TIM ROTH |
| Company | JT ROTH CONSTRUCTION INC | Company | JT ROTH CONSTRUCTION INC |
| Address | 12600 SW 72ND AVE STE 200<br>TIGARD OR 97223 | Address | 12600 SW 72ND AVE STE 200<br>TIGARD OR 97223 |
| Phone/Fax | | Phone/Fax | |
| E-mail: | timr@jtrothinc.com | E-mail: | timr@jrothinc.com |

| **Tax lot ID** | **Development Activity** |
|---|---|
| 2S133BC01700 | Murdock Road Residential Subdivision |

| **Pre-Development Site Conditions:** | | **Post Development Site Conditions:** | |
|---|---|---|---|
| Sensitive Area Present: | [X] On-Site [ ] Off-Site | Sensitive Area Present: | [ ] On-Site [ ] Off-Site |
| Vegetated Corridor Width: | 25’ | Vegetated Corridor Width: | None |
| Vegetated Corridor Condition: | | | |

**Enhancement of Remaining Vegetated Corridor Required:** [ ]

**Square Footage to be enhanced:**

**Encroachments into Pre-Development Vegetated Corridor:**

| Type and location of Encroachment: | Square Footage: |
|---|---|
| Lots (Permanent encroachment; Mitigation required) | 7,519 |

**Mitigation Requirements:**

| Type/Location | Sq. Ft./Ratio/Cost |
|---|---|
| Off-site Mitigation (Per R&O 13-12 VC mitigation requirements for VC encroachment associated with wetland impacts met through verification of wetland mitigation bank credit purchase) | 7,519 |

[X] Conditions Attached [X] Development Figures Attached ( 3 ) [ ] Planting Plan Attached [ ] Geotech Report Required

**This Service Provider Letter does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered on your property.**

## In order to comply with Clean Water Services water quality protection requirements the project must comply with the following conditions:

1. No structures, development, construction activities, gardens, lawns, application of chemicals, uncontained areas of hazardous materials as defined by Oregon Department of Environmental Quality, pet wastes, dumping of materials of any kind, or other activities shall be permitted within the sensitive area or Vegetated Corridor which may negatively impact water quality, except those allowed in R&O 19-5, Chapter 3, as amended by R&O 19-22.
2. Prior to any site clearing, grading or construction the Vegetated Corridor and water quality sensitive areas shall be surveyed, staked, and temporarily fenced per approved plan. During construction the Vegetated Corridor shall remain fenced and undisturbed except as allowed by R&O 19-5, Section 3.06.1, as amended by R&O 19-22 and per approved plans.
3. **Prior to any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits.**
4. An approved Oregon Department of Forestry Notification is required for one or more trees harvested for sale, trade, or barter, on any non-federal lands within the State of Oregon.
5. **Prior to any ground disturbing activities, an erosion control permit is required. Appropriate Best Management Practices (BMP's) for Erosion Control, in accordance with Clean Water Services' Erosion Prevention and Sediment Control Planning and Design Manual, shall be used prior to, during, and following earth disturbing activities.**
6. Prior to construction, a Stormwater Connection Permit from Clean Water Services or its designee is required pursuant to Ordinance 27, Section 4.B.
7. Activities located within the 100-year floodplain shall comply with R&O 19-5, Section 5.10, as amended by R&O 19-22.
8. Removal of native, woody vegetation shall be limited to the greatest extent practicable.
9. The water quality swale and detention pond shall be planted with Clean Water Services approved native species, and designed to blend into the natural surroundings.
10. **Should final development plans differ significantly from those submitted for review by Clean Water Services, the applicant shall provide updated drawings, and if necessary, obtain a revised Service Provider Letter.**

**This Service Provider Letter is not valid unless CWS-approved site plan is attached.**

**Please call (503) 681-3653 with any questions.**



**Lindsey Obermiller**
**Environmental Plan Review**

**Attachments ( 3 )**

Exhibit A3

CWS FILE NO. 22-002556
Approved
Clean Water Services
FOR ENVIRONMENTAL REVIEW
By LB Date 10/10/2022
SPL ATTACHMENT 1 OF 3

LOT 15
TAX LOT 1500
MAP 2S-1-33BC

LOT 12
TAX LOT 1200
MAP 2S-1-33BC

20.00' WIDE ROADWAY EASEMENT

TAX LOT 1700
MAP 2S-1-33BC

LOT 11
TAX LOT 1100
MAP 2S-1-33BC

"FAIROAKS"
BOOK 71, PAGE 30

LOT 10
TAX LOT 1000
MAP 2S-1-33BC

LOT 9
TAX LOT 900
MAP 2S-1-33BC

SW MURDOCK STREET (CR 2257)

DP-1
DP-8
DP-2
DP-3
DP-4
DP-5
DP-6
DP-7
VC-1
VC-2

ROCK RETAINING WALL
WOOD DECK
CONCRETE STAIRS
HOUSE
BARN
GARAGE
PUMP HOUSE
GRAVEL DRIVEWAY
POLE WITH LIGHT AND DOWN DROP

WETLAND A

VEGETATED CORRIDOR
7,174 SF
DEGRADED
25.0'
18%

200'
200' VEGETATED CORRIDOR EXTENDS ONTO SITE FROM OFFSITE RESOURCE, 545 SF, GOOD

ROCK CREEK

TAX LOT 1100
MAP 2S-1-33

SW UPPER ROY STREET

ROCK RETAINING WALL
GRAVEL ROAD BARRICADE

SW BYERS LAKE TERRACE

TAX LOT 251
MAP 2S-1-33CB

TAX LOT 250
MAP 2S-1-33CB

TAX LOT 100
MAP 2S-1-33CB

TRACT B
LOT 7
LOT 8
"DENALI MEADOWS"
LOT 9

Vegetated Corridor: 7,719 SF
Sensitive Area: 2,276 SF

● Wetland Data Plot
■ VC Data Plot
Photo Point
1' Contours


Environmental Science & Assessment, LLC
e s & a
4831 NE Fremont St., Suite 2B
Portland, OR 97213
Phone: 503.478.0424
www.esapdx.com

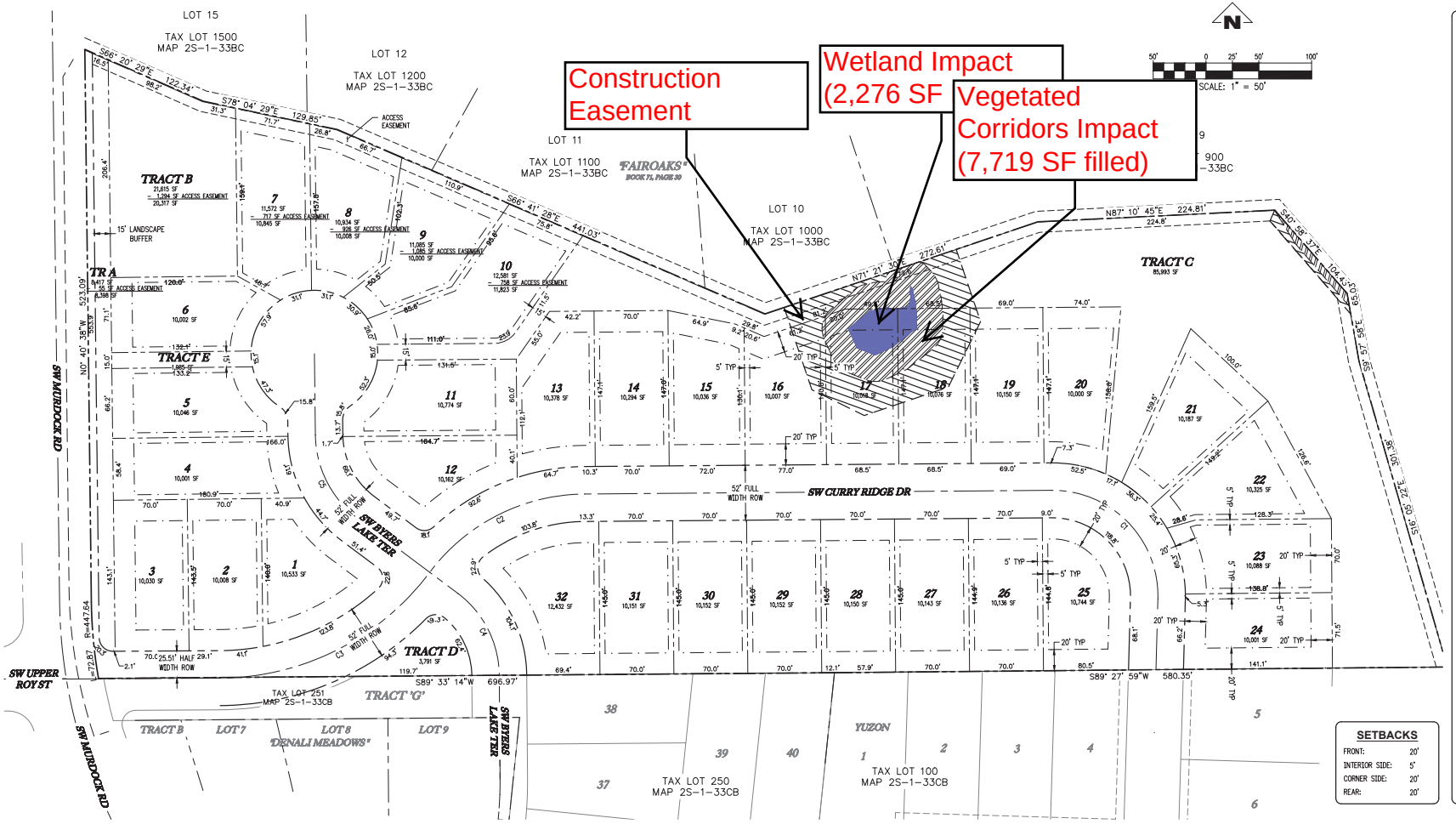

# Existing Conditions Map
# 22900 SW Murdock Street
# Sherwood, Oregon

| | |
|---|---|
| Base Map Source: | Northwest Surveying, Inc. |
| Modified By: | KR |
| Date: | 2/22 |
| Rev: | 5/22 |
| Proj. # | 21055 |

N

Figure 3

1"=100'
0 50 100




| GROSS & NET AREAS: | |
|---|---|
| LOT | AREA |
| 1 | 10,533 SF |
| 2 | 10,008 SF |
| 3 | 10,030 SF |
| 4 | 10,001 SF |
| 5 | 10,046 SF |
| 6 | 10,002 SF |
| 7 | 10,845 SF |
| 8 | 10,008 SF |
| 9 | 10,000 SF |
| 10 | 11,823 SF |
| 11 | 10,774 SF |
| 12 | 10,162 SF |
| 13 | 10,378 SF |
| 14 | 10,294 SF |
| 15 | 10,036 SF |
| 16 | 10,007 SF |
| 17 | 10,018 SF |
| 18 | 10,076 SF |
| 19 | 10,150 SF |
| 20 | 10,000 SF |
| 21 | 10,187 SF |
| 22 | 10,325 SF |
| 23 | 10,088 SF |
| 24 | 10,001 SF |
| 25 | 10,744 SF |
| 26 | 10,136 SF |
| 27 | 10,143 SF |
| 28 | 10,150 SF |
| 29 | 10,152 SF |
| 30 | 10,152 SF |
| 31 | 10,151 SF |
| 32 | 12,432 SF |
| TR A | 8,398 SF |
| TR B | 20,317 SF |
| TR C | 85,993 SF |
| TR D | 3,791 SF |
| TR E | 1,985 SF |
| MURDOCK ROW | 3,976 SF |
| PUBLIC STEET ROW | 81,917 SF |
| ACCESS EASEMENT | 5,023 SF |
| GROSS SF | 541,245 SF |
| REQ'D 15% OPEN SPACE | 81,188 SF |
| DEDUCTIONS FROM SQUARE FOOTAGE | |
| MURDOCK ROW | 3,976 SF |
| PUBLIC STEET ROW | 81,917 SF |
| TR B | 20,317 SF |
| TOTAL DEDUCTIONS | 106,210 SF |
| GROSS SF | 541,245 SF |
| DEDUCTIONS | 106,210 SF |
| NET SF | 435,035 SF |

| SETBACKS | |
|---|---|
| FRONT: | 20' |
| INTERIOR SIDE: | 5' |
| CORNER SIDE: | 20' |
| REAR: | 20' |

MOSER PASS AT DELALI
TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

PRELIMINARY PLAT

REVISIONS
NO. DATE DESCRIPTION

EMERIO DESIGN
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 626-8910
www.emeriodesign.com

SHEET 04 OF 12

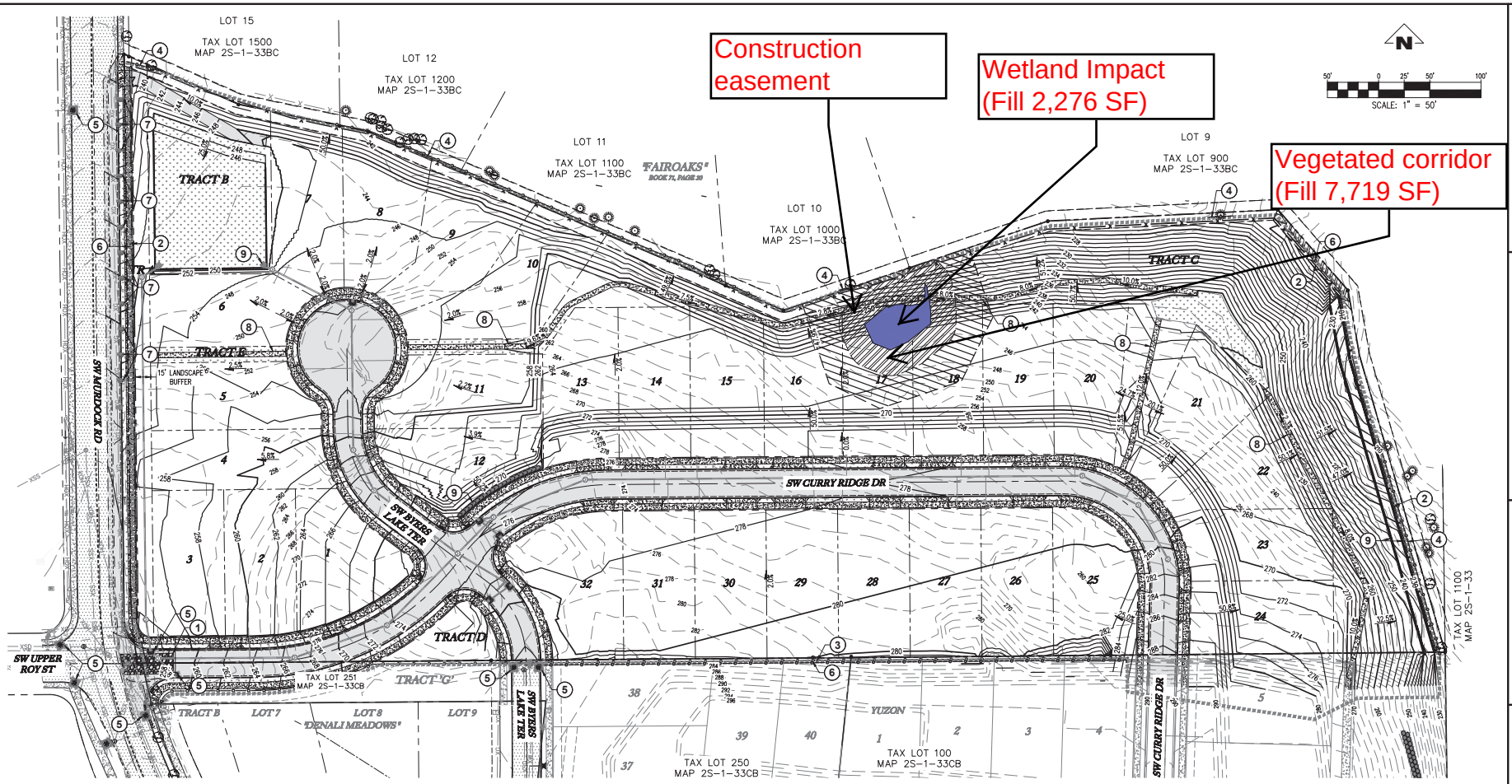
FILE P:\2020-016 moser subdivision sherwood\dwg\plan\2020-016_04plot, Layout: 04 PRELIMINARY PLAT, Plot Date: 9/9/2022 1:02 PM, by: Bart Anderson

COLOR COPY

CWS FILE NO. 22-002556
Approved
Clean Water Services
FOR ENVIRONMENTAL REVIEW
By [signature] Date 10/10/2022
SPL ATTACHMENT 2 OF 3

# Figure 4

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.




COLOR COPY

CWS FILE NO. 22-002556
Approved
Clean Water Services
FOR ENVIRONMENTAL REVIEW
By LO Date 10/10/2022
SPL ATTACHMENT 3 OF 3

Figure 5

**EROSION CONTROL NOTES:**

1. INSTALL GRAVEL CONSTRUCTION ENTRANCE
2. INSTALL SEDIMENT FENCE
3. INSTALL ORANGE CONSTRUCTION FENCE (LIMITS OF DISTURBANCE)
4. INSTALL TREE PROTECTION FENCE (TYP)
5. INSTALL INLET PROTECTION
6. LIMITS OF CONSTRUCTION
7. INSTALL BIOFILTER BAG CHECK DAM (25' OC)
8. INSTALL NATURE PATH
9. INSTALL RETAINING WALL PER STRUCTURAL DESIGN

**EROSION CONTROL LEGEND:**

- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- PROPOSED 2' CONTOUR
- PROPOSED 10' CONTOUR
- GRAVEL CONSTRUCTION ENTRANCE (1)
- SEDIMENT FENCE (2)
- ORANGE CONSTRUCTION FENCE (LIMITS OF DISTURBANCE) (3)
- TREE PROTECTION FENCE (4)
- INLET PROTECTION (5)
- LIMITS OF CONSTRUCTION (6)
- BIOFILTER BAG CHECK DAM (7)
- NATURE PATH (8)

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

MOSER PASS AT DELALI
TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

GRADING & EROSION CONTROL PLAN

REVISIONS
NO. DATE DESCRIPTION

EMERIO
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 626-8486
www.emeriodesign.com

SHEET 05 OF 12

FILE P:\2200-016 moser subdivision sherwood\dwg\plan\2200-016_05grad_Layout: 05 GRADING & EROSION CONTROL PLAN, Plot Date: 9/9/2022 1:02 PM, by: Bart Anderson

# TVFR Materials

Exhibit A3

# FIRE CODE / LAND USE / BUILDING REVIEW APPLICATION

Tualatin Valley Fire & Rescue


**North Operating Center**
11945 SW 70th Avenue
Tigard, OR 97223
Phone: 503-649-8577

**South Operating Center**
8445 SW Elligsen Rd
Wilsonville, OR 97070
Phone: 503-649-8577


REV 6-30-20

## Project Information

Applicant Name: Emerio Design
Address: 6445 SW Fallbrook PL
Phone: 503 746-8812
Email: pam@emeriodesign.com
Site Address: 22900 SW Murdock Rd
City: Sherwood
Map & Tax Lot #: 2S133BC TL 1700
Business Name:
Land Use/Building Jurisdiction: Sherwood
Land Use/ Building Permit #

Choose from: Beaverton, Tigard, Newberg, Tualatin, North Plains, West Linn, Wilsonville, Sherwood, Rivergrove, Durham, King City, Washington County, Clackamas County, Multnomah County, Yamhill County

### Project Description

32 lot subdivision

## Permit/Review Type (check one):

- ☑ Land Use / Building Review - Service Provider Permit
- ☐ Emergency Radio Responder Coverage Install/Test
- ☐ LPG Tank (Greater than 2,000 gallons)
- ☐ Flammable or Combustible Liquid Tank Installation (Greater than 1,000 gallons)
  - * Exception: Underground Storage Tanks (UST) are deferred to DEQ for regulation.
- ☐ Explosives Blasting (Blasting plan is required)
- ☐ Exterior Toxic, Pyrophoric or Corrosive Gas Installation (in excess of 810 cu.ft.)
- ☐ Tents or Temporary Membrane Structures (in excess of 10,000 square feet)
- ☐ Temporary Haunted House or similar
- ☐ OLCC Cannabis Extraction License Review
- ☐ Ceremonial Fire or Bonfire (For gathering, ceremony or other assembly)

### For Fire Marshal's Office Use Only

TVFR Permit # 2022-0101
Permit Type: SPP-COS
Submittal Date: 8-30-22
Assigned To: OFM Am
Due Date: NA
Fees Due: Ø
Fees Paid: Ø

## Approval/Inspection Conditions
(For Fire Marshal's Office Use Only)

**This section is for application approval only**

0430 9-9-22
Fire Marshal or Designee Date

Conditions:

See Attached FS Plans Conditions: ☑ Yes ☐ No

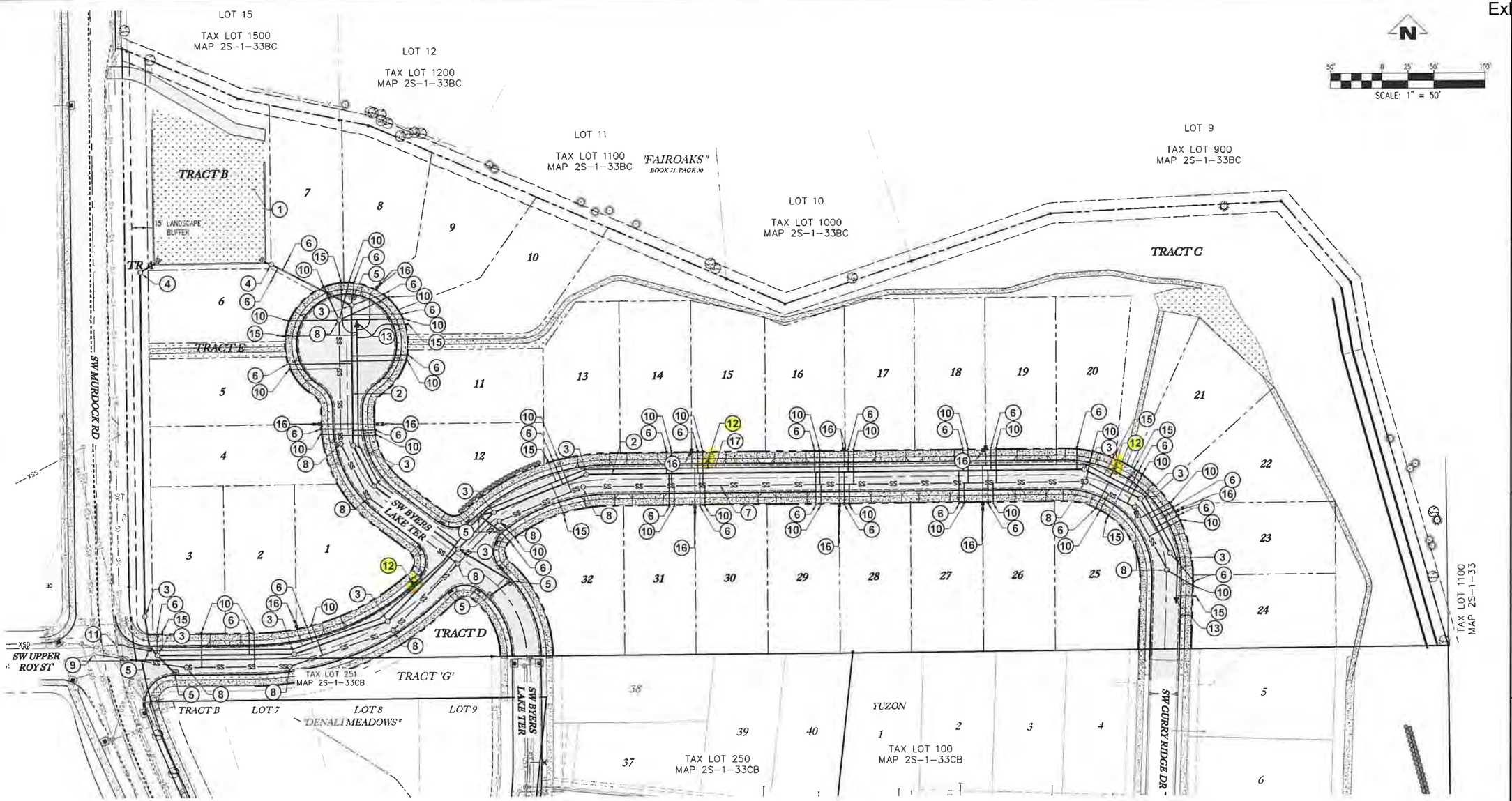
Site Inspection Required: ☐ Yes ☒ No

**This section used when site inspection is required**

Inspection Comments:

Final TVFR Approval Signature & Emp ID Date

Exhibit A3




Tualatin Valley Fire & Rescue

APPROVED PLANS

**APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS.**

Deputy Fire Marshal II

TVFR Permit# 2022-0101

## UTILITY NOTES:

1. PROPOSED WATER QUALITY FACILITY
2. PROPOSED STORM LINE
3. PROPOSED STORM MANHOLE
4. PROPOSED POLLUTION CONTROL MANHOLE
5. PROPOSED CG-2 CATCH BASIN
6. PROPOSED STORM LATERAL
7. PROPOSED SANITARY LINE
8. PROPOSED SANITARY MANHOLE
9. PROPOSED CONNECTION TO EXISTING SANITARY MANHOLE
10. PROPOSED SANITARY LATERAL
11. PROPOSED CONNECTION TO EXISTING WATERLINE
12. PROPOSED FIRE HYDRANT
13. PROPOSED BLOWOFF
14. PROPOSED SINGLE WATER METER
15. PROPOSED DOUBLE WATER METER
16. PROPOSED WATER LINE

*THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.*

**MOSER PASS AT DELALI**
**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

# PRELIMINARY UTILITY PLAN

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |


EMERIO
ENGINEERING • SURVEYING • DESIGN
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com


SHEET 11 OF 12

845

FILE P:\0200-016 mosier subdivision sherwood\dwg\plan\0200-016_11pull. Layout: 10 PRELIMINARY UTILITY PLAN. Plot Date: 9/7/2022 11:42 AM, by: Bart Anderson

Real-World Geotechnical Solutions
Investigation • Design • Construction Support

# Geotechnical Engineering Report

| | |
|---|---|
| **Project Information:** | Moser Subdivision<br>GeoPacific Project No. 22-6031<br>April 20, 2022 |
| **Site Location:** | 22900 SW Murdock Road<br>Sherwood, Oregon 97140<br>Washington County Tax Lot 2S133BC0 1700 |
| **Client:** | Tim Roth<br>JT Roth Construction, Inc.<br>12600 SW 72nd Ave. Suite 200<br>Portland, OR 97223<br>Phone: (503) 639-2639<br>Email: timr@jtrothinc.com |



14835 SW 72nd Avenue
Portland, Oregon 97224
Tel (503) 598-8445
Fax (503) 941-9281

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1 Site Vicinity Map
2 Site Aerial and Exploration Locations
3 Site Plan and Exploration Locations

## 1.0 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, assess potential geologic hazards at the property, and to provide geotechnical recommendations for site development. This geotechnical study was performed in accordance with GeoPacific Proposal No. P-8057, dated March 28, 2022, and your subsequent authorization of our proposal and *General Conditions for Geotechnical Services*.

## 2.0 SITE AND PROJECT DESCRIPTION

As indicated on Figures 1 and 2, the subject site is located at 22900 SW Murdock Road in Sherwood Oregon and consists of tax lot 2S133BC0 1700, totaling approximately 12.36 acres in size. Topography onsite is moderately sloping down to the north with several hills throughout the area. Site elevations ranging from 200 to 288 feet amsl. The property is currently occupied by a single-family home and small outbuildings in the western portion of the parcel which will be demolished. Vegetation consists primarily of short grasses, native plants, and medium to large trees throughout the property.

GeoPacific understands that the proposed site development will consist of construction of a 32-lot subdivision, with associated new public alleys and streets, private parking areas, stormwater management facilities, and installation of new underground utilities. A grading plan has not yet been provided for our review. However, based on site topography, we anticipate that cuts and fills will be on the order of 8 feet or less.

## 3.0 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 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.

## 4.0 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 reportedly 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 located approximately 13.4 miles northeast of the site. The Oatfield Fault occurs along the western side of the Portland Hills and is located approximately 9.6 miles northeast of the site. The East Bank Fault occurs along the eastern margin of the Willamette River, and is located approximately 14.8 miles northeast of the site. The accuracy of the fault mapping is stated to be within 500 meters (Wong, et al., 2000).

According to the USGS Earthquake Hazards Program, the fault was originally mapped as a down-to-the-northeast normal fault but has also been mapped as part of a regional-scale zone of right-lateral, oblique slip faults, and as a steep escarpment caused by asymmetrical folding above a south-west dipping, blind thrust fault. The Portland Hills fault offsets Miocene Columbia River Basalts, and Miocene to Pliocene sedimentary rocks of the Troutdale Formation. No fault scarps on surficial Quaternary deposits have been described along the fault trace, and the fault is mapped as buried by the Pleistocene aged Missoula flood deposits. 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 8.0 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; 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.

## 5.0 FIELD EXPLORATION AND SUBSURFACE CONDITIONS

Our subsurface explorations for this report were conducted on April 18, 2022. A total of ten exploratory test pits (TP-1 through TP-10) were excavated at the site using a Case Extendahoe backhoe excavator with rock teeth provided and operated by Dan Fischer Excavating, to a maximum depth of approximately 11 feet bgs. Explorations were conducted under the full-time observation of a GeoPacific engineering staff member. During the explorations pertinent information including soil sample depths, stratigraphy, soil engineering characteristics, and groundwater occurrence was recorded. Soils were classified in accordance with the Unified Soil Classification System (USCS). Soil samples obtained from the explorations were placed in relatively air-tight plastic bags. At the completion of each test, the test pits were loosely backfilled with onsite soils. The approximate locations of the explorations are indicated on Figures 2 and 3.

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. Summary exploration logs are attached. The stratigraphic contacts shown on the individual test pit logs represent the approximate boundaries between soil types. The actual transitions may be more gradual. The soil and groundwater conditions depicted are only for the specific dates and locations reported, and therefore, are not necessarily representative of other locations and times. Soil and groundwater conditions encountered in the explorations are summarized below.

### 5.1 Soil Descriptions

***Topsoil:*** At the locations of our explorations the ground was surfaced primarily with grasses and native plants. A topsoil horizon was observed to be present typically consisting of 3 to 18 inches of organic SILT (OL-ML) containing fine roots.

***Residual Soil***: Underlying the topsoil layer at the locations of our explorations, we observed Residual Soil. This soil type consisted of brown to reddish brown, soft to stiff, moist, low plasticity, SILT (ML) with some areas of trace sand, The Residual Soil extended to depths ranging from 1.5 to 10 feet bgs at the locations of our explorations.

***Columbia River Basalt:*** Underlying the residual soil in all exploration locations, we encountered a zone of weathered basalt which graded into dense, in-tact basalt. All of our test pits were terminated at depths between 1.5 and 11 feet bgs due to refusal on hard rock. The basalt displayed very soft (R1) to medium hard (R3) consistency.

### 5.2 Groundwater and Soil Moisture

On April 18, 2022, observed soil moisture conditions were generally moist. Groundwater seepage was encountered at test pit TP-2 at a depth of approximately 8.5 feet bgs. Based on our review of available well logs from the vicinity of the subject site, static groundwater is expected at depths of 100 to 250 feet bgs, depending on ground surface elevation. Perched groundwater may be encountered in localized areas. Seeps and springs may exist in areas not explored and may become evident during site grading.

## 6.0 CONCLUSIONS AND 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. The primary geotechnical concern associated with development at the site the presence of shallow bedrock where underground utilities are proposed. Bedrock was encountered in our explorations at as shallow as 1.5 feet bgs.

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 development, and areas to receive fill should be cleared of any organic and inorganic debris, undocumented fill soils, and/or loose stockpiled soils. Inorganic debris and organic materials from clearing should be removed from the site. Organic-rich soils and root zones should then be stripped from construction areas of the site or where engineered fill is to be placed. Depth of stripping of existing topsoil is estimated to average approximately 3 to 12 inches across the site, with some areas as deep as 18 inches.

The final depth of soil removal will be determined during site inspection after the stripping/excavation has been performed. Stripped topsoil should be removed from areas proposed for placement of engineered fill. Any remaining topsoil should be stockpiled only in designated areas and stripping operations should be observed and documented by the geotechnical engineer or his representative.

Where encountered, undocumented fills and any subsurface structures (dry wells, basements, swimming pools, driveway and landscaping fill, old utility lines, septic leach fields, etc.) should be completely removed and the excavations backfilled with engineered fill.

Areas proposed to be left at grade may require additional over-excavation of foundation areas in order to reach soils which will provide adequate bearing support for the proposed foundations. It is unlikely that site earthwork will be impacted by shallow groundwater, however native soils are

moisture sensitive and will be difficult to handle during periods of wet weather. Stabilization of subgrade soils will require aeration and re-compaction. If subgrade soils are found to be difficult to stabilize, over-excavation, placement of granular soils, or cement treatment of subgrade soils may be feasible options. GeoPacific should be onsite to observe preparation of subgrade soil conditions prior to placement of engineered fill.

### 6.2 Engineered Fill

Where incorporated into the project, all grading for the proposed construction should be performed as engineered grading in accordance with the applicable building code at the time of construction with the exceptions and additions noted herein. Site grading should be conducted in accordance with the requirements outlined in the 2018 International Building Code (IBC), and 2019 Oregon Structural Specialty Code (OSSC), Chapter 18 and Appendix J. Areas proposed for fill placement should be prepared as described in Section 6.1, *Site Preparation Recommendations*. Surface soils should be aerated, scarified and recompacted prior to placement of structural fill. Site preparation, soil stripping, and grading activities should be observed and documented by a geotechnical engineer or his representative. Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill.

Onsite native soils appear to be suitable for use as engineered fill. Soils containing greater than 5 percent organic content should not be used as structural fill. Imported fill material must be approved by the geotechnical engineer prior to 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 12 inches using standard compaction equipment. We recommend that engineered fill be compacted to at least 95 percent of the maximum dry density determined by ASTM D698 (Standard Proctor) or equivalent. Soils should be moisture conditioned to within two percent of optimum moisture. 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 his 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 may be impacted by shallow groundwater, soil moisture and wet weather conditions. Earthwork in wet weather would likely require extensive use of additional crushed aggregate, 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

Refusal on basaltic bedrock was encountered within our subsurface explorations at depths as shallow as 1.5 feet bgs. Excavation below this depth will likely be difficult. The use of rock chippers and other heavy equipment may be needed for the installation of in-ground utilities.

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. 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 soils in the upper 1.5 to 10 feet classify as Type B Soil and temporary excavation side slope inclinations as steep as 1H:1V may be assumed for planning purposes. These cut slope inclinations are applicable to excavations above the water table only.

Shallow, perched groundwater may be encountered at the site and should be anticipated in excavations and utility trenches. 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.

Underground utility pipes should be installed in accordance with the procedures specified in ASTM D2321 and City of Hillsboro/Washington County standards. We recommend that structural trench backfill be compacted to at least 95 percent of the maximum dry density obtained by the Standard Proctor (ASTM D698, AASHTO T-99) or equivalent. Initial backfill lift thicknesses 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, at least one density test is taken for every 4 vertical feet of backfill on each 100-lineal-foot section of trench.

### 6.4 Erosion Control Considerations

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, fiber rolls, and silt fences. If used, these erosion control devices should 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 run-off of surface water and to prevent the ponding of water;
- 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 placement of fill 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

We anticipate that the homes will be constructed with typical spread foundations and wood framing, with maximum structural loading on column footings and continuous strip footings on the order of 10 to 35 kips, and 2 to 4 kips respectively.

The proposed structures may be supported on shallow foundations bearing on stiff, 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. For maximization of bearing strength and protection against frost heave, spread footings should be embedded at a minimum depth of 12 inches below exterior

grade. If soft soil conditions are encountered at footing subgrade elevation, they should be removed and replaced with compacted crushed aggregate.

The anticipated allowable soil bearing pressure is 1,500 lbs/ft$^2$ for footings bearing on competent, native soil and/or engineered fill. The recommended maximum allowable bearing pressure may be increased by 1/3 for short-term transient conditions such as wind and seismic loading. For column or point loads heavier than 35 kips, the geotechnical engineer should be consulted. If heavier loads than described above are proposed, it may be necessary to over-excavate point load areas and replace with additional compacted crushed aggregate to achieve a higher allowable bearing capacity. 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 most 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 disturbed 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 prior to placing reinforcing steel bars. Due to the moisture sensitivity of on-site native soils, foundations constructed during the wet weather season may require over-excavation of footings and backfill with compacted, crushed aggregate.

Our recommendations are for residential construction incorporating raised wood floors and conventional spread footing foundations. After site development, a Final Soil Engineer's Report should either confirm or modify the above recommendations.

### 6.7 Concrete Slabs-on-Grade

Preparation of areas beneath concrete slab-on-grade floors should be performed as described in Section 6.1, *Site Preparation Recommendations* and Section 6.6, *Spread Foundations*. Care should be taken during excavation for foundations and floor slabs, 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 evaluation of the concrete slab-on-grade floors using the beam on elastic foundation method, a modulus of subgrade reaction of 150 kcf (87 pci) should be assumed for the stiff, fine -grained soils anticipated to be present at foundation subgrade elevation following adequate site preparation as described above. 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 D1557 (Modified 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. A commonly applied vapor barrier system consists of a 10-mil polyethylene vapor barrier placed directly over the capillary break material. Other damp/vapor barrier systems may also be feasible. 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 structures, including positive crawlspace drainage to an adequate low-point drain exiting the foundation, visqueen covering the exposed ground in the crawlspace, and crawlspace ventilation (foundation vents). The client should be informed and educated that some slow flowing water in the crawlspaces is considered normal and not necessarily detrimental to the structures given these other design elements incorporated into construction. Appropriate design professionals should be consulted 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.

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 drainpipe 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 52 pcf should be used in design, again assuming level backfill against the wall. These values assume that the recommended drainage provisions are incorporated, 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 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 a 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 drainpipe 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 drainpipe 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 Flexible Pavement Design: Public and Private Drives

We understand that development at the site includes a private parking and driveways throughout the site. For analysis and design purposes, we conservatively assume that the native subgrade and engineered fill soils will exhibit a resilient modulus of 4,500 psi, which correlates to a CBR value of 3.

Based upon our understanding of the anticipated traffic which includes light-duty passenger vehicles, medium sized trucks, delivery and pickup vehicles, and occasional emergency vehicles weighing up to 75,000 lbs and point loads up to 2,500 lbs, we estimate an anticipated 18 kip ESAL count of approximately 60,000 over 20 years. Table 1 presents our flexible pavement design input parameters. Table 2 presents our recommended minimum dry weather pavement section for the proposed pavement sections, supporting 20 years of vehicle traffic per City of Sherwood standards.

**Table 1: Pavement Design Input Parameters**

| Input Parameter | Design Value (40 Years) |
|---|---|
| 18-kip ESAL Initial Performance Period | 60,000 |
| Initial Serviceability | 4.2 |
| Terminal Serviceability | 2.5 |
| Reliability Level | 80 Percent |
| Overall Standard Deviation | 0.5 |
| Roadbed Soil Resilient Modulus (PSI) | 4,000 |

**Table 2: Recommended Minimum Dry-Weather Pavement Section (20 Years)**

| Material Layer | Section Thickness (in.) | Structural Coefficient | Compaction Standard |
|---|---|---|---|
| New Asphalt Concrete – Base Course | 3.0 | 0.42 | 91%/ 92% of Max Density per AASHTO T-209 |
| New ¾”-0 Crushed Aggregate Base | 2.0 | 0.10 | 95% of Modified Proctor AASHTO T-180 |
| New 1.5”-0 Crushed Aggregate Subbase | 8.0 | 0.08 | 95% of Modified Proctor AASHTO T-180 |
| Subgrade | | 4,000 PSI | 95% of Standard Proctor AASHTO T-99 or equivalent |

### 6.11 Subgrade Preparation

Roadway subgrade soils should be compacted and inspected by GeoPacific prior to the placement of crushed aggregate base for pavement. Typically, a proof roll with a fully loaded water, dump truck or haul truck is conducted by travelling slowly across the grade and observing the subgrade for

rutting, deflection, or movement. Any pockets of organic debris or loose fill encountered during ripping or tilling should be removed and replaced with engineered fill (see Section 7.1, Site Preparation). To verify subgrade strength, we recommend proof-rolling directly on subgrade with a loaded dump truck during dry weather and on top of base course in wet weather. Soft areas that pump, rut, or weave should be stabilized prior to paving.

If roadway areas are to be constructed during wet weather, the subgrade and construction plan should be reviewed by the project geotechnical engineer at the time of construction so that condition specific recommendations can be provided. The subgrade soils observed in our subsurface exploration, though not necessarily susceptible to erosion, may become slick and difficult to work with in wet weather conditions. General recommendations for wet weather pavement sections are provided below.

During placement of roadway section materials, density testing and proof rolls should be performed to verify compliance with project specifications. Generally, one subgrade, one base course, and one asphalt compaction test is performed for every 100 to 200 linear feet of paving and a final base aggregate proof roll is conducted within a few days of paving.

### 6.12 Wet Weather Construction Pavement Section

This section presents our recommendations for wet weather pavement sections and construction for new pavement sections at the project. These wet weather pavement section recommendations are intended for use in situations where it is not feasible to compact the subgrade soils to project requirements, due to wet subgrade soil conditions, and/or construction during wet weather. Based on our site review, we recommend a wet weather section with a minimum subgrade deepening of 6 to 12 inches to accommodate a working subbase of additional 1½”-0 crushed rock. Geotextile fabric, Mirafi 500x or equivalent, should be placed on subgrade soils prior to placement of base rock.

In some instances, it may be preferable to use a subbase material in combination with over-excavation and increasing the thickness of the rock section. GeoPacific should be consulted for additional recommendations regarding use of additional subbase in wet weather pavement sections if it is desired to pursue this alternative. Cement treatment of the subgrade may also be considered instead of over-excavation. For planning purposes, we anticipate that treatment of the onsite soils would involve mixing cement powder to approximately 6 percent cement content and a mixing depth on the order of 12 to 18 inches.

With implementation of the above recommendations, it is our opinion that the resulting pavement section will provide equivalent or greater structural strength than the dry weather pavement section currently planned. However, it should be noted that construction in wet weather is difficult, and the performance of pavement subgrades depend on a number of factors including the weather conditions, the contractor’s methods, and the amount of traffic the road is subjected to. There is a potential that soft spots may develop even with implementation of the wet weather provisions recommended in this letter. If soft spots in the subgrade are identified during roadway excavation, or develop prior to paving, the soft spots should be over-excavated and backfilled with additional crushed rock.

During subgrade excavation, care should be taken to avoid disturbing the subgrade soils. Removals should be performed using an excavator with a smooth-bladed bucket. Truck traffic should be limited until an adequate working surface has been established. We suggest that the crushed rock be spread using bulldozer equipment rather than dump trucks, to reduce the amount of traffic and potential disturbance of subgrade soils. Care should be taken to avoid over-compaction of the base course materials, which could create pumping, unstable subgrade soil conditions. Heavy and/or vibratory compaction efforts should be applied with caution. Following placement and compaction of the crushed rock to project specifications (95 percent of Modified Proctor), a finish proof-roll should be performed before paving.

The above recommendations are subject to field verification. GeoPacific should be on-site during construction to verify subgrade strength and to take density tests on the engineered fill, base rock and asphaltic pavement materials.

## 7.0 SEISMIC DESIGN

The Oregon Department of Geology and Mineral Industries (DOGAMI), Oregon HazVu: 2022 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 2019). We recommend Site Class D be used for design as defined in ASCE 7-16, Chapter 20, and Table 20.3-1. Design values determined for the site using the ATC Hazards by Location 2022 Seismic Design Maps Summary Report are summarized in Table 20 and are based upon observed existing soil conditions.

**Table 20: Recommended Earthquake Ground Motion Parameters (ASCE 7-16)**

| Parameter | Value |
|---|---|
| Location (Lat, Long), degrees | 45.354, -122.825 |
| Probabilistic Ground Motion Values, 2% Probability of Exceedance in 50 yrs | |
| Peak Ground Acceleration $PGA_M$ | 0.463 g |
| Short Period, $S_s$ | 0.831 g |
| 1.0 Sec Period, $S_1$ | 0.391 g |
| Soil Factors for Site Class D: | |
| $F_a$ | 1.168 |
| * $F_v$ | 1.909 |
| $SD_s = 2/3 \times F_a \times S_s$ | 0.647 g |
| $*SD_1 = 2/3 \times F_v \times S_1$ | 0.498 g |
| Seismic Design Category | D |

* $F_v$ value reported in the above table is a straight-line interpolation of mapped spectral response acceleration at 1-second period, $S_1$ per Table 1613.2.3(2) with the assumption that Exception 2 of ASCE 7-16 Chapter 11.4.8 is met per the Structural Engineer. If Exception 2 is not met, and the long-period site coefficient ($F_v$) is required for design, GeoPacific Engineering can be consulted to provide a site-specific procedure as per ASCE 7-16, Chapter 21.

### 7.1 Soil Liquefaction

The Oregon Department of Geology and Mineral Industries (DOGAMI), Oregon HazVu: 2022 Statewide GeoHazards Viewer indicates that the site is in an area considered to be at very low risk for soil liquefaction during an earthquake. 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 15.

The subsurface profile observed within our subsurface explorations which extended to a maximum depth of 12 feet bgs, indicated that the site is underlain by medium stiff to stiff, low plasticity silt, sandy silt, and clay. These fine-grained materials were underlain by bedrock. In test pit TP-2, we encountered groundwater seepage at a depth of approximately 9 feet bgs within the site vicinity. Based upon the results of our study, it is our opinion that the risk of soil liquefaction during a seismic event is low, and that no special design measures are needed to address liquefaction.

## 8.0 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. The checklist attached to this report outlines recommended geotechnical observations and testing for the project. 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**




Alexandria B. Campbell, E.I.
Engineering Staff

James D. Imbrie, P.E.
Principal Geotechnical Engineer

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## CHECKLIST OF RECOMMENDED GEOTECHNICAL TESTING AND OBSERVATION

| Item No. | Procedure | Timing | By Whom | Done |
|---|---|---|---|---|
| 1 | Preconstruction meeting | Prior to beginning site work | Contractor, Developer, Civil and Geotechnical Engineers | |
| 2 | Fill removal from site or sorting and stockpiling | Prior to mass stripping | Soil Technician/ Geotechnical Engineer | |
| 3 | Stripping, aeration, and root-picking operations | During stripping | Soil Technician | |
| 4 | Compaction testing of engineered fill (95% of Standard Proctor) | During filling, tested every 2 vertical feet | Soil Technician | |
| 5 | Foundation Subgrade Compaction (95% of Modified Proctor) | During Foundation Preparation, Prior to Placement of Reinforcing Steel | Soil Technician/ Geotechnical Engineer | |
| 6 | Compaction testing of trench backfill (95% of Standard Proctor) | During backfilling, tested every 4 vertical feet for every 200 linear feet | Soil Technician | |
| 7 | Street Subgrade Inspection (95% of Standard Proctor) | Prior to placing base course | Soil Technician | |
| 8 | Base course compaction (95% of Modified Proctor) | Prior to paving, tested every 200 linear feet | Soil Technician | |
| 9 | Asphalt Compaction (92% Rice Value) | During paving, tested every 100 linear feet | Soil Technician | |
| 10 | Final Geotechnical Engineer's Report | Completion of project | Geotechnical Engineer | |

# FIGURES

GEOPACIFIC
14835 SW 72nd A˜ enue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

# SITE VICINITY MA




Base map: Dogami Haz' ( , USGS, Acces ed 04/19/2022
Date: 04/19/2022
Drawn by: ABC

North

| Project: 3 o er Subdi' $ $on Sherwood, Oregon | Project No. 22-6031 | FIGURE 1 |
|---|---|---|

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Tel: (503) 598-8445

# SITE AERIAL AND EXPLORATION LOCATIONS




TP-1 Test Pit Designation and Approximate Location

(3.5') Approximate Depth to Observed Bedrock

APPROXIMATE SCALE (FEET)

100 0 100 200

Drawn by: ABC
Date: 04/19/2022

North

| Project: Moser Subdivision Sherwood, Oregon | Project No. 22-6031 | FIGURE 2 |
|---|---|---|

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Portland, Oregon 97224
Tel: (503) 598-8445

# SITE PLAN AND EXPLORATION LOCATIONS




TP-1 Test Pit Designation and Approximate Location

(3.5') Approximate Depth to Observed Bedrock

APPROXIMATE SCALE (FEET)
75 0 75 150

Drawn by: ABC
Date: 04/19/2022

North

| Project: Moser Subdivision Sherwood, Oregon | Project No. 22-6031 | FIGURE 3 |
|---|---|---|

# EXPLORATION LOGS

GEOPACIFIC
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Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-1** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˙ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | ^˘9 | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5 i ately 6 inches (Topsoil |
| ^ | ^˘9 | | | | | | SILT ( ¸ 1 . ith trace sand, br˘ . n to reddish br˘ . n, stiff, moist, low plasticity (= esidual Soil |
| * | ^˘·· | | | | | | |
| 7 | 7˘·· | | | | | | |
| 9 | | | | | | | BASALT, very soft to soft (=0( =+ , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| ) | | | | | | | Test pit ter inated at 6 feet bgs due to refusal on apparent bedr˘$% |
| : | | | | | | | |
| 8 | | | | | | | |
| ; | | | | | | | |
| +· | | | | | | | |

LEGEND



Bag Sample



Bucket Sample


Shelby Tube Sample


Seepage


! ater Bearing Zone


! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 244 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-2** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˛ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| | | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5i ately 12 inches (Topsoil |
| + | ˆ˘· | | | | | | SILT ( ¸ 1 , br˘ . n to reddish br˘ . n with orange staining, medium stiff/ moist, low plasticity (= esidual Soil) |
| ˆ | ˆ˘· | | | | | | |
| * | +˘9 | | | | | | |
| 7 | ˆ˘9 | | | | | | |
| 9 | | | | | | | |
| ) | | | | | | | 3˜ ades to with some weathered r˘ ck f˜agments |
| : | | | | | | | |
| 8 | | | | | | | |
| ; | | | | | | | |
| +· | | | | | | | BASALT, very soft to soft (=0( =+ , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| | | | | | | | Test pit ter inated at 10 feet bgs due to refusal on apparent bedr˘$% |
| | | | | | | | 3˜ oundwater seepage obser˝ed at 8.5 feet bgs. Seepage visually estimated at ~5 gpm. |

LEGEND



Bag Sample



Bucket Sample


Shelby Tube Sample


Seepage


! ater Bearing Zone


! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 247 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-3** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˛ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5 i_ ately 3 inches (Topsoil<br>layey SILT (¸ 1 . ith some weathered r˘ ck f˜agments, reddish br˘ . n, stiff, moist, low plasticity (=esidual Soil)<br>BASALT, very soft to soft (=0( =+ , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| ˆ * 7 9 ) : 8 ; +˙ | | | | | | | Test pit ter inated at 2 feet bgs due to refusal on apparent bedr˘$% |

LEGEND

100 to 1,000 g — Bag Sample
5 Gal. Bucket — Bucket Sample
Shelby Tube Sample
Seepage
! ater Bearing Zone
! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 253 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜^˜

# TEST PIT LOG

| Pr˜' ect: ¸ ˜ ser Subdi˝ ision Sherwood, Oregon | Pr˜' ect No. 22-)'*+ | Test Pit No. **TP-4** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˜. 200 Sieve | ˜ isture ˛ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + ˆ * | | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˜ . n, moist, low plasticity, fine roots extend to appr˜5 i_ ately 6 inches (Topsoil<br>layey SILT (¸ 1 . ith some weathered r˜ ck f˜agments, reddish br˜ . n, stiff, moist, low plasticity (=esidual Soil)<br>3˜ ades to with yell˜ . staining<br>BASALT, very soft to soft (=0( =+ , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| 7 9 ) : 8 ; +˙ | | | | | | | Test pit ter inated at 3.5 feet bgs due to refusal on apparent bedr˜$% |

LEGEND

Bag Sample (100 to 1,000 g) | Bucket Sample (5 Gal. Bucket) | Shelby Tube Sample | Seepage | ! ater Bearing Zone | ! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 259 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-5** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˙ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5 i _ ately 3 inches (Topsoil<br>layey SILT (¸ 1 . ith some weathered r˘ ck f˜agments, reddish br˘ . n, stiff, moist, low plasticity (= esidual Soil)<br>3˜ ades to with yell˘ . staining<br>BASALT, very soft to soft (=0( = + , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| ˆ | | | | | | | |
| * | | | | | | | |
| 7 | | | | | | | Test pit ter inated at 3 feet bgs due to refusal on apparent bedr˘$% |
| 9 | | | | | | | |
| ) | | | | | | | |
| : | | | | | | | |
| 8 | | | | | | | |
| ; | | | | | | | |
| +˙ | | | | | | | |

LEGEND



Bag Sample



Bucket Sample


Shelby Tube Sample


Seepage


! ater Bearing Zone


! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 227 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-6** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˛ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5 i ately 18 inches (Topsoil |
| ˆ * 7 9 | | | | | | | SILT (¸ 1 . ith some weathered r˘ ck f˜agments, reddish br˘ . n, stiff, moist, l˘ . plasticity (= esidual Soil |
| ) : 8 ; +˙ | | | | | | | BASALT, very soft to soft (=0( = + , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| | | | | | | | Test pit ter inated at 6 feet bgs due to refusal on apparent bedr˘$% |

LEGEND

Bag Sample (100 to 1,000 g) | Bucket Sample (5 Gal. Bucket) | Shelby Tube Sample | Seepage | ! ater Bearing Zone | ! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 217 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-7** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˛ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | +˘9 | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5 i ately 10 inches (Topsoil |
| ˆ * 7 | | | | | | | SILT (¸ 1 . ith some weathered r˘ ck f˜agments, reddish br˘ . n, stiff, moist, l˘ . plasticity (= esidual Soil |
| 9 | | | | | | | BASALT, very soft to soft (=0( =+ , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| ) : 8 ; +˙ | | | | | | | Test pit ter inated at 5 feet bgs due to refusal on apparent bedr˘$% |

LEGEND

100 to 1,000 g — Bag Sample
5 Gal. Bucket — Bucket Sample
Shelby Tube Sample
Seepage
! ater Bearing Zone
! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 245 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-8** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ¸ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˘5i ately 6 inches (Topsoil |
| | | | | | | | SILT ( ¸ 1 . ith some weathered r˘ ck f˜agments, br˘ . n, stiff, moist, low plasticity (= esidual Soil |
| ˆ * 7 9 ) : 8 ; +˙ | | | | | | | Test pit ter inated at 1.5 feet bgs due to refusal on apparent bedr˘$% |

LEGEND

Bag Sample (100 to 1,000 g) | Bucket Sample (5 Gal. Bucket) | Shelby Tube Sample | Seepage | ! ater Bearing Zone | ! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 279 feet

GEOPACIFIC
14835 SW 72n A"en#e
Portland, Oregon 97224
Tel: (´)'* 598-8445 Fax: (´)'* 941-&˜^˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-9** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft´ | Tor˝ane Shear (tons/ft´ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ˛ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| + | | | | | | | 0˜ ganic SILT (01( ¸ 1 , dark br˘. n, moist, low plasticity, fine roots extend to appr˘5 i ately 8 inches (Topsoil |
| ˆ | | | | | | | SILT ( ¸ 1 . ith some weathered r˘ ck f˜agments, reddish br˘ . n, soft, moist, l˘ . plasticity (= esidual Soil<br>Boulders encountered |
| * | | | | | | | |
| 7 | | | | | | | BASALT, very soft to soft (=0( = + , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt |
| 9 | | | | | | | Test pit ter inated at 5 feet bgs due to refusal on apparent bedr˘$% |
| ) | | | | | | | |
| : | | | | | | | |
| 8 | | | | | | | |
| ; | | | | | | | |
| +· | | | | | | | |

LEGEND



Bag Sample



Bucket Sample


Shelby Tube Sample


Seepage


! ater Bearing Zone


! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 286 feet

GEOPACIFIC
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Portland, Oregon 97224
Tel: (˝)'* 598-8445 Fax: (˝)'* 941-&˜˜

# TEST PIT LOG

| Pr˘' ect: ¸ ˘ ser Subdi˝ ision<br>Sherwood, Oregon | Pr˘' ect No. 22-)'*+ | Test Pit No. **TP-1)** |
|---|---|---|

| Depth (ft) | Pocket Penetrometer (tons/ft˙ | Tor˝ane Shear (tons/ft˙ | Sample Type | % Passing N˘. 200 Sieve | ˘ isture ¸ ontent (%) | Wate˜ Bearing #one | Material Description |
|---|---|---|---|---|---|---|---|
| | | | | | | | 0˜ ganic SILT (01( ¸ 1 , br˘ . n, moist, low plasticity, fine roots extend to appr˜5 i ately 6 inches (Topsoil |
| + | ^˘9 | | | | | | SILT (¸ 1 with trace sand, reddish br˘ . n, medium stiff, moist, low plasticity (= esidual Soil |
| ^ | *˘· | | | | | | |
| * | *˘9 | | | | | | |
| 7 | 7˘· | | | | | | |
| 9 | | | | | | | |
| ) | | | | | | | |
| : | | | | | | | |
| 8 | | | | | | | |
| ; | | | | | | | |
| +· | | | | | | | BASALT, very soft to soft (=0( = + , g˜ay, f˜actured, gently sloping bedding, damp to moist ( olumbia Ri˝er Basalt<br><br>Test pit ter inated at 11 feet bgs due to refusal on apparent bedr˘$% |

LEGEND



Bag Sample



Bucket Sample


Shelby Tube Sample


Seepage


! ater Bearing Zone


! ater Level at Abandonment

Date Ex$avated: 04/18/2022
Logged By: ABC
Surface Elevation: 263 feet

# SITE RESEARCH

Exhibit A4

# Hazards by Location

## Search Information

**Address:** 22900 SW Murdock Rd, Sherwood, OR 97140, USA

**Coordinates:** 45.35414129999999, -122.8248734

**Elevation:** 265 ft

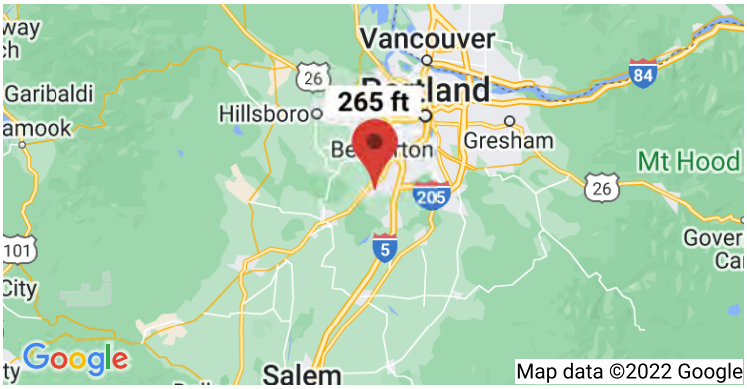
**Timestamp:** 2022-04-19T20:15:23.375Z

**Hazard Type:** Seismic

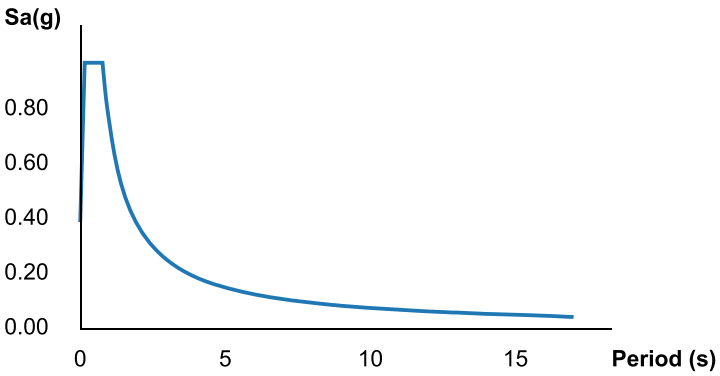
**Reference Document:** NEHRP-2015

**Risk Category:** II

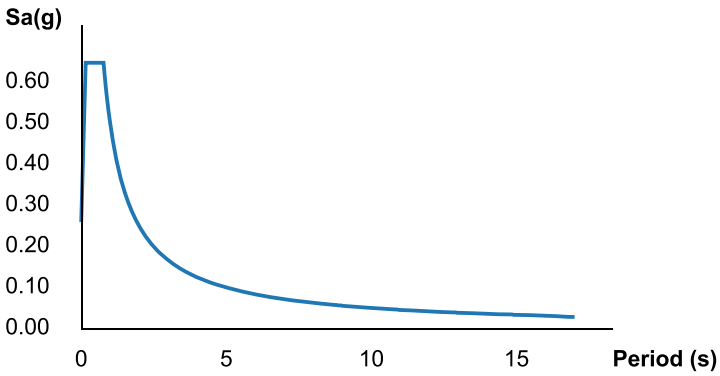
**Site Class:** D




## MCER Horizontal Response Spectrum




## Design Horizontal Response Spectrum




## Basic Parameters

| Name | Value | Description |
|---|---|---|
| $S_S$ | 0.831 | $MCE_R$ ground motion (period=0.2s) |
| $S_1$ | 0.391 | $MCE_R$ ground motion (period=1.0s) |
| $S_{MS}$ | 0.97 | Site-modified spectral acceleration value |
| $S_{M1}$ | * 0.746 | Site-modified spectral acceleration value |
| $S_{DS}$ | 0.647 | Numeric seismic design value at 0.2s SA |
| $S_{D1}$ | * 0.498 | Numeric seismic design value at 1.0s SA |

* See Section 11.4.7

## Additional Information

| Name | Value | Description |
|---|---|---|
| SDC | * D | Seismic design category |
| $F_a$ | 1.168 | Site amplification factor at 0.2s |

882

Exhibit A4

| | | |
|---|---|---|
| $F_v$ | * 1.909 | Site amplification factor at 1.0s |
| $CR_S$ | 0.884 | Coefficient of risk (0.2s) |
| $CR_1$ | 0.865 | Coefficient of risk (1.0s) |
| PGA | 0.379 | $MCE_G$ peak ground acceleration |
| $F_{PGA}$ | 1.221 | Site amplification factor at PGA |
| $PGA_M$ | 0.463 | Site modified peak ground acceleration |
| $T_L$ | 16 | Long-period transition period (s) |
| SsRT | 0.831 | Probabilistic risk-targeted ground motion (0.2s) |
| SsUH | 0.94 | Factored uniform-hazard spectral acceleration (2% probability of exceedance in 50 years) |
| SsD | 1.5 | Factored deterministic acceleration value (0.2s) |
| S1RT | 0.391 | Probabilistic risk-targeted ground motion (1.0s) |
| S1UH | 0.452 | Factored uniform-hazard spectral acceleration (2% probability of exceedance in 50 years) |
| S1D | 0.601 | Factored deterministic acceleration value (1.0s) |
| PGAd | 0.5 | Factored deterministic acceleration value (PGA) |

* See Section 11.4.7

*The results indicated here DO NOT reflect any state or local amendments to the values or any delineation lines made during the building code adoption process. Users should confirm any output obtained from this tool with the local Authority Having Jurisdiction before proceeding with design.*

## Disclaimer

Hazard loads are provided by the U.S. Geological Survey Seismic Design Web Services.

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# PHOTOGRAPHIC LOG



Test Pit TP-1 Soil Profile – Typical Soil Profile



Test Pit TP-2 Soil Profile – Groundwater Seepage



Test Pit TP-6 Soil Profile – Typical Soil Profile



Basalt Outcrop on Ground Surface

After Recording Return To:
Karna R. Gustafson
Vial Fotheringham LLP
17355 SW Boones Ferry Rd., Suite A
Lake Oswego, OR 97035

**SUPPLEMENTAL DECLARATION**

**FOR DENALI**

**ANNEXING MOSER PASS AT DENALI**

THIS SUPPLEMENTAL DECLARATION FOR DENALI ANNEXING MOSER PASS AT DENALI is made this _____ day of _____, 20___, 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 was recorded on July 21, 2021, as Instrument No. 2021-080765 in the Official Records of Washington County, Oregon. The Supplemental Declaration for Denali Annexing Denali Summit was recorded on _____, 20___, as 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. Moser Pass at Denali, the fourth phase of development of Denali, consists of Lots 1-32, Tract B and Common Area Tracts A, C and D as shown on the plat and described in Exhibit A attached hereto. Tract B, though a part of Moser Pass, is not Common Area. Moser Pass, Lots 1-32 and Tracts A, B, C and D shall be collectively referred to as the "Property".

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 in addition to being subjected to the Declaration, shall 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. To the extent provisions herein conflict with the Declaration, these provisions shall control the Property.

1. Common Area. The Common Area of Moser Pass at Denali shall consist of Tracts A, C and D. Tract A is a road frontage landscaping buffer. Tracts C and D are open space. The Common Area Tracts shall be maintained as provided in the Declaration. Tract B is not Common Area, but a water quality facility which will be conveyed to the City of Sherwood. There shall be no entrance to Tract B except by authorized maintenance personnel.

2. Home Square Footage. The square footage of a Home in Moser Pass at Denali shall not be less than twenty-five hundred (2500) square feet exclusive of decks, porches, carports and garages. The minimum square footage does not apply to Accessory Dwelling Units ("ADUs").

3. Landscaping. The builder of a Home on a Lot in Moser Pass at Denali shall install the front landscaping of Lots. The Owner shall install the landscaping in the back of their Lot within six (6) months after the sale of a Home from the builder 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. Accessory Dwelling Units. ADUs in Moser Pass at Denali may be separately rented from the main Home. The ADUs are not subject to a minimum rental period, but are subject to other restrictions in the Declaration and to the governing statutes of the City of Sherwood.

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.

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

[ACKNOWLEDGMENT ON FOLLOWING PAGE.]

STATE OF OREGON )
) ss. _____, 2022
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 on 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

# CC&R Materials

Exhibit A5

Washington County, Oregon
2019-026203
05/01/2019 09:29:53 AM
D-R/B Cnt=2 Stn=8 J CHOATE
$230.00 $5.00 $5.00 $11.00 $60.00 - Total =$311.00

02477537201900262030460461

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

AFTER RECORDING RETURN TO:
Karna R. Gustafson
Landye Bennett Blumstein LLP
1300 SW Fifth Avenue, Suite 3600
Portland, OR 97201

# 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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# DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS FOR DENALI

THIS DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR DENALI ("Declaration") is made by J. T. Roth Construction, Inc., an Oregon corporation ("Declarant").

## Recitals

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").

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 II 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 "Architectural Review Committee" or "ARC" shall refer to that committee constituted and acting pursuant to Article 6 of this Declaration.

1.2 "Articles" shall mean the Articles of Incorporation for the nonprofit corporation, Denali Homeowners Association, as filed with the Oregon Secretary of State.

1.3 "Association" shall mean and refer to Denali Homeowners Association, its successors and assigns.

1.4 "Board" shall mean the Board of Directors of the Association.

1.5 "Bylaws" shall mean and refer to the Bylaws of the Association which shall be recorded in the Washington County, Oregon, deed records.

1.6 "Common Area" shall mean and refer to Tracts A, C, D & E as shown on the recorded Plat of the Property, including any irrigation systems and improvements located thereon.

1.7 "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.

1.8 "Declaration" shall mean the covenants, conditions, restrictions, and all other provisions set forth in this Declaration.

1.9 "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 "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.

1.11 "Lot" shall mean and refer to each and any of Lots 1-7; provided, however, that "Lot" shall not include any Tracts.

1.12 "Members" shall mean and refer to the Owners of Lots in Denali.

1.13 "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.

1.14 "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.

1.15 "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.

1.16 "Plat" shall mean and refer to the Plat of Denali recorded in the Plat Records of Washington County, Oregon.

1.17 "Property" shall have the meaning attributed to such term in the Recitals of this Declaration.

1.18 "Denali" shall mean Lots 1-7 of the Property and Tracts A-E as designated on the Plat of 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 Development. The development of Denali shall consist of the Property, which shall be held, transferred, sold, conveyed and occupied subject to this Declaration. Declarant does not intend to build any Common Area improvements in Denali.

2.2 No Right to Annex Additional Property or to Withdraw Property. The Declarant reserves no right to annex additional property to or to withdraw property from Denali.

## 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.

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 A through E to any governmental body or agency. Declarant further reserves the right and power to grant an easement over Tracts A through E 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 when Tracts A through E are 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 or Unlawful Use. No Owner or Occupant shall make any improper, offensive 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. 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 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.

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 1-7. 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.

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, 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 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 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. Denali is exempt from conducting reserve studies and maintaining reserve accounts. The Declarant is not required to undertake a reserve study or maintenance plan, nor has Declarant done so. However, the Board may establish a Reserve Account in the name of the Association for any maintenance or repair items the Association is required to maintain.

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 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.

11.3 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.

11.4 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.

11.5 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.

11.6 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.

11.7 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.

11.8 Release of Right of Control. Declarant may give up its right of control in writing at any time by notice to the Association.

11.9 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.

11.10 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 30 day of April, 2019.

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 )

April 30th, 2019

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

AFTER RECORDING, RETURN TO:
Karna R. Gustafson
Landye Bennett Blumstein, LLP
1300 SW Fifth Avenue, Suite 3600
Portland, OR 97201

# BYLAWS OF
# DENALI HOMEOWNERS ASSOCIATION

## Exhibit "A" to Declaration of Protective Covenants, Conditions, and Restrictions for Denali

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# BYLAWS OF
# DENALI HOMEOWNERS ASSOCIATION

## ARTICLE 1
## PLAN OF LOT OWNERSHIP; DEFINITIONS

1.1 Bylaws Applicability. These Bylaws apply to the Lots and the Common Area in Denali, a planned community in Washington County, Oregon, that have been subjected to the Declaration of Protective Covenants, Conditions and Restrictions for Denali (the "Declaration"), as well as to the Denali Homeowners Association (the "Association") and the entire management structure thereof.

1.2 Lots; Property. The Lots and the Common Area may be collectively referred to in these Bylaws as the "Property" and the Lots individually as a "Lot" or collectively as the "Lots."

1.3 Personal Application. All present or future Owners, tenants, Occupants, and their employees, and any other person that might occupy any portion of the Property in any manner, shall be subject to the provisions set forth in these Bylaws. The acquisition, rental, or occupancy of any of the Lots shall constitute acceptance and ratification of these Bylaws and agreement to comply with all the provisions hereof.

1.4 Definitions. Capitalized terms used but not defined herein shall have meanings attributed to them in Article 1 of the Declaration.

1.5 Oregon Planned Community Act. The Property, all Lots and Owners thereof, the Association and all Members thereof, shall be subject to the Oregon Planned Community Act, ORS 94.550 et seq. (the "PCA").

## ARTICLE 2
## ASSOCIATION MEMBERSHIP, VOTING, MAJORITY OF OWNERS, QUORUM, PROXIES

2.1 Membership in the Association. Upon recordation of a conveyance or contract to convey a Lot, the grantee or purchaser named in such conveyance or contract shall automatically be and shall remain a Member of the Association until such time as such person's ownership ceases for any reason. For all purposes of the Declaration and the administration of the Property, Lot ownership shall be determined from the records maintained by the Association. The record shall be established by the Owner filing with the Association a copy of the deed to or land sale contract for such Owner's Lot, to which shall be affixed the certificate of the recording officer of the County of Washington, Oregon, showing the date and place of recording of such deed or contract. Notwithstanding the foregoing, Declarant shall be the Owner of all previously unsold Lots, although no deed or land sale contract, with respect to such Lots, has been filed with the Association.

2.2 Voting Rights. The Association shall have two (2) classes of voting Members:

2.2.1 Class A. Class A Members shall be all Owners of Lots other than Declarant, and each Class A Member shall be entitled to one (l) vote for each Lot owned with respect to all matters upon which Owners are entitled to vote.

2.2.2 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; provided, however, that Class B membership shall cease on the Termination Date, as provided in the Declaration. After termination of Class B membership, each Owner (including Declarant) shall be entitled to one (l) vote for each Lot owned with respect to all matters upon which Owners are entitled to vote, and the total number of votes shall equal the total number of Lots annexed to the Property and subjected to these Bylaws.

When more than one (l) 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. Fractionalized or split votes shall be disregarded, except for purposes of determining a quorum.

2.3 Majority of Owners. As used in these Bylaws, the term "majority" shall mean those Owners holding over fifty percent (50%) of the voting rights allocated to the Owners in accordance with the Declaration and Section 2.2 above. "Majority of Owners present" shall mean Owners holding over fifty percent (50%) of the votes present at any legal meeting.

2.4 Quorum. Except as otherwise provided in these Bylaws, the presence in person or by proxy of Owners holding fifty percent (50%) or more of the outstanding votes in the Association, as defined in Section 2.2 of this Article, shall constitute a quorum.

2.5 Voting; Proxies. Owners may cast votes in person, by written ballot, or by proxy. Proxies must be filed with the Secretary of the Association ("Secretary") before or during the appointed meeting. A proxy shall expire one (1) year after the date it was signed unless a shorter period is specified in the proxy. The proxies may require the holder to cast a vote for or against any special proposal set out in the notice calling the meeting. Unless withdrawn, a proxy given to another person to vote at a specific meeting shall also be valid at an adjourned meeting. Proxies and ballots must be retained by the Association for one (1) year from the date of the determination of the vote, except that proxies and ballots relating to an amendment must be retained by the Association for one (1) year from the date the amendment is effective.

2.6 Authority to Vote. All Owners, including those who have leased their Lot to a third party, shall be entitled to vote. An Owner's right to vote may not be revoked. A purchaser under a land sale contract entitled to immediate possession of the Lot shall be deemed the Owner thereof, unless otherwise provided in such contact.

2.7 Fiduciaries and Joint Owners. An attorney-in-fact, executor, administrator, guardian, conservator or trustee may vote, in person or by proxy, at any meeting of the Association with respect to any Lot owned or held by such person in such capacity, whether or not the same shall have been transferred to such person's name, provided that such person has satisfied the Secretary that such person is the attorney-in-fact, executor, administrator, guardian, conservator or trustee holding such Lot in such capacity. Whenever any Lot is owned by two (2)

or more persons jointly according to the records of the Association, the vote of such Lot may be exercised by any one of the Owners then present, in the absence of protest by a co-owner. In the event of such protest, no one co-owner shall be entitled to vote without the approval of all co-owners. In the event of disagreement among the co-owners, the vote of such Lot shall be disregarded for all purposes, except for determining whether a quorum is present.

## ARTICLE 3
## ADMINISTRATION

3.1 Association Responsibilities. The Owners shall constitute the Members of the Association. Except as otherwise provided in the Declaration or these Bylaws, decisions and resolutions of the Association shall require approval by a majority of the Owners present at any legal meeting. A legal meeting is one duly called pursuant to these Bylaws at which a quorum is present, in person or by proxy at a formal gathering or, if a vote is taken by written ballots, when ballots are returned representing more than fifty percent (50%) of the vote, unless a larger vote is required to approve a ballot item, in which case the quorum requirements shall be the number of votes required to approve the proposal.

3.2 Place of Meetings. Formal meetings of the Association shall be held at suitable places convenient to the Owners as may be designated by the Board of Directors of the Association.

3.3 Turnover Meeting. Declarant shall call a meeting (which shall be the initial meeting) for the purpose of turning over administrative control of the Association from Declarant to the Members within sixty (60) days of the earlier of the following dates:

3.3.1 Based on Lot Sales. The date on which eighty percent (80%) of the Lots in Denali have been sold and conveyed to third parties other than Declarant; and

3.3.2 Earliest Date. 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 these Bylaws. If Declarant does not call such meeting as required under this Section 3, any Owner may do so.

At the Turnover Meeting, Declarant shall relinquish control of the administration of the Association and the Owners shall assume such control and shall elect the Board in accordance with the provisions of Article 4 of these Bylaws and change the registered agent of the Association with the Oregon Secretary of State. Additionally, Declarant shall deliver to the Association all business and financial records, together with all Association bank accounts, funds and other assets as required by ORS 94.616. The Turnover Meeting may not be conducted by written ballot.

3.4 Annual Meetings. The Board, by a Board action, shall cause the first annual meeting of the Association to be held during the calendar year following the calendar year in which the Turnover Meeting is held. The Board, at its discretion, from time to time, may change the meeting date, provided that the meeting is held annually. At such meetings, the Owners shall

elect new members of the Board in accordance with the requirements of Section 4.7 of these Bylaws to replace those Directors whose terms have expired. The Owners also may transact such other business of the Association as may properly come before them. Annual meetings of the Association may not be conducted by written ballot.

3.5 Special Meetings. The President shall call a special meeting of the Owners if so directed by a resolution of the Board or a petition, presented to the Secretary and signed by thirty percent (30%) or more of the Owners. All meetings called because of petition of Owners shall be held at a formal gathering, and not by written ballot, notice of which shall be sent within thirty (30) days after the Secretary's receipt of the petition. The notice of any special meeting shall state the time and place of such meeting and the purpose thereof. No business other than that stated in such notice shall be transacted at a special meeting unless by consent of all the Owners of the Lots or as otherwise set out in these Bylaws.

3.6 Notice of Meetings. The Secretary shall mail by first class mail, hand deliver, or deliver via electronic communication, a notice of each annual and special meeting, stating the purpose thereof and the time and place where such meeting is to be held, to each Owner of record at least ten (10) but not more than fifty (50) days before such meeting or the date on which ballots for a ballot meeting are required to be returned. Such notices shall be mailed to the Owner's mailing or email address last given to the Secretary in writing by the Owner or such Owner's vendee. If Lot ownership is split or the Lot has been sold on a contract, notice shall be sent to a single address, of which the Secretary has been notified in writing by such parties. If no address has been given to the Secretary in writing, then mailing to the Lot shall be sufficient. The mailing or emailing of a notice in the manner provided in this Section shall be considered notice served. Provided however, an owner may decline to receive notices or ballots via electronic communication by written notice to the Secretary.

3.7 Adjourned Meetings. If any gathering of Owners is not a legal meeting because a quorum has not attended, the Owners who are present, either in person or by proxy, may adjourn the meeting to a time not less than forty-eight (48) hours or more than twenty (20) days from the time of the original meeting. The adjournment provisions of this Section do not apply to actions proposed to be taken by written ballot.

3.8 Ballot Meetings. Unless prohibited or limited by the Articles of Incorporation of the Association, any action that may be taken at any annual or special meeting of the Owners may be taken without a meeting if the Association delivers a written ballot to every Owner entitled to vote on the matter as provided in ORS 94.647. Provided, however, action by written ballot may not substitute for the Turnover Meeting, annual meeting, meeting to remove a director or special meeting called at the request of the Owners. Such ballot shall set forth each proposed action and provide an opportunity to vote for or against each proposed action. A proposed action shall be deemed to be approved by written ballot when the number of votes cast by ballot equals or exceeds any quorum required to be present at a meeting authorizing the action, and the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot. The Board must provide Owners with at least ten (10) days' notice as required by ORS 94.647 before written ballots are mailed or otherwise delivered. If, at least three (3) days before written ballots are scheduled to be mailed or otherwise distributed, at least

ten percent (10%) of the Owners petition the Board requesting secrecy procedures, a written ballot must be accompanied by a secrecy envelope, a return identification envelope to be signed by the Owner and instructions for making and returning the ballot. The Board of Directors may extend the date for counting the ballots of a ballot meeting, in one or more extensions, for up to ninety (90) days after the originally scheduled ballot return date if a quorum of ballots has not been returned and/or for matters on which a certain percentage approval is required and that vote has not been received nor have sufficient votes in opposition been received to negate such approval. Provided, however, if a secret ballot is required, secrecy ballots may not be examined or counted prior to the date certain specified in the notice or any extension thereof.

3.9 Order of Business. The order of business at all annual meetings shall be as follows:

3.9.1 Roll call;
3.9.2 Proof of notice of meeting or waiver of notice;
3.9.3 Reading of minutes of the preceding meeting;
3.9.4 Reports of officers;
3.9.5 Reports of committees;
3.9.6 Election of inspectors of election;
3.9.7 Election of Directors;
3.9.8 Unfinished business;
3.9.9 New business; and
3.9.10 Adjournment.

## ARTICLE 4
## BOARD OF DIRECTORS

4.1 Number and Qualification. The Board shall be composed of three (3) persons, all of whom must be an Owner or a co-owner of a Lot; provided, however, that if a Lot is owned by more than one (1) Owner, only one (1) co-owner of that Lot may serve on the Board of Directors at any one time. An officer or employee of a corporation, the trustee of a trust, the personal representative of an estate, or an employee of a trust or estate may serve on the Board if the corporation, trust or estate owns a Lot.

4.2 Powers and Duties. The Board shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not by law or by these Bylaws directed to be done by the Owners.

4.3 Other Duties. In addition to duties imposed by these Bylaws or by resolutions of the Association, the Board shall have authority to carry out and be responsible for the following matters:

4.3.1 Upkeep of Common Area and Commonly Maintained Property. Care, upkeep and supervision of the Common Area and the Commonly Maintained Property.

4.3.2 Reserves. Establishment and maintenance of replacement Reserve Accounts which the Board deems prudent for replacement of Common Area improvements or facilities and the Commonly Maintained Property.

4.3.3 Assessment Collection. Designation and collection of assessments from the Owners, in accordance with these Bylaws and the Declaration.

4.3.4 Budget; Voucher System. Establishment of a budget and payment of all common expenses of the Association and institution and maintenance of a voucher system for such payment, which shall require a sufficient number of signatories thereon as may be reasonably necessary to prevent any misuse of Association funds, in accordance with these Bylaws and the Declaration.

4.3.5 Insurance. Procurement and maintenance of insurance policies and payment of premiums therefor out of the common expense funds, as more specifically provided in Article 8 of these Bylaws.

4.3.6 Personnel. Designation and dismissal of the personnel necessary for the administration, maintenance and operation of Denali.

4.3.7 Financial Statements. Causing the preparation and distribution of annual financial statements of the Association to each of the Owners, as more specifically provided in the Declaration.

4.3.8 Rules. Adoption and amendment of administrative Rules and Regulations governing the details of operation and use of the Common Area and Lots and administration of the Association, including a fine schedule for violations of these Bylaws, the Declaration or any rules or regulations promulgated thereunder. Provided, however, that any such Rules and Regulations shall always be subject to rescission or amendment by the Association upon a majority vote of Owners present at any properly called meeting.

4.3.9 Copies of Documents; Bank Accounts. Causing the Association to comply with ORS 94.670 relating to maintenance within the State of Oregon of documents delivered to the Association by the Declarant, depositing all assessments in a separate federally insured account in the name of the Association, payment of all expenses of the Association from the Association's bank account, and maintenance and distribution of financial statements and to maintain copies suitable for duplication of the following: the Declaration, the Articles of Incorporation, the Bylaws, the Association rules and regulations and any amendments thereto, the most recent annual financial statement, and the current operating budget of the Association. Further, the Board of Directors shall cause to be maintained and kept current the information required to enable the Association to comply with ORS 94.670.

4.3.10 Tax Returns. Causing the Association to file the necessary tax returns of the Association.

4.3.11 Mailing Address. Establishing and maintaining a current mailing address for the Association.

4.3.12 Professional Services. Employment of legal, accounting, and other personnel or consultants for reasonable compensation to perform such services as may be required for the proper administration of the Association, and preparing and filing the required income tax returns or forms.

4.3.13 Fines. After giving written notice and an opportunity to be heard, levy reasonable fines for violations of the Declaration, Bylaws and rules and regulations of the Association, provided that fines levied are based on a schedule previously adopted by Board resolution that is mailed to the mailing address of each Lot or mailed to the mailing address designated in writing by the Owner(s).

4.4 Limited Authority. The Board shall not take any of the following actions, except with the vote or written assent of a majority of the voting power of the Owners other than Declarant:

4.4.1 Third-Party Contracts. Enter into a contract with a third party wherein the third person will furnish goods or services for the Common Area, the Commonly Maintained Property, or the Association for a term longer than one (1) year with the following exceptions:

4.4.1.1 Management contract, the provisions of which have been approved by the Federal Housing Administration, U.S. Housing and Urban Development or Veterans Administration.

4.4.1.2 A contract with a public utility company in Washington County, or a service contract if the rates charged for the materials or services are regulated by the Oregon Public Utilities Commission; provided, however, that the term of the contract shall not exceed the shortest term for which the supplier will contract at the regulated rate.

4.4.1.3 A prepaid casualty and/or liability insurance policy the term of which does not exceed three (3) years, provided that the policy permits short-rate cancellation by the insured.

4.4.2 Capital Expenditures. Incur aggregate expenditures for capital improvements (as opposed to maintenance, repair and replacement costs) to the Common Area, the Commonly Maintained Property, during any fiscal year in excess of five percent (5%) of the budgeted gross expenses of the Association for that fiscal year.

4.4.3 Compensating Board Members. Pay compensation to members of the Board or officers of the Association for services performed in the conduct of the Association's business; provided, however, that the Board may cause a member or officer to be reimbursed for expenses incurred in carrying on the business of the Association.

4.5 Management Agent. The Board may employ a management agent, to be compensated in an amount established by the Board, to perform such duties and services as the Board shall authorize, including, but not limited to, the duties listed in Section 4.3 of these Bylaws. Any such management contract must be cancelable without penalty upon ninety (90) days' written notice. Any management contract entered into by the Declarant before the Turnover Meeting may be canceled by the Board of Directors elected at the Turnover Meeting

upon thirty (30) days' written notice given not later than sixty (60) days after the Turnover Meeting.

4.6 Interim Board and Officers. Declarant hereby reserves administrative control of the Association until the Turnover Meeting. Declarant, in its sole discretion, may appoint and remove members of the Board and officers of the Association whose terms of service shall end on or before the date of the Turnover Meeting. However, at the Turnover Meeting, at least one (l) Director shall be elected by Owners other than Declarant, even if Declarant otherwise has voting power to elect all three (3) Directors.

4.7 Election and Term of Office. At the Turnover Meeting of the Association, the term of office of two (2) Directors shall be fixed for two (2) years. The term of office of one (1) Directors shall be fixed at one (l) year. Upon expiration of the initial term of office of each respective Director, such Director's successor shall be elected to serve a term of two (2) years. The Directors shall hold office until their successors have been elected and hold their first meeting. At the Turnover Meeting, upon agreement by vote of the Owners, the Owners may elect Directors by using a ballot that permits each Owner to vote for three (3) nominees. In such event, the two (2) nominees receiving the highest number of votes shall be the two (2) year Directors and the nominee receiving the next highest number of votes shall be the one (1) year Director.

4.8 Vacancies. Vacancies on the Board caused by any reason other than the removal of a Director by a vote of the Association shall be filled for the balance of the term of each directorship by vote of a majority of the remaining Directors, even though they may constitute less than a quorum. Each person so elected shall be a Director until a successor is elected upon expiration of the term for which such person was elected by the other Directors to serve.

4.9 Removal of Directors. At any legal annual or special meeting at which removal of a Director is on the agenda (not including actions proposed to be taken by written ballot without a meeting), any one (1) or more of the Directors may be removed with or without cause, by a majority vote of the Owners present in person or by proxy and a successor may be then and there elected to fill the vacancy thus created; provided, however, that the notice of meeting shall specifically indicate that the removal of one (1) or more named Directors is an agenda item for such meeting. The owners must vote on removal of each Director whose removal is proposed as a separate question. Any Director whose removal has been proposed by the Owners shall be given an opportunity to be heard at such meeting.

4.10 Organizational Meeting. The first meeting of a newly elected Board shall be held within ten (10) days of election at such place as shall be fixed by the Directors at the Association meeting at which such Directors were elected, and no notice shall be necessary to the newly elected Directors in order to hold such meeting legally, providing a majority of the newly elected Directors are present.

4.11 Regular Meetings. Regular meetings of the Board may be held at such time and place as shall be determined, from time to time, by a majority of the Directors. Notice of regular meetings of the Board may be called by the President on at least three (3) days' notice to each

Director, given personally or by mail, telephone, e-mail or facsimile, which notice shall state the time, place (as hereinabove provided) and purpose of the meeting.

4.12 Special Meetings. Special meetings of the Board may be called by the President or Secretary or on the written request of at least two (2) Directors. Special meetings of the Board may be called on at least three (3) days' notice to each Director, given personally or by mail, telephone, e-mail or facsimile, which notice shall state the time, place (as hereinabove provided) and purpose of the meeting.

4.13 Waiver of Notice to Directors. Before, at or after any meeting of the Board, any Director may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Director at any meeting of the Board shall be a waiver of notice by such Director of the time and place thereof. If all the Directors are present at any meeting of the Board, no notice to Directors shall be required and any business may be transacted at such meeting.

4.14 Board of Directors' Quorum. At all meetings of the Board, a majority of the existing Directors shall constitute a quorum for the transaction of business, and the acts of the majority of the Directors shall be the acts of the Board. If quorum requirements are not met at any meeting of the Board, the majority of those present may adjourn the meeting from time to time. At any such adjourned meeting, any business that might have been transacted at the meeting as originally called may be transacted without further notice.

4.15 Board Meetings Open to All Association Members. Except for executive sessions, all meetings of the Board shall be open to any and all Members of the Association; provided, however, that no Association Member shall have a right to participate in the Board's meetings unless such Member is also a member of the Board. The President shall have authority to exclude any Association Member who disrupts the proceedings at a meeting of the Board. At the discretion of the Board, the Board may meet in executive session closed to the unit owners to:

4.15.1 Consult with legal counsel;

4.15.2 Consider the following:

(a) Personnel matters, including salary negotiations and employee discipline;

(b) Negotiations of contracts with third parties;

(c) Collection of unpaid assessments; or

(d) Any other matters for which the Planned Community Act permits.

Except in the case of an emergency, the Board shall vote in an open meeting whether to meet in executive session. If the Board votes to meet in executive session, the presiding officer of the Board shall state the general nature of the action to be considered, as precisely as possible, when and under what circumstances the deliberations can be disclosed to

Owners. The statement, motion or decision to meet in executive session must be included in the minutes of the meeting. A contract or an action considered in executive session does not become effective unless the Board, following the executive session, reconvenes in open meeting and votes on the contract or action, which must be reasonably identified in the open meeting and included in the minutes.

4.16 Notice to Association Members of Board Meetings. For other than emergency meetings, notice of special Board meetings shall be mailed or delivered via electronic communication to each Owner at least seven (7) days before the meeting or at least three (3) days' notice by hand delivery to each Lot Owner's address or by facsimile transmission. The Board shall give Owners notice of regular Board meetings at the beginning of each year by first class mail or other reasonable means setting out the time and place of the regular meetings. For any changed time or place, the notice requirements for special meetings shall apply.

4.17 Emergency Meetings. In the event of an emergency, Board of Directors meetings may be conducted by telephonic communication or by the use of a means of communication that allows all Board members participating to hear each other simultaneously or otherwise to be able to communicate during the meeting. No notice to either Directors or Association members shall be required for such meetings of the Board of Directors to be held for any emergency action. Provided, however, that no such meeting shall occur unless at least two-thirds (2/3rds) of the Board of Directors participate in the same and after an attempt has been made to reach each Director.

4.18 Compensation of Directors. No Director shall be compensated in any manner, except for out-of-pocket expenses, unless such compensation is approved by vote of the Owners.

## ARTICLE 5
## OFFICERS

5.1 Designation. The principal officers of the Association shall be a President, a Secretary and a Treasurer, all of whom shall be elected by the Directors. The Directors may appoint an assistant treasurer and an assistant secretary, and any such other officers as in their judgment may be necessary.

5.2 Election of Officers. The officers of the Association may be elected by the Board at the organizational meeting of each new Board or any Board meeting thereafter, and shall hold office at the pleasure of the Board.

5.3 Removal of Officers. Upon an affirmative vote of a majority of the Board, any officer may be removed, either with or without cause, and such officer's successor may be elected at any regular or special meeting of the Board.

5.4 President. The President shall be the chief executive officer of the Association and shall preside at all meetings of the Association and of the Board. The President shall have all of the general powers and duties which are usually vested in the office of president of an association, including, but not limited to, the power to appoint committees from among the Owners from time to time as the President may, in the President's discretion, decide is appropriate to assist in the conduct of the affairs of the Association.

5.5 Secretary. The Secretary shall keep the minutes of all meetings of the Board and the minutes of all meetings of the Association and shall have charge of such books and papers as the Board may direct; and shall, in general, perform all the duties incident of the office of secretary.

5.6 Treasurer. The Treasurer shall have responsibility for Association funds and securities and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association. The Treasurer shall be responsible for the deposit of all monies and other valuable effects in the name, and to the credit, of the Association in such depositories as may from time to time be designated by the Board.

5.7 Directors as Officers. Any Director may be an officer of the Association.

## ARTICLE 6
## OBLIGATIONS OF THE OWNERS

6.1 Assessments. All Owners are obligated to pay assessments imposed by the Association to meet all the Association's general common expenses, as more particularly set forth in the Declaration. Assessments shall be payable on a periodic basis, not more frequently than monthly, as determined by the Board. Declarant (before turnover) and the Board (after turnover) may, but shall not be required to, impose interest or a service charge for late installment payments or allow a discount for payment of the annual assessment or any installment in advance.

6.2 Initial Assessment. The amount of the initial assessment due from Lot Owners other than the Declarant shall be determined by the Declarant.

6.3 Default. Failure by an Owner to pay any assessment of the Association shall be a default by such Owner of such Owner's obligations pursuant to these Bylaws and the Declaration. The Association shall be entitled to the remedies set forth in the Declaration.

6.4 Maintenance and Repair. Except as otherwise specifically provided in the Declaration and these Bylaws, every Owner must perform promptly all maintenance and repair work to such Owner's Lot and the exterior of the improvements thereon and keep the same in good repair and sanitary and neat condition.

6.5 Reimbursement of Association. An Owner shall reimburse the Association for any expenditures incurred in repairing or replacing any portion of the Common Area or of any Commonly Maintained Property that was damaged through such Owner's fault and that is not otherwise covered by insurance policies carried by the Owner or the Association for the Owner's and the Association's benefit. In such circumstances, the insurance obtained by the Owner shall be deemed to be the primary coverage. The Board of Directors shall have the unfettered discretion to refuse to make a claim on the Association's policy even though coverage may pertain. Such discretion is for the purpose of maintaining the Association's insurability and controlling the amount of the premiums for the Association's insurance. Such charge shall be collectible as an assessment as provided in the Declaration.

## ARTICLE 7
## RIGHT OF ENTRY; EASEMENTS FOR MAINTENANCE

7.1 Emergencies. Present and future Owners, tenants, Occupants, and any other persons that occupy any portion of the Property, by virtue of acquisition, rental, or occupancy of any of the Lots, grant to the management agent or to any other person authorized by the Board or the Association the right to enter upon such Lot in the event of an emergency originating in or threatening any Owner's Lot.

7.2 Maintenance Easements. Declarant grants an easement to the Association in and through any Lot and the Common Area providing access at reasonable times and with reasonable notice for purposes of maintenance, repair and replacement of the Common Area and Commonly Maintained Property. If, in performing such repair and maintenance, the Association needs to alter or damage any Lot, Commonly Maintained Property or Common Area, it may do so without providing compensation, provided that it promptly restores the Lot and/or Common Area to substantially its prior condition.

## ARTICLE 8
## INSURANCE

8.1 General. The Board shall obtain and maintain at all times insurance of the type and kind and in the amounts hereinafter provided and additional insurance for such other risks of a similar or dissimilar nature as are now or as shall be hereafter customarily covered by insurance obtained by other planned communities similar in construction and design. Such additional insurance shall be governed by this Article 8.

8.2 Types of Insurance Policies Maintained By the Association. For the benefit of the Association and the Owners, the Board shall obtain and maintain at all times, and shall pay for out of the common expense funds, the following insurance to the extent that it is available at reasonable cost:

8.2.1 Liability. A policy or policies insuring the Association, its Board, the Owners individually, and the manager against any liability to the public or the Owners and their invitees or tenants, incident to the ownership, supervision, control or use of the Property. Limits of liability under such insurance shall be not less than one million dollars ($1,000,000) per occurrence for bodily injuries and property damage liability. Such limit and coverage shall be reviewed at least annually by the Board, which may increase the limit of and/or coverage, in its discretion. Said policy or policies shall be issued on a commercial General Liability form and shall provide cross liability endorsements wherein the rights of the named insured under the policy or policies shall not be prejudiced as respects his, her or their action against another named insured.

8.2.2 Workers Compensation. Workers Compensation Insurance to the extent that it is necessary to comply with any applicable laws.

8.2.3 Crime; Employee Dishonesty Insurance. A crime or employee dishonesty policy that covers board members, the management company, employees of the management company and a bookkeeper, if any.

8.2.4 Directors' and Officers' Insurance. Directors' and officers' insurance insuring the directors and officers.

8.3 Fidelity Bond. For the benefit of the Association and Owners, the Board may obtain a fidelity bond naming such persons as may be designated by the Board as principals and the Association and the Owners as obligees, for the amount determined by the Board. The Board may pay for such bond out of the common expenses of the Association. In addition, the Board shall require that all officers and employees of the Association handling or responsible for Association funds to obtain adequate fidelity bonds and may pay for the premiums thereon.

8.4 Insurance Companies Authorized. All policies obtained under this Article 8 shall be written by a company licensed to do business in Oregon and holding a "Commissioner's Rating" of "B+" and a size rating of "IX," or better, by Best's Insurance Reports, or as may be otherwise acceptable to all mortgagees and Directors.

8.5 Provisions in Insurance Policies. The Board shall make every reasonable effort to secure insurance policies that will provide for the following:

8.5.1 Waiver of Subrogation. A waiver of subrogation by the insurer as to any claims against the Board, the officers, the manager, the Owners and their respective servants, agents, guests and tenants.

8.5.2 Noncancellation for Owner Conduct. A provision that the master policy on the Property cannot be canceled, invalidated or suspended on account of the conduct of any one or more individual Owners.

8.5.3 Noncancellation Without Opportunity to Cure. A provision that the master policy on the Property cannot be canceled, invalidated or suspended on account of the conduct of any officer, Board member or employee of the Board or the manager without prior demand in writing that the Board or manager cure the defect.

8.6 Home and Lot Insurance Maintained By Each Owner. The Association shall have no responsibility to procure or to assist Owners or Occupants in procuring property loss insurance or liability insurance other than as expressly stated in this Article 8. Owners and Occupants shall procure all other insurance coverage that they deem necessary or prudent for their protection, and shall be obligated to carry property insurance with extended coverage endorsements in the amount of the replacement value of such Owners' Homes and liability insurance with minimum combined limits of $100,000 per occurrence. Insurance coverage obtained and maintained by the Board of Directors may be brought into contribution with that obtained and maintained by Owners or mortgagees only in the Board of Directors' sole and unfettered discretion.

8.7 Review of Insurance Policies. At least annually, the Board shall review all insurance carried by the Association, which review shall include a consultation with a representative of the insurance carrier writing the master policy.

8.8 Deductible Provisions. The Board of Directors may negotiate the amount of the deductible in all Association insurance policies at such limits as are reasonable and customary

under the circumstances and the deductible amount may be set at different levels for different insured risks. The Board shall adopt a resolution providing the responsibility for payment of the deductible. If no such resolution has been adopted, the Association shall be responsible for the deductible.

## ARTICLE 9
## AMENDMENT

Except as otherwise provided in this Article, and the restrictions set forth elsewhere herein, these Bylaws may be amended at any time by an instrument approved by at least a majority of the total votes of each class of Members that are eligible to vote. Any amendment must be executed, recorded and certified as provided by law. Provided, however, no amendment of these Bylaws may effect an amendment of the Declaration or the Articles without compliance with the provisions of such documents and the Oregon Nonprofit Corporation Act, and no amendment deleting or affecting any right of Declarant or its successor or assignee, including, without limitation, an amendment to this Article 9, may be adopted without the prior written consent of Declarant or its successor or assignee.

## ARTICLE 10
## RECORDS AND AUDITS

10.1 General Records. The Board and the managing agent or manager, if any, shall preserve and maintain minutes of the meetings of the Association, the Board and any Board committees as required by ORS 94.670. The Board shall maintain a list of Owners entitled to vote at meetings of the Association. The minutes of the Association, the Board and Board committees, and the Association's financial records shall be reasonably available for review and copying by the Owners. A reasonable charge may be imposed by the Association for providing copies.

10.2 Assessment Roll. The Board and the managing agent or manager, if any, shall maintain the assessment roll in a set of accounting books in which there shall be an account for each Lot. Such account shall designate the name and address of the Owner or Owners, the amount of each assessment against the Owner, the dates on which and the amounts in which the assessment comes due, the amounts paid upon the account and the balance due on the assessments.

10.3 Payment of Vouchers. The Treasurer or management agent shall pay all expenses authorized by the Board. The Treasurer or management agent shall maintain and follow reasonable procedures to assure the accounts and proper records, and to assure that all expenditures are proper. Except in cases where an emergency exists (for example, a repair must be made immediately to prevent further damage), any voucher for non-budgeted items shall require the signature of the President; provided, however, that any withdrawal from Reserve Accounts shall require the approval of two Board members or one Board member and an officer of the Association who is not a Board member.

10.4 Fiscal Year. The fiscal year of the Association shall be the calendar year unless otherwise determined by the Board.

## ARTICLE 11
## COMPLIANCE WITH THE PLANNED COMMUNITY ACT; CONFLICTS

These Bylaws are intended to comply with the provisions of the PCA, the provisions of which apply to Denali. In case of any conflict among the provisions of the PCA, the Articles, the Declaration, or these Bylaws, the provisions of the PCA shall control over those of the Articles and Declaration, and the provisions of the Declaration shall be control over those of the Articles and these Bylaws.

## ARTICLE 12
## ASSESSMENT COLLECTION COSTS; SUITS AND ACTIONS

An Owner shall be obliged to pay reasonable fees and costs (including, but not limited to, attorneys' fees) and actual administrative costs incurred in connection with efforts to collect any delinquent unpaid assessments from such Owner, whether or not suit or action is filed. Assessments against Owners may include fees, late charges, fines and interest imposed by the Board, in addition to amounts owed toward operating expenses and the funding of reserves. If the Association brings against any Owner or Owners a suit or action for the collection of any amounts due pursuant to or for the enforcement of any provisions of the Declaration, the Articles or these Bylaws, such Owner or Owners, jointly and severally, shall pay, in addition to all other obligations, the costs of such suit or action, including actual administrative expenses incurred by the Association because of the matter or act which is the subject of the suit, reasonable attorneys' fees to be fixed by the trial court and, in the event of an appeal, the cost of the appeal, together with reasonable attorneys' fees in the appellate court to be fixed by such court.

## ARTICLE 13
## MISCELLANEOUS

13.1 Notices. All notices to the Association or to the Board shall be sent care of the managing agent or, if there is no managing agent, to the principal office of the Association or to such other address as the Board hereafter may designate from time to time. All notices to any Owner shall be sent to such address as may have been designated by such Owner from time to time, in writing, to the Board, or if no address has been designated, then to such Owner's Lot.

13.2 Waiver. No restriction, condition, obligation or provision contained in these Bylaws shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches thereof that may have occurred and the number of times that the pertinent restriction, condition, obligation or provision was not enforced.

13.3 Invalidity; Number; Captions. The invalidity of any part of these Bylaws shall not impair or affect in any manner the validity, enforceability or effect of the balance of these Bylaws. As used herein, the singular shall include the plural, and the plural the singular. The masculine and neuter shall each include the masculine, feminine and neuter, as the context requires. All captions used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of these Bylaws.

13.4 Enforcement. The Association, through its Board of Directors, shall have the power to enforce the covenants and restrictions in these Bylaws and in the Declaration. Owners shall also have the right to bring actions or suits regarding covenants and restrictions, but shall have no right or power to require the Association or Board of Directors to take any enforcement action.

## ARTICLE 14
## ADOPTION

It is hereby certified that these Bylaws have been adopted by J. T. Roth Construction, Inc., an Oregon corporation, Declarant of Denali, and shall be recorded in the Deed Records of Washington County, together with the Declaration for said planned community.

DATED this 30 day of April, 2019.

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 )

April 30, 2019

Personally appeared 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; and acknowledged said instrument to be its voluntary act and deed.

_____
NOTARY PUBLIC FOR OREGON

# Architectural Materials

# Moser Pass at Denali PUD

## Architectural Pattern Book

Issued To: City of Sherwood

Project Name: Moser Pass at Denali PUD

Applicant: JT Roth Construction, Inc.

Date: June 2022



12600 SW 72nd Ave, suite 200, Portland, Or. 77223 off 503 639 2639 CCB# 31700

## Description

The Moser Pass at Denali PUD development project is approx. 12.36-acre site located within the Southeast Sherwood Master Plan, east of SW Murdock Road and north of previous projects "Denali Meadows" and "Denali Summit". The development project is being submitted as a 32-lot single family detached development with minimum lot size being 10,000 sq. ft., in compliance with the current zoning overlay. The 32 lots will all be 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 Moser Pass 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



12600 SW 72nd Ave, suite 200, Portland, Or. 77223 off 503 639 2639 CCB# 31700

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 32 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*



12600 SW 72nd Ave, suite 200, Portland, Or. 77223 off 503 639 2639 CCB# 31700





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)*





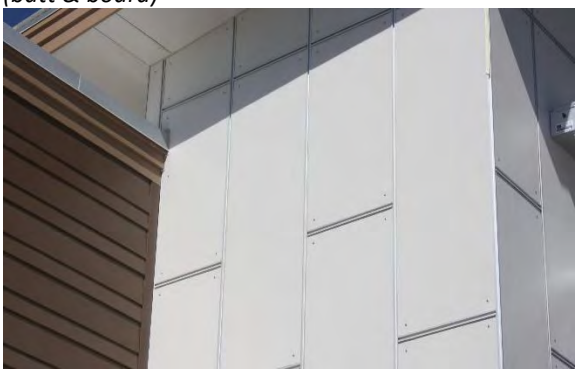
*(staggered composite siding)*



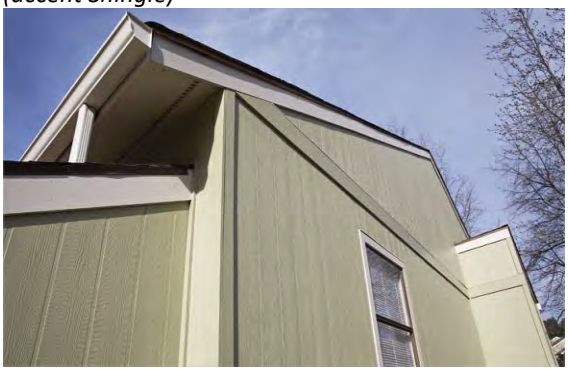
*(stained cedar lap siding)*



*(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



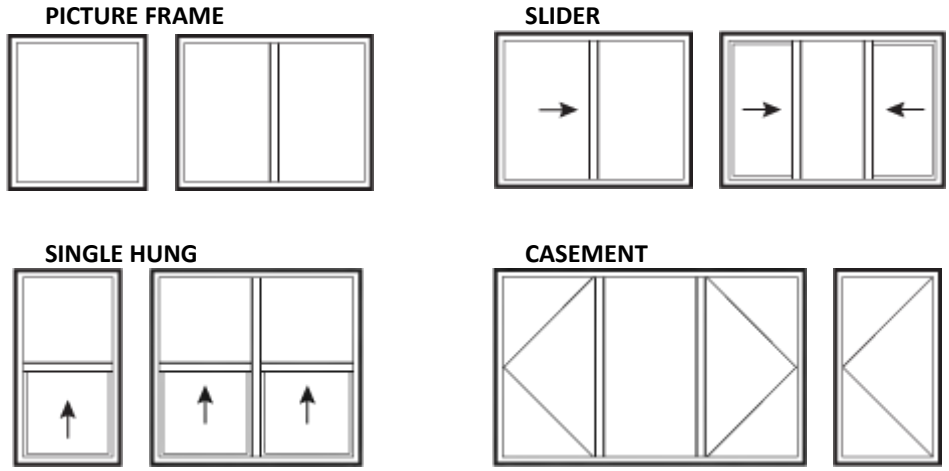




## Windows Styles (examples)

Window frames are a vinyl material. Color options are: *Almond, *Clay, *White, *Black

**Example of window types**




## 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.



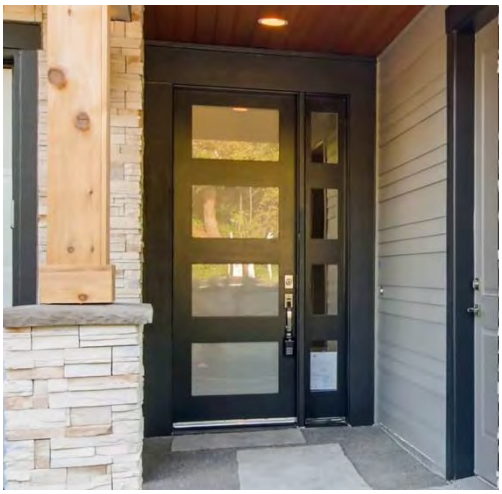





**Entry Doors/Hardware** **(examples)**

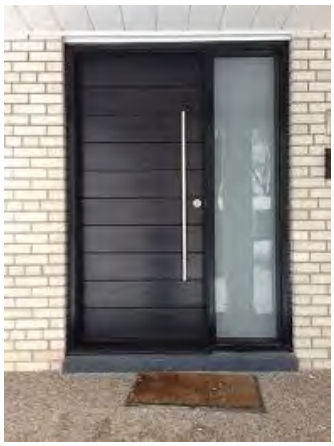
Door style













## Exterior Paint (examples)

### Sample Color Palette

There are no 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.

| | | | | |
|---|---|---|---|---|
| Bohemian Black SW 6988 | Ibis White SW 7000 | Ceiling Bright White 7007 | Eider White SW 7014 | Simple White SW 7021 |
| Domino SW 6989 | Marshmallow SW 7001 | Alabaster SW 7008 | Repose Gray SW 7015 | Alpaca SW 7022 |
| Caviar SW 6990 | Downy SW 7002 | Pearly White SW 7009 | Mindful Gray SW 7016 | Requisite Gray SW 7023 |
| Black Magic SW 6991 | Toque White SW 7003 | White Duck SW 7010 | Dorian Gray SW 7017 | Functional Gray SW 7024 |
| Inkwell SW 6992 | Snowbound SW 7004 | Natural Choize SW 7011 | Dovetail SW 7018 | Backdrop SW 7025 |
| Black Of Night SW 6993 | Pure White SW 7005 | Creamy SW 7012 | Gauntlet Gray SW 7019 | Griffin SW 7026 |
| Greenblack SW 6994 | Extra White SW 7006 | Ivory Lace SW 7013 | Black Fox SW 7020 | Well-Bred Brown SW 7027 |




**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*

____ **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. <u>Exterior Lighting</u>: *color ☐ Black ☐ Chrome ☐ Satin Nickel ☐ Bronze*
*☐ Other describe _____*

____ *5. <u>Vinyl Windows</u>: *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_____*

---

*Staff Use Only*

*Staff Action: ☐ Approved ☐ Declined*
*Comments/Conditions/Follow-up:*

_____
_____
_____
_____
_____
_____
_____

In addition to the above Architectural Checklist defined in this Pattern Book, all residences are required to comply with the Residential Design Standards of SZCDC § 16.14, adopted by the city in 2021 and Housing Choices adopted in 2022. **See attached Exhibit A – Residential Design Checklist.**
A copy of the completed Residential Design Checklist shall be submitted with each building permit application to the City of Sherwood Building Department for approval.

## 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 Moser Pass at Denali PUD



12600 SW 72nd Ave, suite 200, Portland, Or. 77223 off 503 639 2639 CCB# 31700

Created Feb. 2022, Modified May 2022

# Residential Design Checklist

**Single Family Detached, Duplex, and Plexes**

*Townhomes and Cottage Clusters – See specific design checklist*
*Multi-Family subject to Section 16.90 design standards*

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

22560 SW Pine Street
Sherwood, OR 97140
Phone: 503.925.2308
Fax: 503-625-0629
Web: www.sherwoodoregon.gov

Planning Division Approval

**Building Permit #:**

## ADDITIONS/CONVERSIONS

**Is the internal or external conversion/addition seen from the public right-of-way?**

☐ **NO, Residential Design Checklist review not required. STOP**

☐ **YES, complete this Residential Design Checklist (starting on page 2).**

Builder or Owner: _____

Lot Address: _____

Lot Number: _____ Subdivision: _____

Residential Zoning District: _____

Is the Site in Old Town Overlay District: _____

## Lot Development Standards

See table in SZCDC Section 16.12.030.C for Standards

### Setbacks

Front Yard: _____

Face of Garage: _____

Interior Side Yard: _____

Corner Lot Street side: _____

Rear Yard: _____

Front Porch Setback (Covered): _____

### Building Height

Building Height (excludes chimney, etc.): _____

Height of Chimney, other projections: _____

**Driveway Width** _____

**Residential Garage and Residential Front-yard Landscaping standards** per Community Design Section 16.12.040. **See page 6.**



**Continued**

# Residential Design Checklist

**Entry Location and Orientation** - At least one main entrance for each residential Structure must meet the following standards.

1. Is entrance within 8 feet of the longest street-facing wall of the dwelling unit? **Yes** ☐ **No** ☐

2. Does the entrance meet any of the following? **Yes** ☐ **No** ☐
   **If yes, check the design element**
   ☐ a. Face the street; or
   ☐ b. Be at an angle of up to 45 degrees from the street; or
   ☐ c. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or
   ☐ d. Open onto a porch. If the entrance opens onto a porch, the porch must:
      1) Be at least 25 square feet in area with a minimum four-foot depth;
      2) Have at least one porch entry facing the street;
      3) Have a roof that is no more than 12 feet above the floor of the porch; and
      4) Have a roof that covers at least 30% of the porch area.

**Garages and Off-Street Parking Areas** - These standards apply to single detached, duplex, triplex and quadplex development. Where one or more garages face a street, all the following standards apply:

1. The front elevation of the garage(s) may not extend in front of the longest, street-facing elevation of the primary dwelling structure. **Yes** ☐ **No** ☐

2. The width of all garages on the street-facing elevation shall not exceed 60% of the total width of that elevation. The width of the garage shall be measured from the edges of the finished exterior garage wall. **Yes** ☐ **No** ☐

3. Does the garage(s) that face the street contain at least one of the following design features? **Yes** ☐ **No** ☐
   **If yes, check the design element.**
   ☐ a. Garage trellis or pergola extending at least 12 inches from the building face
   ☐ b. Windows on 15% of the garage door
   ☐ c. Natural wood finish
   ☐ d. A recess of at least three (3) feet behind the primary dwelling
   ☐ e. Use of multiple materials, finish or colors

**Windows & Doors** – A minimum of **15 percent** of the area of the **primary building elevation** adjacent to a public right-of-way must include windows or entrance doors. For **side building elevation**, adjacent to a public right-of-way or public accessway, a minimum of **10 percent** of area is required.

- Elevations separated from the street property line by a dwelling are exempt from meeting this standard.
- Percentage calculation can include window trims and shutters.
- First floor roof elevations are excluded from the calculations.

Primary Building Elevation: Windows and entrance doors percentage? _____
Side Building Elevation: Windows and Doors percentage? _____



Continued

**Standard met? Yes ☐ No ☐**

**At least <u>one</u> element shall be incorporated from each of Subsection a, b and c below.**

a. Porches, entries and other offsets:

- ☐ i. Covered porch at least 36 square feet with a depth not less than six (6) feet as measured perpendicular from the face of the main building façade to the edge of the porch.
- ☐ ii. Recessed entry area at least two (2) feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide.
- ☐ iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other.
- ☐ iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and accessible from an interior room.

**Standard met? Yes ☐ No ☐**

b. Roof elements:

- ☐ i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
- ☐ ii. Roof line offsets of at least two (2) feet from the top surface of one roof to the top surface of the other.
- ☐ iii. Any roofing materials other than asphalt shingles.
- ☐ iv. Gable roof, hip roof, shed roof, or gambrel roof design.
- ☐ v. Dormer that is at least four (4) feet wide.
- ☐ vi. Decorative eave braces.

**Standard met? Yes ☐ No ☐**

c. Window elements:

- ☐ i. Window trim around all windows at least three (3) inches wide and five-eighths (5/8) inches deep.
- ☐ ii. Window recesses, in all windows, of at least three (3) inches as measured horizontally from the face of the building façade.
- ☐ iii. Bay window at least one (1) foot deep and three (3) feet wide.
- ☐ iv. Shutters on the exterior of ground floor windows.
- ☐ v. Window Grids.

**Standard met? Yes ☐ No ☐**

**Additional Design Elements – Primary Façade minimum of <u>two</u> elements from the list below.**

**Standard met? Yes ☐ No ☐**

Indicate the detailed design element options selected for each applicable façade from the list below. On the submitted façade/elevation drawings call out design elements. Where a design feature includes more than one element, it is counted as only one of the required elements:

a. Porches, entries and other offsets:

- ☐ i. Covered porch at least 36 square feet with a depth not less than six (6) feet as measured perpendicular from the face of the main building façade to the edge of the porch.
- ☐ ii. Recessed entry area at least two (2) feet deep, as measured horizontally from the face of the main building façade, and at least five feet wide.
- ☐ iii. Offset on the building face of at least 16 inches from one exterior wall surface to the other.

- ☐ iv. Balcony that is at least three (3) feet deep, five (5) feet wide, and accessible from an interior room.

b. Roof elements:

- ☐ i. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
- ☐ ii. Roof line offsets of at least two (2) feet from the top surface of one roof to the top surface of the other.
- ☐ iii. Any roofing materials other than asphalt shingle.
- ☐ iv. Gable roof, hip roof, shed roof, or gambrel roof design.
- ☐ v. Dormer that is at least four (4) feet wide.
- ☐ vi. Decorative eave braces

c. Window elements:

- ☐ i. Window trim around all windows at least three (3) inches wide and five-eighths (5/8) inches deep.
- ☐ ii. Window recesses, in all windows, of at least three (3) inches as measured horizontally from the face of the building façade.
- ☐ iii. Bay window at least one (1) foot deep and three (3) feet wide.
- ☐ iv. Shutters on the exterior of ground floor windows.
- ☐ v. Window Grids.

d. Garage elements:

- ☐ i. Attached garage width, as measured between the edges of the exterior finished garage wall, of 30 percent or less of the total width of that elevation.
- ☐ ii. A balcony that extends out over the garage and includes columns.
- ☐ iii. Two separate doors for two car garages instead of one large door.
- ☐ iv. Decorative windows on the garage door.
- ☐ v. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail.

e. Building materials:

- ☐ i. Horizontal lap siding between three (3) to eight (8) inches wide (the visible portion once installed).
- ☐ ii. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40 percent of the street-facing façade.
- ☐ iii. Vertical board and batting siding three (3) to eight (8) inches wide (the visible portion once installed).
- ☐ iv. Belly band trim
- ☐ v. Four (4) Paint Color Scheme

**Building Materials -** Prohibited building materials include: 1. Aluminum 2. Vinyl 3. T-111 siding
**Standard met? Yes** ☐ **No** ☐

**Limitation on parking -** Off-street parking is not allowed within the front yard of a dwelling except within a designated driveway or garage or per the provisions of 16.14.020 and 16.14.030.
**Standard met? Yes** ☐ **No** ☐

**House Plan Variety (Any NEW Subdivision) - This standard applies to new detached single dwelling developments only.**

1. No two directly adjacent or opposite dwellings in a single dwelling detached development of more than four units may have the same front or street-facing facade. This standard is met when front or street-facing facades differ from one another by at least three of the elements listed in subsections (3) through (8) below. Where facades repeat on the same block face, they must have at least three intervening lots between them that meet this standard.
2. Materials. The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the same materials. This standard does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another.
3. Articulation. The plans have different offsets, recesses, or projections; or the front building elevations break in different places. For example, a plan that has a stoop entry (recess) varies from one that has an entry under a front porch (projection). For this standard to apply, a recess must have a minimum depth of four (4) feet and a projection or offset must be at least four (4) feet in depth.
4. Variation in roof elevation. The plans have different roof forms (e.g., gable versus gambrel or hip), different roof height (by at least 10 percent), different orientation (e.g., front-facing versus side-facing gable), different roof projections (e.g., with and without dormer or shed, or different type of dormer or shed), or different roof pitch by more than 2 feet of vertical rise to 12 feet of horizontal run.
5. Entry or porch. The plans have different configuration or detailing of the front porch or covered entrance.
6. Fenestration. The plans have different placement, shape, or orientation of windows or different placement of doors.
7. Height. The elevation of the primary roofline (along the axis of the longest roofline) changes by not less than four (4) feet from building to building, or from dwelling unit to dwelling unit, on abutting lots, as applicable. Changes in finished grade of eight (8) feet or more from one lot to the adjacent lot are counted toward change in height for purposes of evaluating facade variation.

**STANDARDS MET? Yes ☐ No ☐**

**Staff Notes/Comments – All required Standards are met? YES ☐ or NO ☐**

_____

_____

_____

_____

_____

## Section 16.12.040 - Community Design

A. **Residential garages** shall meet the minimum design standards listed on the table below:

| | Minimum Width | Minimum Depth | Minimum Garage Door Width |
|---|---|---|---|
| One (1) Car Garage | 12 ft. | 20 ft. | 8 ft. |
| Two (2) Car Garage | 18 ft. | 20 ft. | 16 ft. |
| Three (3) Car Garage | 26 ft. | 20 ft. | Single Door - 8 ft.<br>Double Door - 16 ft. |

**STANDARDS MET? Yes ☐ No ☐**

B. **The vehicle parking area(s)** shall be functional based on the minimum design standards listed on the table above, 16.12.040.A. Furnaces, stairs, etc. shall not be located within the garage designated parking areas.

**STANDARDS MET? Yes ☐ No ☐**

C. **Residential Front-Yard Landscaping -**the front-yard area of a lot shall be fully landscaped excluding paved off- street parking areas, paved pedestrian paths, and utility areas. Landscaping materials shall meet standards identified in Section 16.92.020 Landscaping Materials.

**STANDARDS MET? Yes ☐ No ☐**

**END**

# Landscape & Tree Materials

## Tract C' Tree Density Calculations

| ***Scientific Name*** **/ Common Name** | **QTY** | **Mature Spread** | **Canopy Area (SF)** | **Canopy Coverage (SF)** |
|---|---|---|---|---|
| *Acer macrophyllum* / Big Leaf Maple | 10 | 50 | 1963 | 19625 |
| *Amelanchier alnifolia* / Western Serviceberry | 500 | 10 | 79 | 39250 |
| *Calocedrus decurrens* / Incense Cedar | 250 | 15 | 177 | 44156 |
| *Pinus ponderosa* / Ponderosa Pine | 25 | 40 | 1256 | 31400 |
| *Quercus garryana* / Oregon White Oak | 40 | 60 | 2826 | 113040 |
| *Rhamnus purshiana* / Cascara | 250 | 15 | 177 | 44156 |
| | | **Total Canopy Coverage:** | | 291628 |
| | | **Total Site Area:** | | 335896 |
| | | **Percent Canopy Coverage:** | | 86.82% |

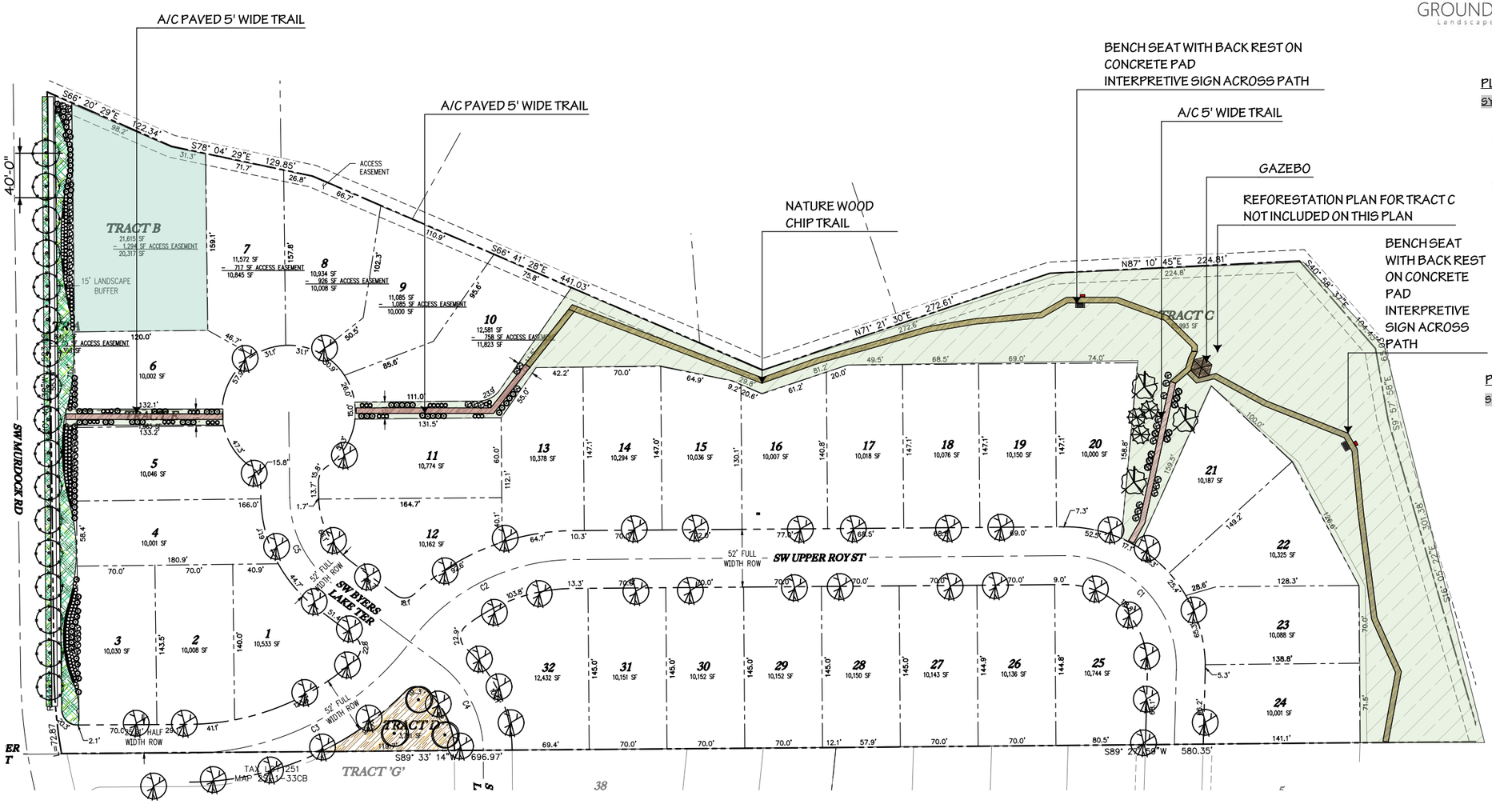
| Moser Pass Plant Tables | | | | |
|---|---|---|---|---|
| | | | | |
| **Rescued Plants / Containerized Trees** | | | | |
| **Scientific Name** | **Common Name** | **Type** | **Number** | **Notes** |
| Acer macrophyllum | Big Leaf Maple | Rescued / Ball and Burlap | 10 | plant nursery |
| Pinus ponderosa | Ponderosa Pine | 5-10 Gallon Container | 25 | |
| Quercus garryana | Oregon White Oak | 5-10 Gallon Container | 25 | |
| Quercus garryana | Oregon White Oak | Rescued / Ball and Burlap | 15 | plant nursery |
| **Bare-Root Plants** | | | | |
| **Scientific Name** | **Common Name** | **Type** | **Number** | **Notes** |
| *Amelanchier alnifolia* | Western Serviceberry | Bare-Root | 500 | |
| *Calocedrus decurrens* | Incense Cedar | Bare-Root | 250 | |
| *Ceanothus sanguineus* | Red Stem Ceanothus | Bare-Root | 500 | |
| *Holodiscus discolor* | Oceanspray | Bare-Root | 500 | |
| *Mahonia aquifolium* | Tall Oregon Grape | Bare-Root | 500 | |
| *Philadelphus lewisii* | Mock Orange | Bare-Root | 500 | |
| *Rhamnus purshiana* | Cascara | Bare-Root | 250 | |
| *Ribes sanguinium* | Red Flowering Currant | Bare-Root | 500 | |
| *Symphoricarpos albus* | Snowberry | Bare-Root | 500 | |
| **Seed Mix** | | | | |
| **Scientific Name** | **Common Name** | **Type** | **Percent** | **Notes** |
| Achillea millefolium | Western Yarrow | Seed | 5% | |
| Aquilegia formosa | Western Columbine | Seed | 2% | |
| Arbutus menziesii | Pacific Madrone | Seed | 1% | |
| Bromus sitchensis | Sitka Brome | Seed | 25% | |
| Camassia quamash | Common Camas | Seed | 1% | |
| Clarkia amoena | Farewell to Spring | Seed | 1% | |
| Elymus glaucus | Blue Wildrye | Seed | 25% | |
| Eriophullum lanatum | Oregon Sunshine | Seed | 2% | |
| Fetsuca roemeri | Roamer's Fescue | Seed | 25% | |
| Geum macrophyllum | Large-leaved Avens | Seed | 1% | |
| Grindelia integrifolia | Gumweed | Seed | 2% | |
| Lupinus latifolius | Broadleaf Lupine | Seed | 5% | |
| Sidalcea virgata | Rose Checkermallow | Seed | 5% | |

Exhibit A7

GROUND ROOTS
Landscape Design

# MOSER PASS

| PROJECT | |
|---|---|
| 22012 | |
| TAX LOT 1700 SHERWOOD, OR | |
| DESIGNER | DATE / VERSION |
| GROUND ROOTS LD - JANE ELRICK | 9/7/2022 / 4 |
| LANDSCAPE PLAN | 1 / 1 |




## PLANT LIST - TREES

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 3 | ACER RUBRUM 'FRANKS RED'<br>Red Sunset Maple | 2" cal | AS SHOWN |
| | 13 | CARPINUS BELTULUS PYRAMIDALIS<br>European Hornbeam | 2" cal | AS SHOWN |
| | 3 | GINKGO BILOBA 'GOLDSPIRE'<br>Goldspire Ginkgo | 6-8' ht. | AS SHOWN |
| | 3 | PINUS FLEXIUS 'VANDERWOLF PINE'<br>Limber Pine | 5' ht | AS SHOWN |
| | 48 | ZELKOVA SERRATA 'VILLAGE GREEN'<br>Village Green Zelkova | 2" cal | AS SHOWN |

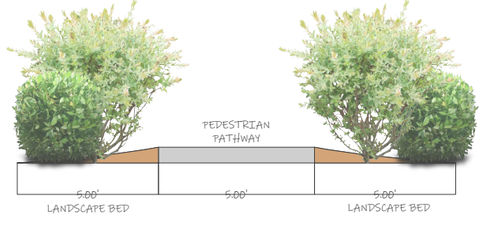
## PLANT LIST - SHRUBS & GROUND COVER

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 9 | MYRICA CALIFORNICA<br>Pacific Wax Myrtle | 5 gal | 6' oc |
| | 45 | VACCINIUM OVATUM<br>Evergreen Huckleberry | 2 gal | 4' oc |
| | 87 | CARYOPTERIS X CLANDONENSIS<br>Blue Mist Bluebeard | 2 gal | 4' oc |
| | 88 | ILEX GLABRA 'SHAMROCK'<br>Shamrock Inkberry | 2 gal | 4' oc |
| | 97 | PENNISETUM ALOPECURIOIDS 'HAMELN'<br>Hameln Dwarf Fountain Grass | 1 gal | 3' oc |
| | 96 | VIBURNUM TINUS 'COMPACTUM'<br>Spring Bouquet Laurustinus | 2 gal | 4' oc |

## SEEDED AREAS

| | | | |
|---|---|---|---|
| | PT LAWN SEED<br>PT 769 R & R ECO-TURF MIX | SEED | 5-7 lbs / 1000 sqft |
| | PT 705 XERISCAPE LAWN ALTERNATIVE | SEED | 2 lbs / 1000 sqft |
| | (2) 6' BENCH WITH BACK REST ON CONCRETE PAD | | |
| | INTERPRETIVE SIGN | | |

## PEDESTRIAN WALKWAY CROSS-SECTION




## TREE DENSITY CALCULATIONS*

*DOES NOT INCLUDE REFORESTATION OF TRACT C

| TREE NAME | QTY | MATURE SPREAD | CANOPY AREA (SF) | CANOPY COVERAGE (SF) |
|---|---|---|---|---|
| **PROPOSED NEW TREES:** | | | | |
| ACER RUBRUM 'FRANKSRED' | 3 | 40 | 1257 | 3771 |
| CARPINUS BETULUS PYRAMIDALIS | 13 | 35 | 962 | 12506 |
| GINKGO BILOBA 'GOLDSPIRE' | 3 | 6 | 28 | 84 |
| PINUS FLEXILIS VANDERWOLF PYRAMID' | 3 | 30 | 707 | 2121 |
| ZELKOVA SERRATA 'VILLAGE GREEN' | 48 | 36 | 1018 | 48864 |
| | | **TOTAL CANOPY COVERAGE** | | 67346 |
| | | **TOTAL SITE AREA** | | 335,896 |
| | | **PERCENT CANOPY COVER** | | 20% |

0 100 200 300 FT

SCALE: 1" = 50'

N

EXISTING PLANTS-LOCATION APPROXIMATE
UNLESS SPECIFIED, ALL PLANT SYMBOLS ARE PLACEHOLDERS TBD BASED ON AVAILABILITY

NOTE:
THE EXISTING PROPERTY CONDITIONS, INCLUDING PROPERTY LINE LOCATIONS SHOWN ON THE PLAN, ARE APPROXIMATE AND DO NOT REPRESENT A FIELD-SURVEYED CONDITION. OWNER SHALL VERIFY ALL PROPERTY LINES, DIMENSIONS, EASEMENTS, AND EXISTING UNDERGROUND UTILITY AND IRRIGATION LOCATIONS PRIOR TO ANY CONSTRUCTION. SERVICES AND ADVICE ARE LIMITED TO PLANNING AND CONCEPTUAL DESIGN OF EXTERIOR SPACES AND HORTICULTURE CONSULTATION AND DO NOT INCLUDE ANY ENGINEERING SERVICES, STRUCTURAL ANALYSIS, OR CONSTRUCTION DETAILS WHICH MAY REQUIRE THE SERVICES OF A LICENSED PROFESSIONAL AS REQUIRED BY LAW. CONSTRUCTION DETAILS GIVEN ARE CONCEPTUAL IN NATURE AND SHOULD BE CONFIRMED BY A LICENSED ARCHITECT OR CONTRACTOR. IMAGES SHOWN ARE FOR INSPIRATION AND SOME REFERENCES MAY NOT BE THE WORK OF GROUND ROOTS LANDSCAPE DESIGN. SOURCES AVAILABLE UPON REQUEST.

# Moser Pass at Denali
# Vegetated Corridor Master Plan

## Background

Moser Pass at Denali is a new home development being proposed in Sherwood, Oregon. The site is located west of Rock Creek, east of Murdock Rd, and north of Ironwood Ln. The site was owned by the Moser family who logged the site years prior to the sale of it to J.T. Roth Construction (J.T. Roth). After logging, the site was left unplanted, resulting in natural recruitment of *Quercus garryana* (Oregon White Oak), *Arbutus menziesii* (Pacific Madrone), and *Acer macrophyllum* (Big Leaf Maple) in the canopy and *Mahonia aquifolium* (Tall Oregon Grape), *Holodiscus discolor* (Oceanspray), and *Lonicera hispidula* (Hairy Honeysuckle). Prior to European influence, this species mix occupied many Oak Woodland environments but has since been replaced with farms and *Pseudotsuga menziesii* (Douglas Fir) monocultures. In the Willamette Valley, there is less than 5% of Oak Woodland habitat remaining ("Oak Woodlands – Oregon Conservation Strategy"). Additionally, invasive *Crataegus monogyna* (English Hawthorn) has colonized sections of this site.

## Purpose

This plan is designed to recommend habitat improvement plans along the open space, tract c, in association with the construction of Moser Pass at Denali development. Given the regional habitat depletion and the site's natural tendency towards Oak

Woodland/Oak Forest habitat, it is recommended that all actions taken within the open space are to promote improvement of the existing habitat conditions. This site sits along a trail system already established by J.T. Roth. Expansion of the nature trail along the open space with interpretive signage allows for community education as well as outdoor public benefit spaces.

According to the report compiled by SavATree Consulting Group, LLC (SavATree), the majority of the Pacific Madrone show signs of Madrone canker caused by Fusicoccum aesculi, and could result in the death of nearly all Madrone on site (van Oss 3). As such, this plan will also address increasing some diversity to the tree canopy cover while still maintaining the integrity of the Oak Forest ecosystem. Oak Forests typically have greater than 40 young trees per acre (Altman and Stephens 9).

**Opportunity Areas**

This plan will focus on the nearly 2 acre open space that will sit in the northwest corner of the development, behind lots 13 to 24. It directly borders a neighboring tax lot which currently contains many healthy Oregon White Oak and Big Leaf Maples, as well as some less healthy Douglas Fir (see map 1).

**Implementation Plan**

With construction on the site removing the majority of the vegetation, the primary objectives will be to quickly establish canopy, remove unwanted invasive species, establish healthy understory, and create an educational pollinator pathway which meanders along the outer edge of the site giving community members a chance to be immersed in wildlife while leaving the core natural area intact with little human interaction. It will take a minimum of three years from site prep through maintenance to fully push the site into passive stewardship as it will take time to restore the canopy and understory which will be necessary to prevent colonization of invasive species by nearby seed sources.

Site Preparation:

Prior to construction breaking ground, crews should harvest as many Big Leaf Maple and Oregon White Oak, that are between 2'-8' tall and no greater than 2.5" dbh, as possible to be replanted back on site. Due to the importing of nearly 8' of soil, there is minimal invasive species site prep which will be needed on site. However, if it rains prior to any native plant establishment, it is likely that invasive species either brought in through the soil importation process or by local seed sources will begin to colonize the bare site. It is essential to tackle these species early as it will minimize the long term maintenance treatments needed. With a mixture of 2% Garlon 3a, 2% Rodeo, and 1% Competitor, use backpack sprayers to treat all invasive species on site at least two weeks prior to seeding.

Planting:

After the site has been graded, hydroseed across all graded areas in order to prevent erosion (see Seed Table 1) and to establish a healthy herbaceous understory. Incorporate collected Pacific Madrone into seed mix to help with additional stabilization.

Between October 15th and November 30th, plant all harvested large trees back on site and plant established tree containers across site (see Container Table 1). Space all trees a minimum of 20' apart. Between January 1st and April 15th, plant bare-root native understory plants across the site (see Bare-Root Table 1). Pocket plant to create dense woody pollinator hedgerows and allow for large grassy understory which is preferred for wildlife grazing. Along the pathway, plant a native pollinator hedgerow with visual breaks to make passive habitat viewing areas.

Monitor site after year 1 assess survival. If tree survival dips below 40 stems per acre, add additional plants to meet this metric. The understory should remain largely dominated by grasses and forbs, however, should the pollinator hedgerow drop below 60% survival, interplant with native container plants to establish the trail and natural habitat area buffer.

Maintenance:

In the two years following planting, seasonal maintenance should take place in order to promote healthy native species establishment without disruption from invasive species. Herbicide applications should take place in Spring and Fall. Mowing and/or hand pulling should take place during the Summer and Winter months. It is recommended that after the maintenance period, twice a year treatments take place until the canopy is fully established. Should any invasive tree species return, it will be necessary to stump-cut them in order to kill off all root systems.

Container Table 1

| **Rescued Plants / Containerized Trees** | | | | |
|---|---|---|---|---|
| **Scientific Name** | **Common Name** | **Type** | **Number** | **Notes** |
| Acer macrophyllum | Big Leaf Maple | Rescued / Ball and Burlap | 10 | Rescue from site or purchase from rescued plant nursery |
| Pinus ponderosa | Ponderosa Pine | 5-10 Gallon Container | 25 | |
| Quercus garryana | Oregon White Oak | 5-10 Gallon Container | 25 | |
| Quercus garryana | Oregon White Oak | Rescued / Ball and Burlap | 15 | Rescue from site or purchase from rescued plant nursery |

Bare-Root Table 1

| **Bare-Root Plants** | | | | |
|---|---|---|---|---|
| **Scientific Name** | **Common Name** | **Type** | **Number** | **Notes** |
| *Amelanchier alnifolia* | Western Serviceberry | Bare-Root | 500 | |
| *Calocedrus decurrens* | Incense Cedar | Bare-Root | 250 | |
| *Ceanothus sanguineus* | Red Stem Ceanothus | Bare-Root | 500 | |
| *Holodiscus discolor* | Oceanspray | Bare-Root | 500 | |
| *Mahonia aquifolium* | Tall Oregon Grape | Bare-Root | 500 | |
| *Philadelphus lewisii* | Mock Orange | Bare-Root | 500 | |

| | | | | |
|---|---|---|---|---|
| *Rhamnus purshiana* | Cascara | Bare-Root | 250 | |
| *Ribes sanguinium* | Red Flowering Currant | Bare-Root | 500 | |
| *Symphoricarpos albus* | Snowberry | Bare-Root | 500 | |

Seed Table 1

| **Seed Mix** | | | | |
|---|---|---|---|---|
| **Scientific Name** | **Common Name** | **Type** | **Percent** | **Notes** |
| Achillea millefolium | Western Yarrow | Seed | 5% | |
| Aquilegia formosa | Western Columbine | Seed | 2% | |
| Arbutus menziesii | Pacific Madrone | Seed | 1% | |
| Bromus sitchensis | Sitka Brome | Seed | 25% | |
| Camassia quamash | Common Camas | Seed | 1% | |
| Clarkia amoena | Farewell to Spring | Seed | 1% | |
| Elymus glaucus | Blue Wildrye | Seed | 25% | |
| Eriophullum lanatum | Oregon Sunshine | Seed | 2% | |
| Fetsuca roemeri | Roamer's Fescue | Seed | 25% | |
| Geum macrophyllum | Large-leaved Avens | Seed | 1% | |
| Grindelia integrifolia | Gumweed | Seed | 2% | |
| Lupinus latifolius | Broadleaf Lupine | Seed | 5% | |
| Sidalcea virgata | Rose Checkermallow | Seed | 5% | |

**Terms / Definitions**

Bare-Root Plant
A plant used for planting that is generally harvested in winter after dormancy where the root system has been separated from the soil. Plants may be herbaceous or woody. General planting of bare-roots occurs between January and April.

Broadcast Spray
Application of herbicide sprayed across site using either backpack spray or UTV. Generally used in foliar applications when vegetation exists on the ground. Spray is generally more general than a spot spray with greater coverage.

Buck / Bucking
Cutting already downed wood into smaller pieces in order to make it more manageable or to encourage quicker decomposition.

Bulb
A modified stem that is the resting state of a seed which can be harvested and planted.

Chip / Chipping
Using a machine to produce bark chips from wood.

Container Plant
A plant that is contained in some form of container. These plants are generally measured by the size of the container in gallons. Containers are to be removed prior to planting. General planting seasons for container plants are February through May and September through November.

Fascine Bundle
A bundle of living plant cuttings tied together with compostable twine. Often used in erosion control. These fascines are to be planted horizontally with as much of 50% buried into the dirt.


(Fascine Bundle recently planted)

Fell / Felling
To bring down a tree or large shrub.

Maintenance
The period of time on a restoration site between planting and stewardship. This period is marked by regular site entries in order to ensure long term desired outcomes are met.

Mow / Mowing / Cut / Cutting
Using machinery like a hedgetrimmer, brushcutter, or billygoat mower to cut down herbaceous plants and small shrubs. Can be used to reduce fire risk, promote growth, or remove unwanted plants.

Plug Plant
A small containerized plant that is contained in a cell no greater than 2”x9”. General cell size is 1”x6”.

Pole Cutting
Similar to a Stake Cutting, but larger, a living section of tree or shrub with its branches removed which can be planted. Pole cutting should be between 5’-10’. When planted, pole cuttings must be placed a minimum of 3’ in the ground. General Pole Cutting and Planting season is from January to May and October to December.


(Pole Cutting after 6 months growth)

Site Preparation
The first phase of a restoration project where the goal is to prepare the ground for future planting. This phase generally involves removing invasive species and/or other obstacles which could be a detriment to future ecological function and plant growth.

Spot Spray
Application of herbicide using a backpack sprayer on select species. Generally used in foliar applications.

Stake Cutting
A section of living plant material between 1’-5’ long which can be planted and form a viable plant. When planted, stake cuttings must be placed a minimum of ½ of total cutting length in the ground. General Stake Cutting and Planting season is from January to May and October to December.

Stewardship
The final phase of a restoration project, when general ecological function has been restored. This period involves monitoring sites and reacting to changes as necessary.

Stump-Cut
Felling a tree or shrub and then applying a concentrated herbicide on the cut in order to prevent root suckers and/or regrowth from occurring.

## Maps




All work in this plan refers to “Tract C”.

# Moser Pass at Denali




7/18/2022

Moser Pass at Delani - Field Notes (Points)
Viewing Platform
Interpretive Signs

Moser Pass at Delani - Field Notes (Lines)
Approximate Trail

Moser Pass at Delani - Field Notes (Areas)
Approximate Site Boundaries

World Imagery

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

Esri Community Maps Contributors, Oregon Metro, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

References

Altman, Bob, and Jaime L. Stephens. “Bird Habitat and Populations in Oak Ecosystems of the Pacific Northwest.” https://abcbirds.org/wp-content/uploads/2015/05/QuercusGuidePart1.pdf. Accessed 13 July 2022.

“Oak Woodlands – Oregon Conservation Strategy.” *Oregon Conservation Strategy*, https://oregonconservationstrategy.org/strategy-habitat/oak-woodlands/. Accessed 12 July 2022.

van Oss, Peter. *Tree Plan for J.T Roth Construction*. For Service At 22900 SW Murdock Street, Sherwood, OR. 4 April 2022.

## NOTES

1) THE FIELD SURVEY FOR THIS MAP WAS COMPLETED ON FEBRUARY 28, 2022.

2) ELEVATIONS AND CONTOURS ARE BASED ON WASHINGTON COUNTY BENCHMARK NUMBER 111. THE BENCHMARK IS A BRASS DISK LOCATED IN THE CURB NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF SUNSET COURT AND SHERWOOD BOULEVARD, IT HAS AN ELEVATION OF 213.55 FEET ON THE NGVD 1929 DATUM.

3) THE BASIS OF BEARINGS FOR THIS SURVEY IS ALONG THE WESTERLY PORTION OF THE SOUTHERLY BOUNDARY HOLDING THE RECORD BEARING PER SURVEY NUMBER 30340, WASHINGTON COUNTY SURVEY RECORDS.

4) THE RIGHT-OF-WAY WIDTHS WERE ESTABLISHED USING INFORMATION FROM RECORD SURVEYS AND THE COUNTY TAX ASSESSOR'S MAP.

5) THE EASEMENT SHOWN ON THIS MAP IS BASED ON THE TITLE REPORT, PREPARED BY FIDELITY NATIONAL TITLE COMPANY OF OREGON, WITH ORDER NUMBER 45142127388 AND WITH AN EFFECTIVE DATE OF SEPTEMBER 27, 2021 AT 8:00 AM.

6) THE UNDERGROUND UTILITIES ARE BASED ON THE MARKINGS PER LOCATE TICKET NUMBERS 22014261, 22027040, 22027041, 22027042 AND 22027044.

7) THE MAJORITY OF THE PROPERTY EAST OF HOUSE IS COVERED WITH DENSE BRUSH. IT WAS NOT POSSIBLE TO DEFINE ALL OF THE SLOPE BREAKS IN THESE AREAS AND THE CONTOURS ARE APPROXIMATE.

## UTILITY STATEMENT

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

## STORM SEWER INFORMATION

SD12 CONCRETE CULVERT INLET
12" I.E. = 252.04'

SD13 CONCRETE CULVERT OUTFALL
12" I.E. = 251.71'

SD14 CATCH BASIN
RIM = 240.81'
12" I.E. OUT (W) = 236.3'

SD15 CONCRETE CULVERT INLET
12" I.E. = 237.26'

SD16 MANHOLE
RIM = 231.99'
12" I.E. IN (S) = 227.8'
12" I.E. IN (NE) = 227.7'
PLUGGED 12" I.E. IN (W) = 227.8'
12" I.E. OUT (N) = 227.6'

SD17 CATCH BASIN
RIM = 231.36'
12" I.E. OUT (SW) = 228.1'

SCALE 1" = 30 FEET

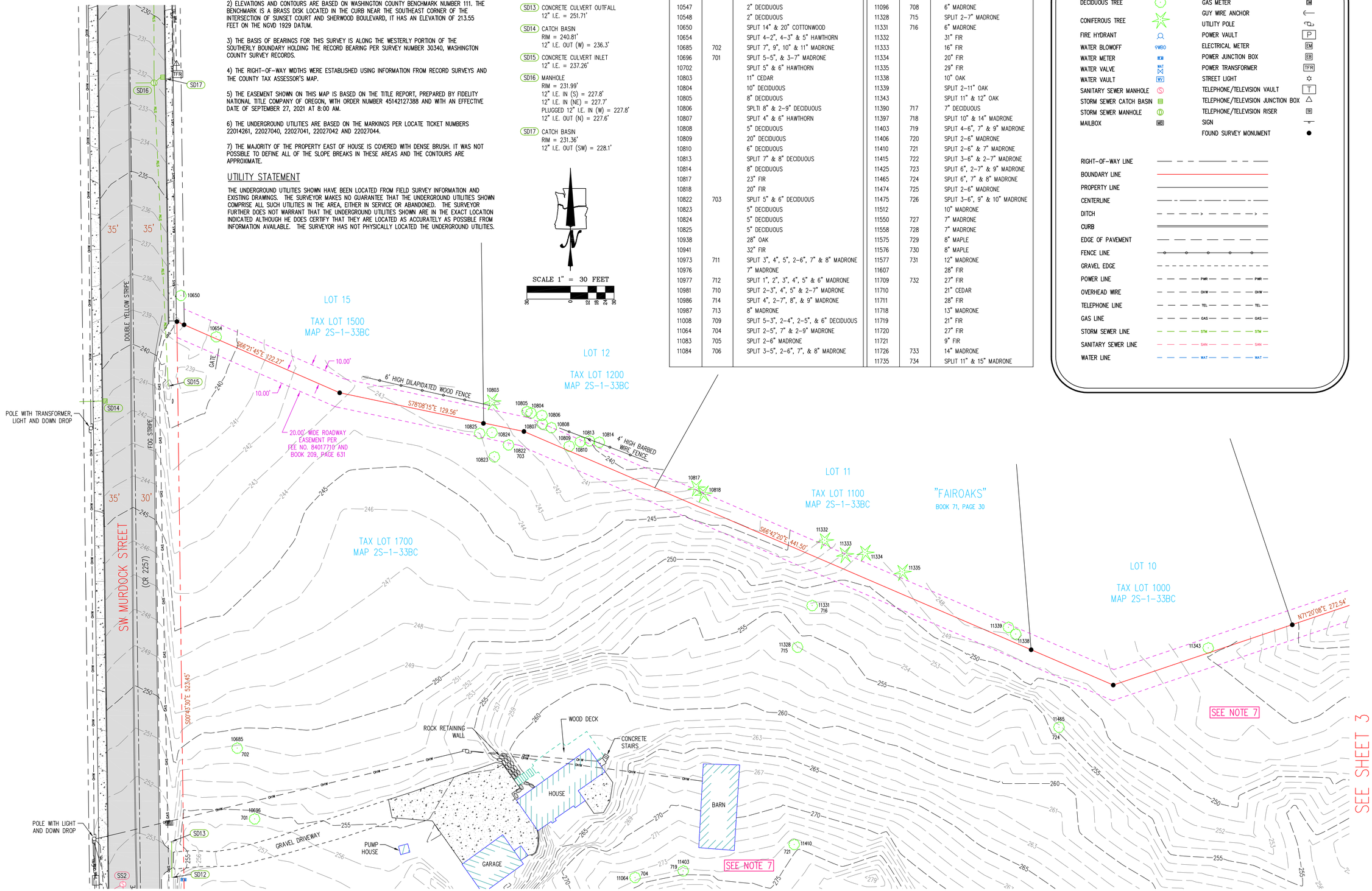
## TREE INFORMATION

| TREE # | TAG # | DESCRIPTION |
|---|---|---|
| 10546 | | 2" DECIDUOUS |
| 10547 | | 2" DECIDUOUS |
| 10548 | | 2" DECIDUOUS |
| 10650 | | SPLIT 14" & 20" COTTONWOOD |
| 10654 | | SPLIT 4-2", 4-3" & 5" HAWTHORN |
| 10685 | 702 | SPLIT 7", 9", 10" & 11" MADRONE |
| 10696 | 701 | SPLIT 5-5", & 3-7" MADRONE |
| 10702 | | SPLIT 5" & 6" HAWTHORN |
| 10803 | | 11" CEDAR |
| 10804 | | 10" DECIDUOUS |
| 10805 | | 8" DECIDUOUS |
| 10806 | | SPLTI 8" & 2-9" DECIDUOUS |
| 10807 | | SPLIT 4" & 6" HAWTHORN |
| 10808 | | 5" DECIDUOUS |
| 10809 | | 20" DECIDUOUS |
| 10810 | | 6" DECIDUOUS |
| 10813 | | SPLIT 7" & 8" DECIDUOUS |
| 10814 | | 8" DECIDUOUS |
| 10817 | | 23" FIR |
| 10818 | | 20" FIR |
| 10822 | 703 | SPLIT 5" & 6" DECIDUOUS |
| 10823 | | 5" DECIDUOUS |
| 10824 | | 5" DECIDUOUS |
| 10825 | | 5" DECIDUOUS |
| 10938 | | 28" OAK |
| 10941 | | 32" FIR |
| 10973 | 711 | SPLIT 3", 4", 5", 2-6", 7" & 8" MADRONE |
| 10976 | | 7" MADRONE |
| 10977 | 712 | SPLIT 1", 2", 3", 4", 5" & 6" MADRONE |
| 10981 | 710 | SPLIT 2-3", 4", 5" & 2-7" MADRONE |
| 10986 | 714 | SPLIT 4", 2-7", 8", & 9" MADRONE |
| 10987 | 713 | 8" MADRONE |
| 11008 | 709 | SPLIT 5-3", 2-4", 2-5", & 6" DECIDUOUS |
| 11064 | 704 | SPLIT 2-5", 7" & 2-9" MADRONE |
| 11083 | 705 | SPLIT 2-6" MADRONE |
| 11084 | 706 | SPLIT 3-5", 2-6", 7", & 8" MADRONE |
| 11091 | 707 | SPLIT 2-3"& 6" MADRONE |
| 11096 | 708 | 6" MADRONE |
| 11328 | 715 | SPLIT 2-7" MADRONE |
| 11331 | 716 | 6" MADRONE |
| 11332 | | 31" FIR |
| 11333 | | 16" FIR |
| 11334 | | 20" FIR |
| 11335 | | 29" FIR |
| 11338 | | 10" OAK |
| 11339 | | SPLIT 2-11" OAK |
| 11343 | | SPLIT 11" & 12" OAK |
| 11390 | 717 | 7" DECIDUOUS |
| 11397 | 718 | SPLIT 10" & 14" MADRONE |
| 11403 | 719 | SPLIT 4-6", 7" & 9" MADRONE |
| 11406 | 720 | SPLIT 2-6" MADRONE |
| 11410 | 721 | SPLIT 2-6" & 7" MADRONE |
| 11415 | 722 | SPLIT 3-6" & 2-7" MADRONE |
| 11425 | 723 | SPLIT 6", 2-7" & 9" MADRONE |
| 11465 | 724 | SPLIT 6", 7" & 8" MADRONE |
| 11474 | 725 | SPLIT 2-6" MADRONE |
| 11475 | 726 | SPLIT 3-6", 9" & 10" MADRONE |
| 11512 | | 10" MADRONE |
| 11550 | 727 | 7" MADRONE |
| 11558 | 728 | 7" MADRONE |
| 11575 | 729 | 8" MAPLE |
| 11576 | 730 | 8" MAPLE |
| 11577 | 731 | 12" MADRONE |
| 11607 | | 28" FIR |
| 11709 | 732 | 27" FIR |
| 11710 | | 21" CEDAR |
| 11711 | | 28" FIR |
| 11718 | | 13" MADRONE |
| 11719 | | 21" FIR |
| 11720 | | 27" FIR |
| 11721 | | 9" FIR |
| 11726 | 733 | 14" MADRONE |
| 11735 | 734 | SPLIT 11" & 15" MADRONE |

## LEGEND

DECIDUOUS TREE
CONIFEROUS TREE
FIRE HYDRANT
WATER BLOWOFF (WBO)
WATER METER (WM)
WATER VALVE (WV)
WATER VAULT (WV)
SANITARY SEWER MANHOLE (S)
STORM SEWER CATCH BASIN
STORM SEWER MANHOLE (D)
MAILBOX (MB)
GAS METER (GM)
GUY WIRE ANCHOR
UTILITY POLE
POWER VAULT (P)
ELECTRICAL METER (EM)
POWER JUNCTION BOX (EB)
POWER TRANSFORMER (TFR)
STREET LIGHT
TELEPHONE/TELEVISION VAULT (T)
TELEPHONE/TELEVISION JUNCTION BOX
TELEPHONE/TELEVISION RISER (TR)
SIGN
FOUND SURVEY MONUMENT

RIGHT-OF-WAY LINE
BOUNDARY LINE
PROPERTY LINE
CENTERLINE
DITCH
CURB
EDGE OF PAVEMENT
FENCE LINE
GRAVEL EDGE
POWER LINE (PWR)
OVERHEAD WIRE (OHW)
TELEPHONE LINE (TEL)
GAS LINE (GAS)
STORM SEWER LINE (STM)
SANITARY SEWER LINE (SAN)
WATER LINE (WAT)




NORTHWEST SURVEYING, INC.
1815 NW 169th PLACE, SUITE 2090
BEAVERTON, OR 97006
PH: (503) 848-2127 FAX: (503) 848-2179
EMAIL: nwsurveying@nwsrvy.com

LOCATED IN THE NW 1/4 OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M., CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

# TOPOGRAPHIC SURVEY
## 22900 SW MURDOCK STREET
## SHERWOOD, OREGON
TAX LOT 1700 — TAX MAP 2S-1-33BC

DRAWING NO.: 2400 TOPO
SCALE: AS NOTED
DRAWING GENERATED BY LD2004
DRAWN BY: CDW
CHECKED BY: CHS

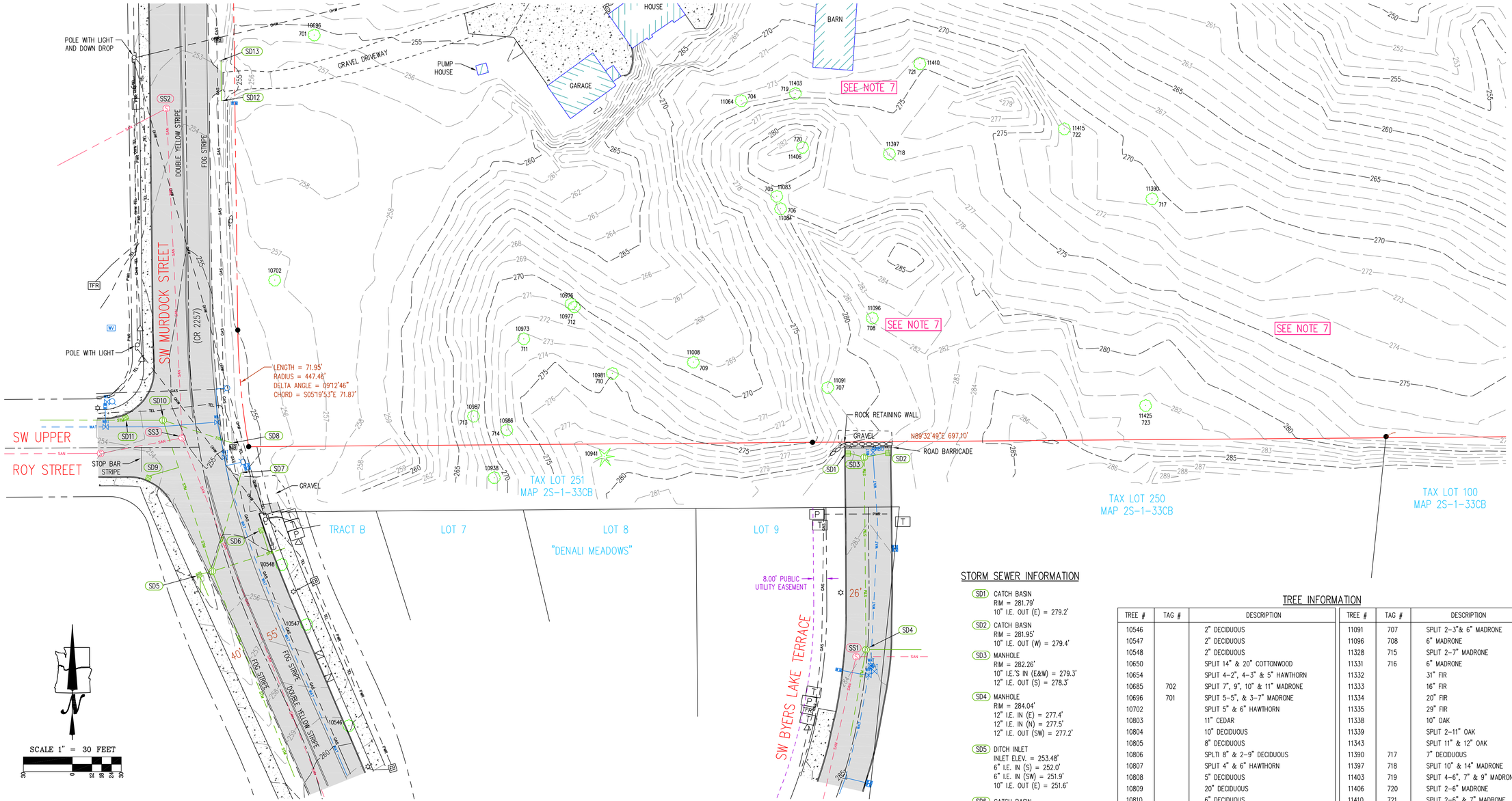
**PREPARED FOR:**
J.T. ROTH CONSTRUCTION
12600 SW 72ND AVENUE,
SUITE 200
PORTLAND, OR 97223

REVISIONS:
INITIAL RELEASE: MAR. 7, 2022

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS
RENEWS: 06/30/22

JOB NUMBER
2400

SHEET
1 OF 3




## LEGEND

| | | | |
|---|---|---|---|
| DECIDUOUS TREE | GAS METER | RIGHT-OF-WAY LINE | TELEPHONE LINE |
| CONIFEROUS TREE | GUY WIRE ANCHOR | BOUNDARY LINE | GAS LINE |
| FIRE HYDRANT | UTILITY POLE | PROPERTY LINE | STORM SEWER LINE |
| WATER BLOWOFF | POWER VAULT | CENTERLINE | SANITARY SEWER LINE |
| WATER METER | ELECTRICAL METER | DITCH | WATER LINE |
| WATER VALVE | POWER JUNCTION BOX | CURB | |
| WATER VAULT | POWER TRANSFORMER | EDGE OF PAVEMENT | |
| SANITARY SEWER MANHOLE | STREET LIGHT | FENCE LINE | |
| STORM SEWER CATCH BASIN | TELEPHONE/TELEVISION VAULT | GRAVEL EDGE | |
| STORM SEWER MANHOLE | TELEPHONE/TELEVISION JUNCTION BOX | POWER LINE | |
| MAILBOX | TELEPHONE/TELEVISION RISER | OVERHEAD WIRE | |
| | SIGN | | |
| | FOUND SURVEY MONUMENT | | |

## STORM SEWER INFORMATION

- SD1 CATCH BASIN
  RIM = 281.79'
  10" I.E. OUT (E) = 279.2'
- SD2 CATCH BASIN
  RIM = 281.95'
  10" I.E. OUT (W) = 279.4'
- SD3 MANHOLE
  RIM = 282.26'
  10" I.E.'S IN (E&W) = 279.3'
  12" I.E. OUT (S) = 278.3'
- SD4 MANHOLE
  RIM = 284.04'
  12" I.E. IN (E) = 277.4'
  12" I.E. IN (N) = 277.5'
  12" I.E. OUT (SW) = 277.2'
- SD5 DITCH INLET
  INLET ELEV. = 253.48'
  6" I.E. IN (S) = 252.0'
  6" I.E. IN (SW) = 251.9'
  10" I.E. OUT (E) = 251.6'
- SD6 CATCH BASIN
  RIM = 254.64'
  10" I.E. OUT (S) = 252.7'
- SD7 CONCRETE CULVERT INLET
  PLUGGED 12" I.E. = 253.00'
- SD8 CONCRETE CULVERT INLET
  12" I.E. = 252.64'
- SD9 CATCH BASIN
  RIM = 253.22'
  10" I.E. OUT (E) = 251.6'
- SD10 MANHOLE
  RIM = 254.64'
  12" I.E. IN (E) = 250.9'
  12" I.E. IN (S) = 250.8'
  12" I.E. OUT (W) = 250.6'
- SD11 CATCH BASIN
  RIM = 253.49'
  12" I.E. OUT (S) = 251.1'
- SD12 CONCRETE CULVERT INLET
  12" I.E. = 252.04'
- SD13 CONCRETE CULVERT OUTFALL
  12" I.E. = 251.71'

## SANITARY SEWER INFORMATION

- SS1 MANHOLE
  RIM = 283.95'
  8" I.E. IN (E) = 275.9'
  8" I.E. OUT (SW) = 275.8'
- SS2 MANHOLE
  RIM = 253.51'
  8" I.E. IN (S) = 245.7'
  8" I.E. OUT (SW) = 245.5'
- SS3 MANHOLE
  RIM = 254.98'
  8" I.E. IN (SE) = 248.1'
  8" I.E. IN (W) = 248.1'
  8" I.E. OUT (N) = 247.9'

## TREE INFORMATION

| TREE # | TAG # | DESCRIPTION | TREE # | TAG # | DESCRIPTION |
|---|---|---|---|---|---|
| 10546 | | 2" DECIDUOUS | 11091 | 707 | SPLIT 2-3"& 6" MADRONE |
| 10547 | | 2" DECIDUOUS | 11096 | 708 | 6" MADRONE |
| 10548 | | 2" DECIDUOUS | 11328 | 715 | SPLIT 2-7" MADRONE |
| 10650 | | SPLIT 14" & 20" COTTONWOOD | 11331 | 716 | 6" MADRONE |
| 10654 | | SPLIT 4-2", 4-3" & 5" HAWTHORN | 11332 | | 31" FIR |
| 10685 | 702 | SPLIT 7", 9", 10" & 11" MADRONE | 11333 | | 16" FIR |
| 10696 | 701 | SPLIT 5-5", & 3-7" MADRONE | 11334 | | 20" FIR |
| 10702 | | SPLIT 5" & 6" HAWTHORN | 11335 | | 29" FIR |
| 10803 | | 11" CEDAR | 11338 | | 10" OAK |
| 10804 | | 10" DECIDUOUS | 11339 | | SPLIT 2-11" OAK |
| 10805 | | 8" DECIDUOUS | 11343 | | SPLIT 11" & 12" OAK |
| 10806 | | SPLTI 8" & 2-9" DECIDUOUS | 11390 | 717 | 7" DECIDUOUS |
| 10807 | | SPLIT 4" & 6" HAWTHORN | 11397 | 718 | SPLIT 10" & 14" MADRONE |
| 10808 | | 5" DECIDUOUS | 11403 | 719 | SPLIT 4-6", 7" & 9" MADRONE |
| 10809 | | 20" DECIDUOUS | 11406 | 720 | SPLIT 2-6" MADRONE |
| 10810 | | 6" DECIDUOUS | 11410 | 721 | SPLIT 2-6" & 7" MADRONE |
| 10813 | | SPLIT 7" & 8" DECIDUOUS | 11415 | 722 | SPLIT 3-6" & 2-7" MADRONE |
| 10814 | | 8" DECIDUOUS | 11425 | 723 | SPLIT 6", 2-7" & 9" MADRONE |
| 10817 | | 23" FIR | 11465 | 724 | SPLIT 6", 7" & 8" MADRONE |
| 10818 | | 20" FIR | 11474 | 725 | SPLIT 2-6" MADRONE |
| 10822 | 703 | SPLIT 5" & 6" DECIDUOUS | 11475 | 726 | SPLIT 3-6", 9" & 10" MADRONE |
| 10823 | | 5" DECIDUOUS | 11512 | | 10" MADRONE |
| 10824 | | 5" DECIDUOUS | 11550 | 727 | 7" MADRONE |
| 10825 | | 5" DECIDUOUS | 11558 | 728 | 7" MADRONE |
| 10938 | | 28" OAK | 11575 | 729 | 8" MAPLE |
| 10941 | | 32" FIR | 11576 | 730 | 8" MAPLE |
| 10973 | 711 | SPLIT 3", 4", 5", 2-6", 7" & 8" MADRONE | 11577 | 731 | 12" MADRONE |
| 10976 | | 7" MADRONE | 11607 | | 28" FIR |
| 10977 | 712 | SPLIT 1", 2", 3", 4", 5" & 6" MADRONE | 11709 | 732 | 27" FIR |
| 10981 | 710 | SPLIT 2-3", 4", 5" & 2-7" MADRONE | 11710 | | 21" CEDAR |
| 10986 | 714 | SPLIT 4", 2-7", 8", & 9" MADRONE | 11711 | | 28" FIR |
| 10987 | 713 | 8" MADRONE | 11718 | | 13" MADRONE |
| 11008 | 709 | SPLIT 5-3", 2-4", 2-5", & 6" DECIDUOUS | 11719 | | 21" FIR |
| 11064 | 704 | SPLIT 2-5", 7" & 2-9" MADRONE | 11720 | | 27" FIR |
| 11083 | 705 | SPLIT 2-6" MADRONE | 11721 | | 9" FIR |
| 11084 | 706 | SPLIT 3-5", 2-6", 7", & 8" MADRONE | 11726 | 733 | 14" MADRONE |
| | | | 11735 | 734 | SPLIT 11" & 15" MADRONE |

NORTHWEST SURVEYING, INC.
1815 NW 169th PLACE, SUITE 2090
BEAVERTON, OR 97006
PH: (503) 848-2127 FAX: (503) 848-2179
EMAIL: nwsurveying@nwsrvy.com

LOCATED IN THE NW 1/4 OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M., CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

# TOPOGRAPHIC SURVEY
22900 SW MURDOCK STREET
SHERWOOD, OREGON
TAX LOT 1700
TAX MAP 2S-1-33BC

DRAWING NO.: 2400 TOPO
SCALE: AS NOTED
DRAWING GENERATED BY LD2004
DRAWN BY: CDW
CHECKED BY: CHS

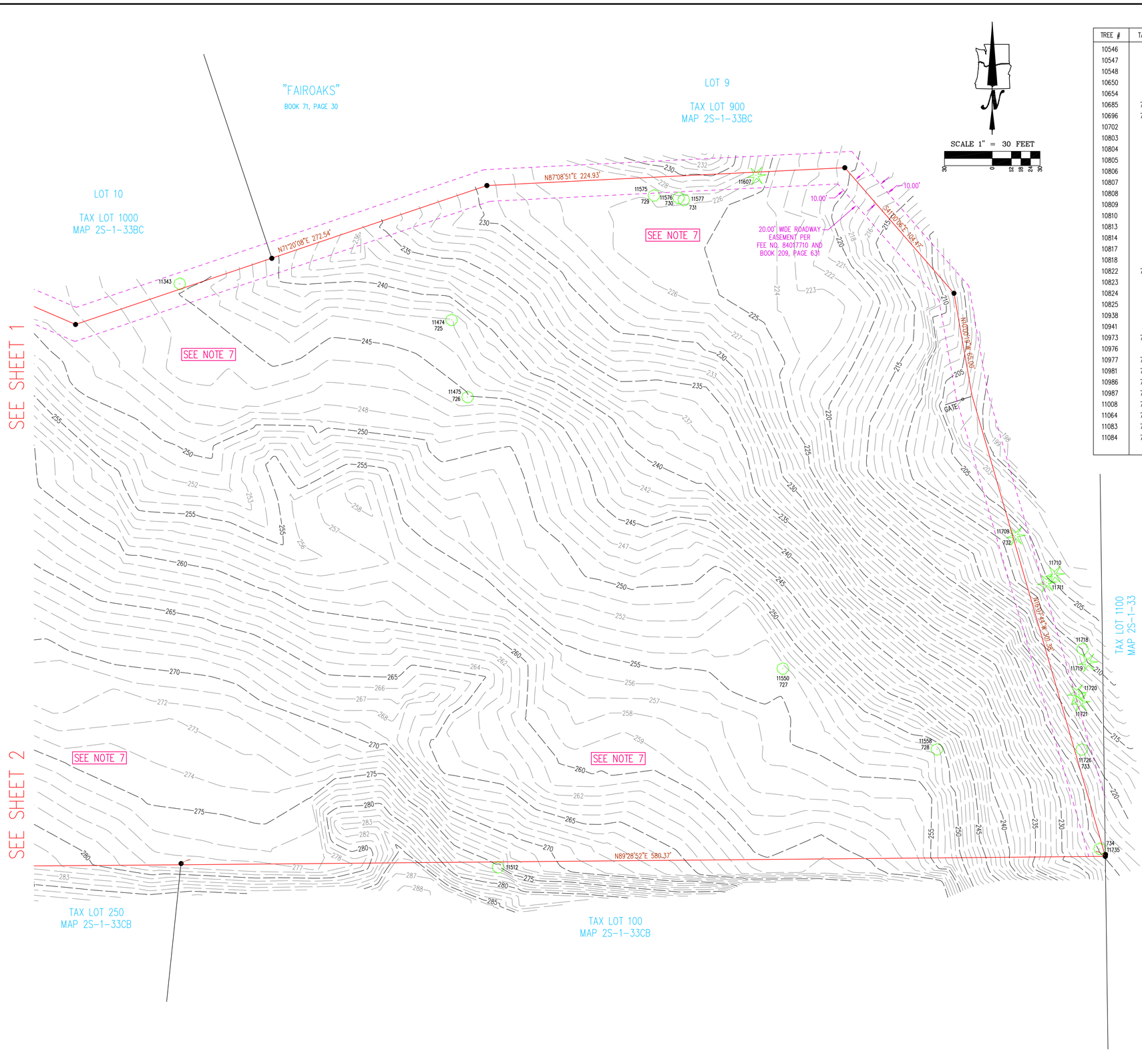
**PREPARED FOR:**
J.T. ROTH CONSTRUCTION
12600 SW 72ND AVENUE,
SUITE 200
PORTLAND, OR 97223

REVISIONS:
INITIAL RELEASE: MAR. 7, 2022

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS
RENEWS: 06/30/22

JOB NUMBER
2400

SHEET
2 OF 3




## TREE INFORMATION

| TREE # | TAG # | DESCRIPTION |
|---|---|---|
| 10546 | | 2" DECIDUOUS |
| 10547 | | 2" DECIDUOUS |
| 10548 | | 2" DECIDUOUS |
| 10650 | | SPLIT 14" & 20" COTTONWOOD |
| 10654 | | SPLIT 4-2", 4-3" & 5" HAWTHORN |
| 10685 | 702 | SPLIT 7", 9", 10" & 11" MADRONE |
| 10696 | 701 | SPLIT 5-5", & 3-7" MADRONE |
| 10702 | | SPLIT 5" & 6" HAWTHORN |
| 10803 | | 11" CEDAR |
| 10804 | | 10" DECIDUOUS |
| 10805 | | 8" DECIDUOUS |
| 10806 | | SPLTI 8" & 2-9" DECIDUOUS |
| 10807 | | SPLIT 4" & 6" HAWTHORN |
| 10808 | | 5" DECIDUOUS |
| 10809 | | 20" DECIDUOUS |
| 10810 | | 6" DECIDUOUS |
| 10813 | | SPLIT 7" & 8" DECIDUOUS |
| 10814 | | 8" DECIDUOUS |
| 10817 | | 23" FIR |
| 10818 | | 20" FIR |
| 10822 | 703 | SPLIT 5" & 6" DECIDUOUS |
| 10823 | | 5" DECIDUOUS |
| 10824 | | 5" DECIDUOUS |
| 10825 | | 5" DECIDUOUS |
| 10938 | | 28" OAK |
| 10941 | | 32" FIR |
| 10973 | 711 | SPLIT 3", 4", 5", 2-6", 7" & 8" MADRONE |
| 10976 | | 7" MADRONE |
| 10977 | 712 | SPLIT 1", 2", 3", 4", 5" & 6" MADRONE |
| 10981 | 710 | SPLIT 2-3", 4", 5" & 2-7" MADRONE |
| 10986 | 714 | SPLIT 4", 2-7", 8", & 9" MADRONE |
| 10987 | 713 | 8" MADRONE |
| 11008 | 709 | SPLIT 5-3", 2-4", 2-5", & 6" DECIDUOUS |
| 11064 | 704 | SPLIT 2-5", 7" & 2-9" MADRONE |
| 11083 | 705 | SPLIT 2-6" MADRONE |
| 11084 | 706 | SPLIT 3-5", 2-6", 7", & 8" MADRONE |

| TREE # | TAG # | DESCRIPTION |
|---|---|---|
| 11091 | 707 | SPLIT 2-3"& 6" MADRONE |
| 11096 | 708 | 6" MADRONE |
| 11328 | 715 | SPLIT 2-7" MADRONE |
| 11331 | 716 | 6" MADRONE |
| 11332 | | 31" FIR |
| 11333 | | 16" FIR |
| 11334 | | 20" FIR |
| 11335 | | 29" FIR |
| 11338 | | 10" OAK |
| 11339 | | SPLIT 2-11" OAK |
| 11343 | | SPLIT 11" & 12" OAK |
| 11390 | 717 | 7" DECIDUOUS |
| 11397 | 718 | SPLIT 10" & 14" MADRONE |
| 11403 | 719 | SPLIT 4-6", 7" & 9" MADRONE |
| 11406 | 720 | SPLIT 2-6" MADRONE |
| 11410 | 721 | SPLIT 2-6" & 7" MADRONE |
| 11415 | 722 | SPLIT 3-6" & 2-7" MADRONE |
| 11425 | 723 | SPLIT 6", 2-7" & 9" MADRONE |
| 11465 | 724 | SPLIT 6", 7" & 8" MADRONE |
| 11474 | 725 | SPLIT 2-6" MADRONE |
| 11475 | 726 | SPLIT 3-6", 9" & 10" MADRONE |
| 11512 | | 10" MADRONE |
| 11550 | 727 | 7" MADRONE |
| 11558 | 728 | 7" MADRONE |
| 11575 | 729 | 8" MAPLE |
| 11576 | 730 | 8" MAPLE |
| 11577 | 731 | 12" MADRONE |
| 11607 | | 28" FIR |
| 11709 | 732 | 27" FIR |
| 11710 | | 21" CEDAR |
| 11711 | | 28" FIR |
| 11718 | | 13" MADRONE |
| 11719 | | 21" FIR |
| 11720 | | 27" FIR |
| 11721 | | 9" FIR |
| 11726 | 733 | 14" MADRONE |
| 11735 | 734 | SPLIT 11" & 15" MADRONE |

## LEGEND

| | | | |
|---|---|---|---|
| DECIDUOUS TREE | | GAS METER | GM |
| CONIFEROUS TREE | | GUY WIRE ANCHOR | |
| FIRE HYDRANT | | UTILITY POLE | |
| WATER BLOWOFF | WBO | POWER VAULT | P |
| WATER METER | WM | ELECTRICAL METER | EM |
| WATER VALVE | WAT | POWER JUNCTION BOX | EB |
| WATER VAULT | WV | POWER TRANSFORMER | TFR |
| SANITARY SEWER MANHOLE | S | STREET LIGHT | |
| STORM SEWER CATCH BASIN | | TELEPHONE/TELEVISION VAULT | T |
| STORM SEWER MANHOLE | | TELEPHONE/TELEVISION JUNCTION BOX | |
| MAILBOX | MB | TELEPHONE/TELEVISION RISER | TR |
| | | SIGN | |
| | | FOUND SURVEY MONUMENT | |

RIGHT-OF-WAY LINE
BOUNDARY LINE
PROPERTY LINE
CENTERLINE
DITCH
CURB
EDGE OF PAVEMENT
FENCE LINE
GRAVEL EDGE
POWER LINE — PWR —
OVERHEAD WIRE — OHW —
TELEPHONE LINE — TEL —
GAS LINE — GAS —
STORM SEWER LINE — STM —
SANITARY SEWER LINE — SAN —
WATER LINE — WAT —

NORTHWEST SURVEYING, INC.
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LOCATED IN THE NW 1/4 OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M., CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON

# TOPOGRAPHIC SURVEY
22900 SW MURDOCK STREET
SHERWOOD, OREGON
TAX LOT 1700
TAX MAP 2S-1-33BC

| | |
|---|---|
| DRAWING NO.: | 2400 TOPO |
| SCALE: | AS NOTED |
| DRAWING GENERATED BY LD2004 | |
| DRAWN BY: | CDW |
| CHECKED BY: | CHS |

**PREPARED FOR:**
J.T. ROTH CONSTRUCTION
12600 SW 72ND AVENUE,
SUITE 200
PORTLAND, OR 97223

REVISIONS:
INITIAL RELEASE: MAR. 7, 2022

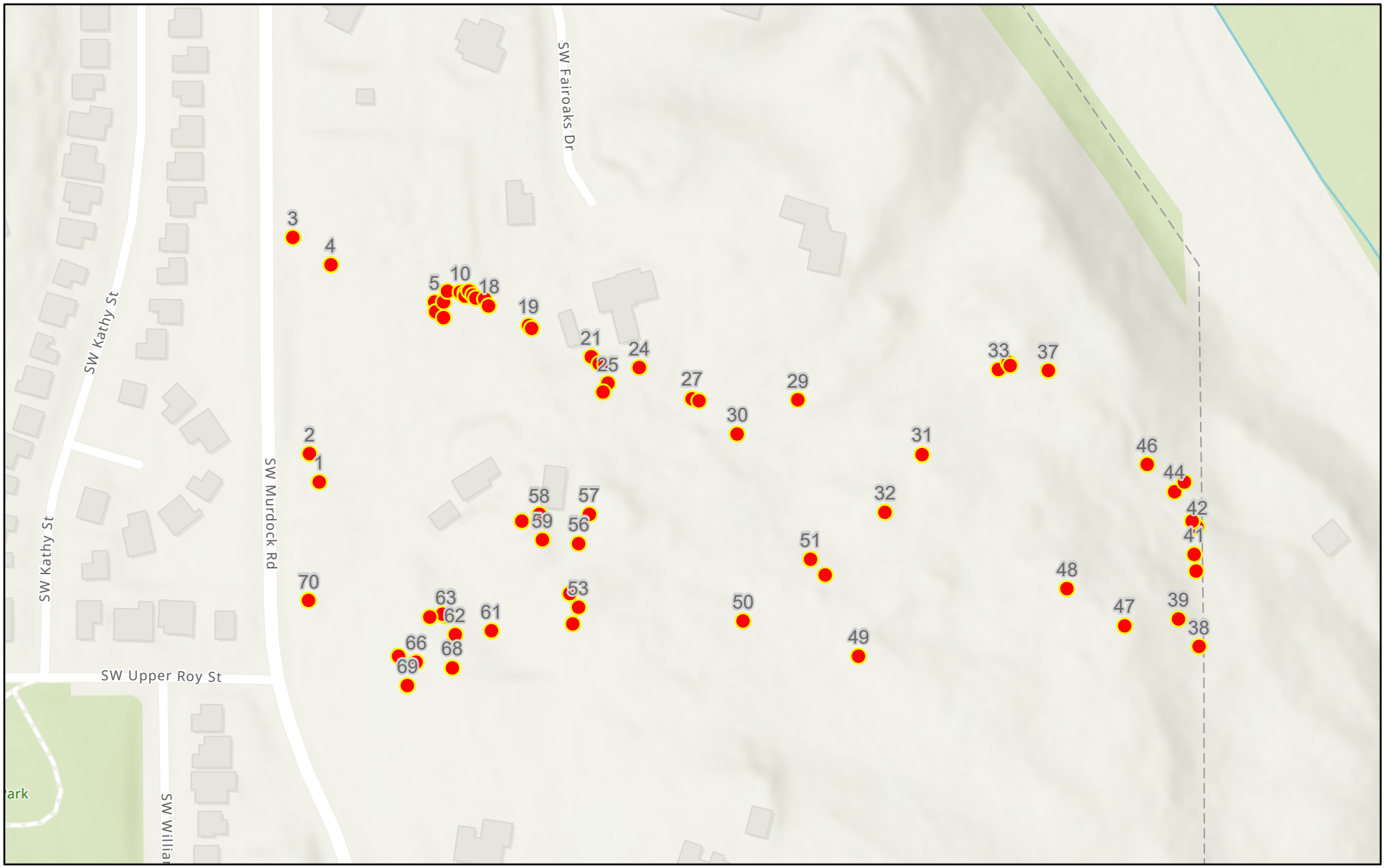
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS
RENEWS: 06/30/22

JOB NUMBER
2400

SHEET
3 OF 3

Exhibit A8

# 22900 SW Murdock DR




3/22/2022

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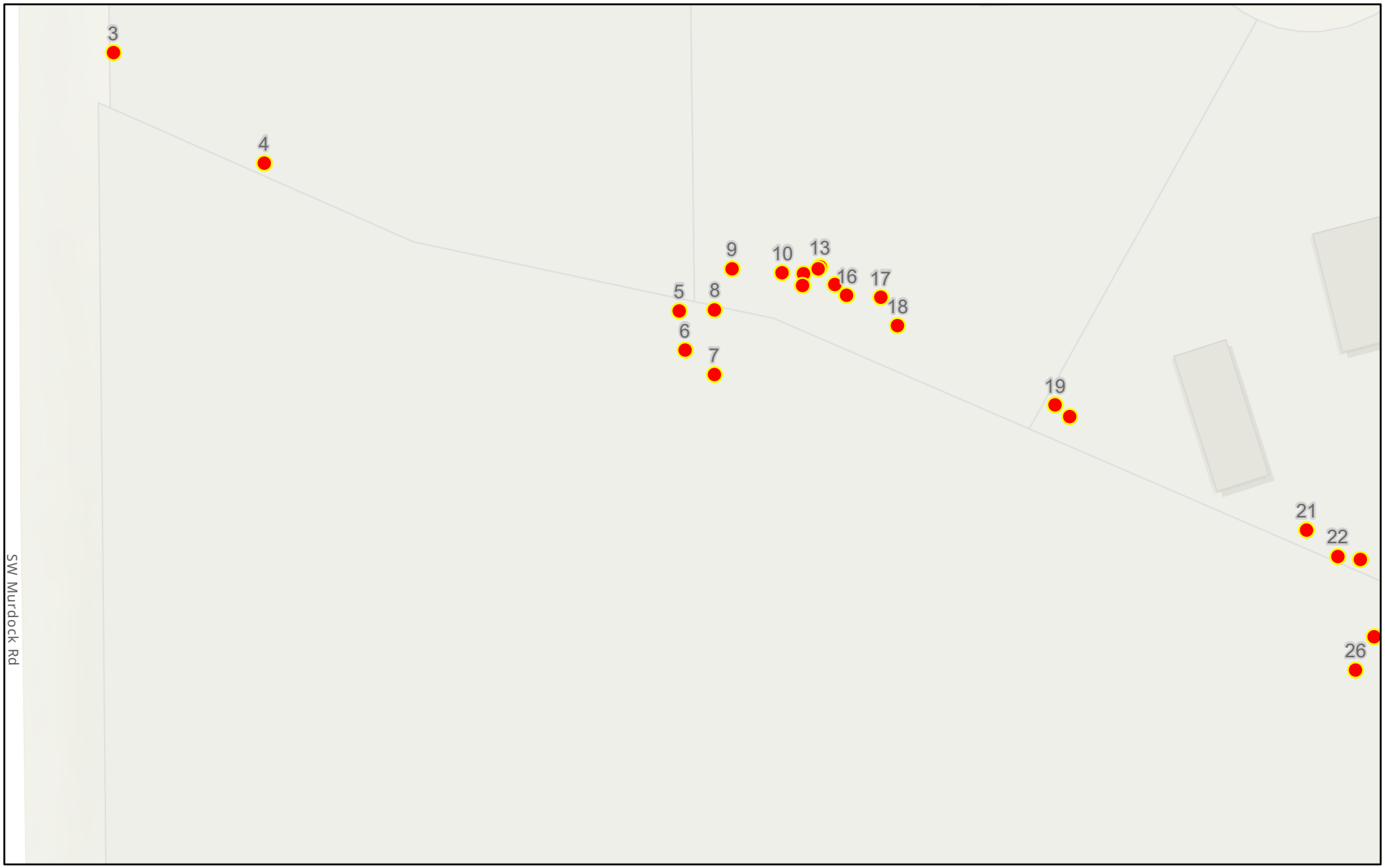
0 0.02 0.04 0.07 mi

0 0.03 0.06 0.12 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS,

# 22900 SW Murdock DR

Exhibit A8




3/22/2022

1:827

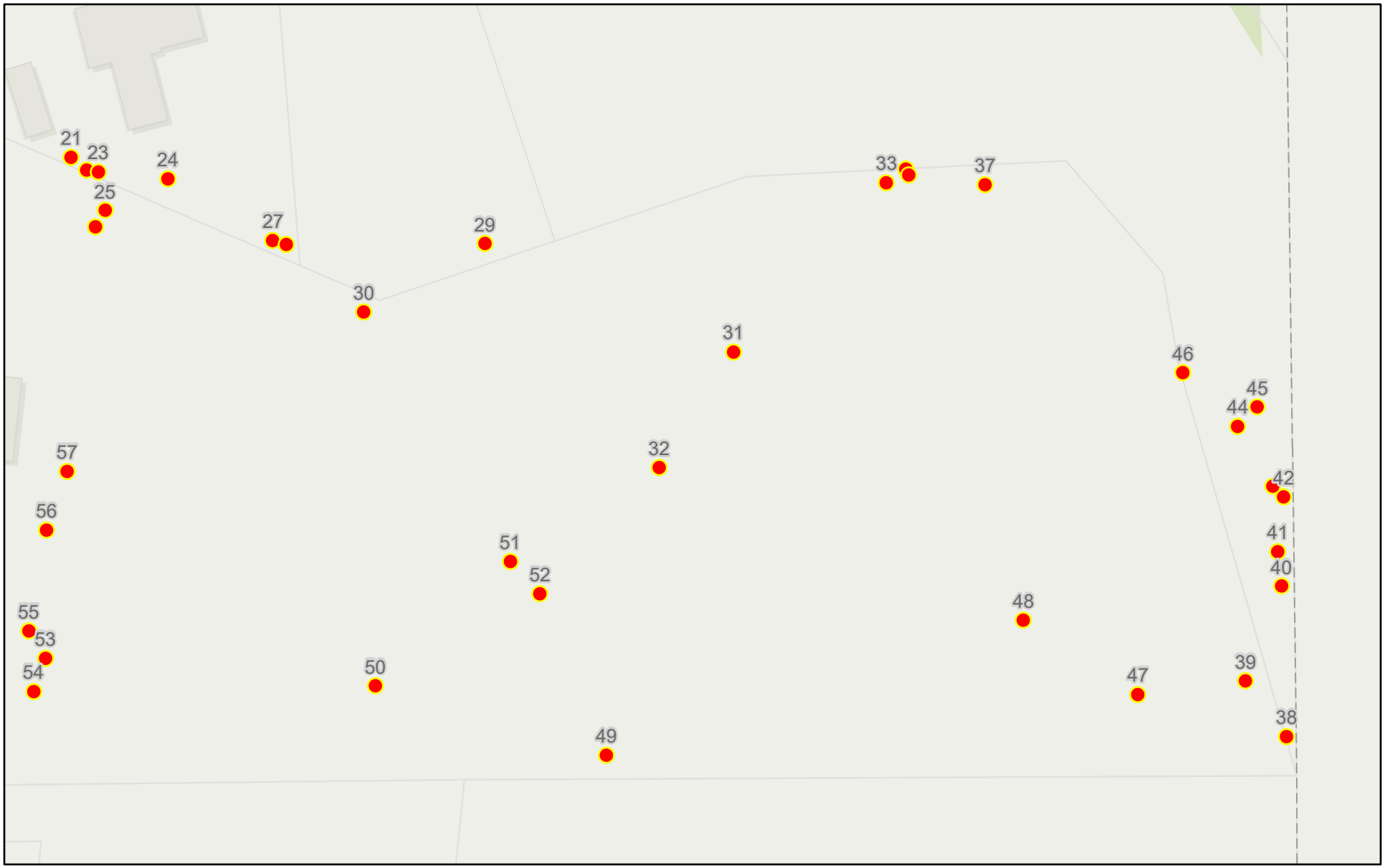
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0 0.01 0.01 0.03 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS,

Exhibit A8

# 22900 SW Murdock DR




3/22/2022

1:1,653

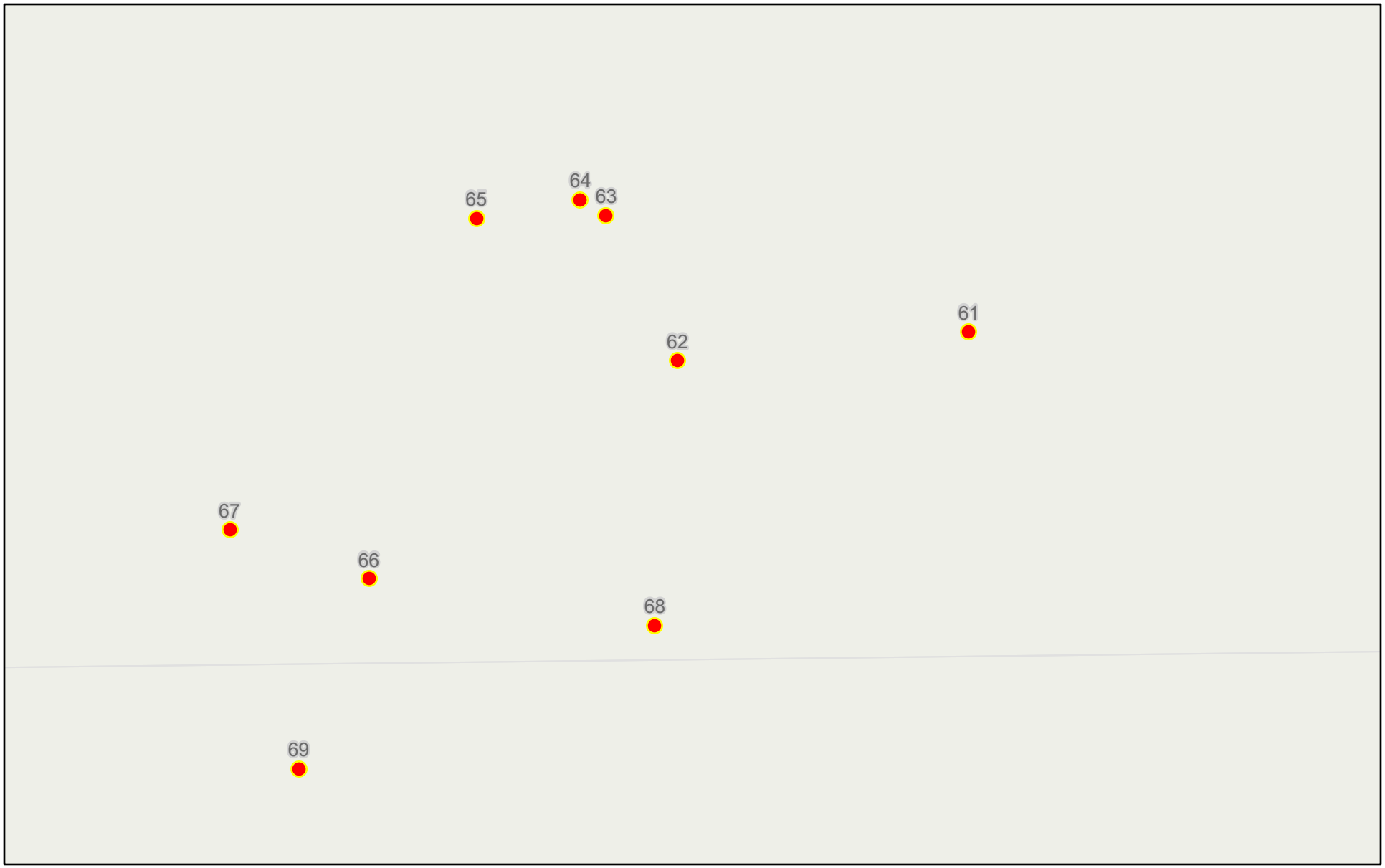
0 0.01 0.01 0.03 mi

0 0.01 0.03 0.06 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS,

Exhibit A8

# 22900 SW Murdock DR




3/22/2022

1:413

0 0 0 0.01 mi

0 0 0.01 0.01 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS,

| ObjectID | Survey # | Common Name | Scientific Name | DBH | Condition Health | Condition Structure | Canopy Diameter | Tree Height | Field Notes |
|---|---|---|---|---|---|---|---|---|---|
| 3 | 10650 | Cottonwood | Populus trichocarpa | 27.2 | Fair | Fair | 40 | 75 | Fungus |
| 4 | 10654 | English Hawthorne | Crataegus monogina | 7 | Good | Fair | 15 | 25 | |
| 2 | 10685 | Pacific Madrone | Arbutus menziesii | 20.9 | Fair | Fair | 30 | 35 | Fungus |
| 1 | 10696 | Pacific Madrone | Arbutus menziesii | 13.5 | Poor | Fair | 25 | 30 | Fungus |
| 70 | 10702 | Oregon White Oak | Quercus garryana | 9 | Good | Poor | 15 | 15 | |
| 9 | 10803 | Incense Cedar | Calocedrus decurrens | 10 | Good | Good | 15 | 30 | |
| 11 | 10804 | Sweet Cherry | Prunus avium | 17.3 | Fair | Fair | 25 | 35 | |
| 10 | 10805 | Sweet Cherry | Prunus avium | 10 | Good | Fair | 20 | 30 | |
| 13 | 10806 | Sweet Cherry | Prunus avium | 6 | Fair | Fair | 15 | 35 | |
| 12 | 10807 | English Hawthorne | Crataegus monogina | 9 | Fair | Fair | 15 | 35 | |
| 14 | 10808 | Sweet Cherry | Prunus avium | 5 | Fair | Fair | 15 | 35 | |
| 15 | 10809 | Sweet Cherry | Prunus avium | 24 | Poor | Fair | 35 | 65 | |
| 16 | 10810 | Sweet Cherry | Prunus avium | 5 | Poor | Fair | 7 | 20 | |
| 17 | 10813 | Sweet Cherry | Prunus avium | 5 | Poor | Fair | 7 | 20 | |
| 18 | 10814 | Sweet Cherry | Prunus avium | 11.8 | Poor | Fair | 25 | 35 | |
| 19 | 10817 | Douglas Fir | Pseudotsuga menziesii | 22 | Poor | Very_Poor | 30 | 75 | Dying large amount of crown die-back |
| 20 | 10818 | Douglas Fir | Pseudotsuga menziesii | 17 | Fair | Fair | 30 | 75 | |
| 7 | 10822 | Sweet Cherry | Prunus avium | 7.8 | Good | Good | 17 | 25 | |
| 6 | 10823 | Sweet Cherry | Prunus avium | 5 | Good | Good | 12 | 25 | |
| 8 | 10824 | Sweet Cherry | Prunus avium | 5.6 | Good | Good | 17 | 25 | |
| 5 | 10825 | Sweet Cherry | Prunus avium | 5 | Good | Good | 12 | 25 | |
| 69 | 10938 | Oregon White Oak | Quercus garryana | 29 | Good | Good | 45 | 95 | |
| 68 | 10941 | Douglas Fir | Pseudotsuga menziesii | 35 | Good | Fair | 35 | 95 | |
| 65 | 10973 | Pacific Madrone | Arbutus menziesii | 15 | Poor | Poor | 25 | 18 | Fungus |
| 64 | 10976 | Pacific Madrone | Arbutus menziesii | 11 | Dead | Poor | 25 | 18 | Fungus |
| 63 | 10977 | Pacific Madrone | Arbutus menziesii | 17 | Fair | Poor | 25 | 18 | Fungus |
| 62 | 10981 | Pacific Madrone | Arbutus menziesii | 12 | Fair | Poor | 25 | 18 | Fungus |
| 66 | 10986 | Pacific Madrone | Arbutus menziesii | 17.8 | Fair | Poor | 25 | 18 | Fungus |
| 67 | 10987 | Pacific Madrone | Arbutus menziesii | 17.8 | Poor | Very_Poor | 25 | 18 | Fungus >50% Dead |
| 61 | 11008 | Dec. | | 12 | Fair | Poor | 25 | 18 | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 60 | 11064 | Pacific Madrone | Arbutus menziesii | 15 | Good | Fair | 35 | 18 | Fungus |
| 55 | 11084 | Pacific Madrone | Arbutus menziesii | 11 | Good | Fair | 18 | 18 | Fungus |
| 54 | 11091 | Pacific Madrone | Arbutus menziesii | 7 | Good | Fair | 23 | 18 | Fungus |
| 53 | 11096 | Pacific Madrone | Arbutus menziesii | 9 | Good | Fair | 23 | 18 | Fungus |
| 26 | 11328 | Pacific Madrone | Arbutus menziesii | 12 | Good | Fair | 35 | 20 | Fungus |
| 25 | 11331 | Pacific Madrone | Arbutus menziesii | 12 | Fair | Good | 35 | 20 | |
| 21 | 11332 | Douglas Fir | Pseudotsuga menziesii | 36 | Good | Fair | 40 | 95 | |
| 22 | 11333 | Douglas Fir | Pseudotsuga menziesii | 16 | Good | Fair | 18 | 95 | |
| 23 | 11334 | Douglas Fir | Pseudotsuga menziesii | 21 | Good | Fair | 35 | 95 | |
| 24 | 11335 | Douglas Fir | Pseudotsuga menziesii | 32 | Poor | Poor | 35 | 95 | |
| 28 | 11338 | Oregon White Oak | Quercus garryana | 10 | Good | Fair | 35 | 55 | |
| 27 | 11339 | Oregon White Oak | Quercus garryana | 15.6 | Good | Fair | 35 | 55 | |
| 29 | 11343 | Oregon White Oak | Quercus garryana | 10 | Good | Fair | 35 | 55 | |
| 52 | 11390 | English Hawthorne | Crataegus monogina | 10 | Fair | Fair | 15 | 35 | |
| 56 | 11397 | Pacific Madrone | Arbutus menziesii | 22 | Good | Fair | 35 | 18 | Fungus |
| 58 | 11403 | Pacific Madrone | Arbutus menziesii | 18.7 | Good | Fair | 35 | 18 | Fungus |
| 59 | 11406 | Pacific Madrone | Arbutus menziesii | 15 | Good | | 35 | 18 | Fungus |
| 57 | 11410 | Pacific Madrone | Arbutus menziesii | 15 | Good | Fair | 35 | 18 | |
| 51 | 11415 | Pacific Madrone | Arbutus menziesii | 10 | Fair | Good | 30 | 35 | Fungus |
| 50 | 11425 | Pacific Madrone | Arbutus menziesii | 12 | Fair | Good | 30 | 35 | |
| 30 | 11465 | Pacific Madrone | Arbutus menziesii | 15 | Good | Fair | 35 | 25 | Fungus |
| 31 | 11474 | Pacific Madrone | Arbutus menziesii | 16.5 | Poor | Poor | 35 | 25 | |
| 32 | 11475 | Pacific Madrone | Arbutus menziesii | 10 | Fair | Poor | 35 | 25 | Fungus |
| 49 | 11512 | Pacific Madrone | Arbutus menziesii | 12 | Fair | Good | 30 | 35 | Fungus |
| 48 | 11550 | Pacific Madrone | Arbutus menziesii | 16 | Good | Good | 15 | 15 | Fungus |
| 47 | 11558 | Pacific Madrone | Arbutus menziesii | 14 | Good | Good | 15 | 15 | |
| 33 | 11575 | Bigleaf Maple | Acer macrophyllum | 10 | Poor | Poor | 15 | 25 | |
| 35 | 11576 | Bigleaf Maple | Acer macrophyllum | 10 | Poor | Poor | 15 | 25 | |
| 36 | 11577 | Pacific Madrone | Arbutus menziesii | 14 | Fair | Fair | 15 | 30 | Fungus |
| 37 | 11607 | Douglas Fir | Pseudotsuga menziesii | 34 | Poor | Very_Poor | 30 | 90 | Dying large amount of crown die-back |
| 46 | 11709 | Douglas Fir | Pseudotsuga menziesii | 21 | Good | Good | 35 | 95 | |
| 45 | 11710 | Douglas Fir | Pseudotsuga menziesii | 21 | Good | Good | 35 | 115 | |
| 44 | 11711 | Douglas Fir | Pseudotsuga menziesii | 28 | Good | Good | 30 | 110 | |
| 43 | 11718 | Pacific Madrone | Arbutus menziesii | 13 | Fair | Fair | 35 | 25 | Fungus |
| 42 | 11719 | Douglas Fir | Pseudotsuga menziesii | 21 | Fair | Fair | 30 | 95 | |
| 41 | 11720 | Douglas Fir | Pseudotsuga menziesii | 27 | Poor | Poor | 30 | 90 | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 40 | 11721 | Douglas Fir | Pseudotsuga menziesii | 9 | Fair | Fair | 15 | 65 | |
| 39 | 11726 | Pacific Madrone | Arbutus menziesii | 14 | Fair | Fair | 30 | 25 | Fungus |
| 38 | 11735 | Pacific Madrone | Arbutus menziesii | 19 | Fair | Fair | 30 | 25 | Fungus |

# VICINITY MAP – 22900 SW Murdock Rd.


SW MURDOCK ROAD
SW FAIROAKS AVENUE
SW BRICKYARD DRIVE
SW UPPER ROY STREET
SW APRIL COURT
SW JUNE COURT
SW COCHRAN DRIVE
SW COCHRAN PLACE
SW COCHRAN STREET
SW WAY COURT
SW 143RD STREET
SW 143RD PLACE
SW 143RD TERRACE
SW 144TH PLACE
SW 144TH STREET
SW 144TH COURT
SW 144TH AVENUE
SW RIVERS EDGE TERRACE
SW RIVERS LAKE TERRACE
SW IRONWOOD LANE
SW IRONWOOD TERRACE
SW IRONWOOD PLACE
SW IRONWOOD AVENUE
SW IRONWOOD COURT
SW IRONWOOD DRIVE
SW IRONWOOD LOOP
SW IRONWOOD STREET
SW IRONWOOD ROAD
SW IRONWOOD LANE
SW IRONWOOD
SW IRONWOOD
SW IRONWOOD

Exhibit A10

| | |
|---|---|
| Washington County, Oregon | **2021-129211** |
| **D-DW** | |
| Stn=7 C LOUCKS | **12/17/2021 10:22:01 AM** |
| $20.00 $11.00 $5.00 $60.00 $4,180.00 | **$4,276.00** |

I, Joe Nelson, 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.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

**RECORDING REQUESTED BY:**

Fidelity National Title
Company of Oregon

900 SW 5th Avenue
Portland, OR 97204

**GRANTOR'S NAME:**
Delores A. Moser as Trustee of the LeRoy J. Moser and Delores A. Moser Family Trust, executed the 17th day of August, 1994

**GRANTEE'S NAME:**
J.T. Roth Construction, Inc., an Oregon corporation

**AFTER RECORDING RETURN TO:**
**Order No.:** 45142127388-SG
J.T. Roth Construction, Inc., an Oregon corporation
12600 SW 72nd Avenue, Suite 200
Tigard, OR 97223

**SEND TAX STATEMENTS TO:**
J.T. Roth Construction, Inc., an Oregon corporation
12600 SW 72nd Avenue, Suite 200
Tigard, OR 97223

FIDELITY NATIONAL TITLE 45142127388 - 01 - COMM

**SPACE ABOVE THIS LINE FOR RECORDER'S USE**

# STATUTORY WARRANTY DEED

Delores A. Moser as Trustee of the LeRoy J. Moser and Delores A. Moser Family Trust, executed the 17th day of August, 1994, Grantor, conveys and warrants to J.T. Roth Construction, Inc., an Oregon corporation, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Washington, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FOUR MILLION ONE HUNDRED EIGHTY THOUSAND AND NO/100 DOLLARS **($4,180,000.00)**. (See ORS 93.030).

**Subject to and excepting:**

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

**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.**

# STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: December 13, 2021

LeRoy J. Moser and Delores A. Moser Family Trust, executed the 17th day of August, 1994

By: Delores A. Moser
Delores A. Moser
Trustee

State of Oregon
County of Clackamas

This instrument was acknowledged before me on December 15, 2021 by Delores A. Moser as Trustee of the LeRoy J. Moser and Delores A. Moser Family Trust, executed the 17th day of August, 1994.

Samuel Goold
Notary Public - State of Oregon
My Commission Expires: January 12, 2025

OFFICIAL STAMP
SAMUEL GOOLD
NOTARY PUBLIC - OREGON
COMMISSION NO. 1007880
MY COMMISSION EXPIRES JANUARY 12, 2025

# EXHIBIT "A"

Legal Description

All that portion of the Southwest quarter of the Northwest quarter of Section 33, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Sherwood, County of Washington and State of Oregon, which lies South of the center line of line of a 20 foot roadway and which center line an described as follows:

Beginning at an iron pipe, which is in the center of a county road and which pipe is 703 feet, more or less, South of the Northwest corner of the Southwest quarter of the Northwest quarter of Section 33, Township 2, South, Range 1 West of the Willamette Meridian; running thence South 65° 31' East a distance of 155.3 feet; thence South 77° 23' East a distance of 129.5 feet; thence South 65° 55' East a distance of 441.5 feet; thence North 72° 07' East a distance of 272.5 feet; thence North 87° 57' East a distance of 225.0 feet; thence South 40° 13 East a distance of 104.4 feet; thence South 9° 09' East a distance of 65.0 feet; thence in a straight line a distance of 300 feet, more or less, to the Southeast corner of the Southwest quarter of the Northwest quarter of said Section 33, Township 2 South, Range 1 West of the Willamette Meridian, in City of Sherwood, County of Washington and State of Oregon.

# EXHIBIT "B"
Exceptions

**Subject to and excepting:**

City Liens, if any, in favor of the City of Sherwood. None found as of recording.

Rights of the public to any portion of the Land lying within the area commonly known as

streets roads and highways.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

| | |
|---|---|
| Granted to: | Adjacent property owners |
| Purpose: | Road |
| Recording Date: | July 22, 1942 |
| Recording No: | Book 209, Page 631 |
| Affects: | The North 10 feet |

Exhibit A11

Washington County, Oregon 2021-129212
D-M
Stn=7 C LOUCKS 12/17/2021 10:22:01 AM
$85.00 $5.00 $11.00 $5.00 $60.00 $166.00

I, Joe Nelson, 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.

Joe Nelson, Director of Assessment and Taxation, Ex-Officio County Clerk

After Recording Return To:
Community Financial Corporation
412 A Ave Ste 150
Lake Oswego OR 97034

Fidelity National Title of Oregon 45142127388-01-COMM

Escrow/Title No: 45142127388

Tax Account Nos. R558168

Loan No. 400 4514 5

**(LINE OF CREDIT TRUST DEED)[1]**

**OREGON COMMERCIAL DEED OF TRUST AND SECURITY AGREEMENT LAND DEVELOPMENT AND/OR CONSTRUCTION**

The maximum principal amount to be advanced is TWO MILLION FIVE HUNDRED THOUSAND and NO/100 Dollars ($2,500,000.00); however, this Deed of Trust secures all other indebtedness evidenced by the Secured Obligations (as defined below) or created in connection herewith, including contingent or unliquidated liabilities, without any limitation thereon. The maximum principal amount to be advanced hereunder may be exceeded by advances pursuant to ORS 86.155(2)(c) to complete construction on the Property (defined below), plus accrued interest charges, costs, and fees allowed by law. The Secured Obligations are intended as a "credit agreement" within the meaning of ORS 86.155 and mature on JANUARY 1, 2023.

**DATED:** DECEMBER 9, 2021

**GRANTOR:** **J.T. ROTH CONSTRUCTION, INC, AN OREGON CORPORATION**
12600 SW 72ND AVENUE #200
TIGARD, OREGON 97223 **HEREIN "BORROWER"**

**TRUSTEE:** **FIDELITY NATIONAL TITLE COMPANY OF OREGON**
900 SW 5TH AVENUE
PORTLAND, OREGON 97204 **HEREIN "TRUSTEE"**

**BENEFICIARY:** **COMMUNITY FINANCIAL CORPORATION, an Oregon corporation**
412 A Avenue, Suite 150
Lake Oswego, Oregon 97034 **HEREIN "LENDER"**

THIS DEED OF TRUST WITNESSETH:

THAT for good and valuable consideration, the receipt of which is hereby acknowledged, Borrower does hereby irrevocably GRANT, BARGAIN, TRANSFER, SELL, CONVEY, WARRANT AND ASSIGN TO TRUSTEE, IN TRUST, WITH POWER OF SALE, that real property in the County of WASHINGTON, State of Oregon, more particularly described on Exhibit A attached hereto and incorporated herein by reference.

TOGETHER WITH the following described estate, property and rights of Borrower (herein collectively called the "Property") as security for the performance of each covenant and agreement of Borrower contained herein and in all other instruments executed in connection herewith, and for the payment of all sums of money secured hereby:

1. All of Borrower's legal and equitable right, title and interest in and to all of the following property of every kind and description (whether now or hereafter existing or acquired) that is attached to, erected upon, forming a part of, appurtenant to, situated in or upon, derived from, used or useful in the construction, completion, repair, maintenance, renovation, rehabilitation, alteration or operation of, or arising from the use, occupancy or enjoyment of, or in any way related to or in connection with, all or any portion of such real property, all of which shall be deemed part of the realty and not severable wholly or in part without material injury to the freehold:

   a. All the estate and rights of Borrower now held and hereafter acquired in and to land lying in streets, roads, and rights of way adjoining such real property, and all access rights and easements appertaining thereto;

   b. All rents, issues, profits, royalties, income, leases, subleases, leasehold estates, cash, prepaid rentals, security or other tenant deposits and other payments of similar nature;

[1] NOTE: This Deed of Trust is denominated a Line of Credit Trust Deed to comply with ORS 86.155 and is sometimes referred to herein as "Instrument."

c. All appurtenances, tenements, hereditaments, reversionary rights, sidewalks, alleys, strips and gores, easements, options to purchase, licenses, rights of first refusal, mineral, oil and gas, and water rights and shares of stock evidencing the same;

d. All buildings, improvements, structures, fixtures, equipment, machinery, furniture, goods, supplies and other tangible personal property;

e. All inventory, accounts, documents, instruments, general intangibles, deposit accounts, and contract rights; and

f. All contract, tort, insurance, insurance proceeds, condemnation and other claims and proceeds, demands, settlement awards, damages, judgments or other similar rights.

INCLUDING, WITHOUT IN ANY WAY LIMITING ANY OF THE FOREGOING, all plans, specifications, drawings, surveys, tests, studies, licenses, permits, certificates of need, samples, forms, construction contracts, building materials, rights to further encumber any of such property, patents, copyrights, trademarks, deposit accounts, prepayments, bonds, goodwill, shrubbery, landscaping, tools, accessories, tax refunds, return premiums, utility deposits, refunds and rebates, fire sprinklers, alarm systems, heating, ventilating and air conditioning systems, refrigerators and refrigeration equipment, electronic monitoring, cable and internet systems or equipment, entertainment and recreational materials, window or structural cleaning rigs, pest extermination equipment and supplies, lobby furniture, indoor and outdoor furniture, tables, chairs, planters, desks, sofas, shelves, lockers, cabinets, wall beds, wall safes, appliances, ranges, utensils, ice boxes, fans, heaters, water heaters, incinerators, boilers, rugs, carpets, floor and window coverings, draperies, drapery rods and brackets, awnings, window shades, venetian blinds, curtains, lamps, chandeliers and other lighting fixtures, fuel, sanitation and drainage equipment and systems, laundry equipment, plumbing, sinks, toilets, showers and bathtubs, radios, televisions, antennae, screens, swimming pool equipment, vehicles, fittings and parts.

TOGETHER WITH all accessions and additions to, and all modifications, replacements, substitutions, products and proceeds of the foregoing. It is the intent of the parties that the description above be interpreted as broadly as possible.

2. If Grantor is not the Borrower under any Notes payable to Lender, "Borrower" may also refer to the maker of any and all Notes or other obligations secured hereby.

TO HAVE AND TO HOLD the Property bargained and described forever as security for the faithful performance of the Secured Obligations (defined below) and as security for the faithful performance of each and all of the covenants, agreements, terms and conditions of this Deed of Trust, and in all other instruments executed in connection herewith, SUBJECT HOWEVER, to the right, power and authority given to and conferred upon Lender to collect and apply the above described rents, issues, and profits.

**COVENANTS.** Borrower and Lender covenant and agree as follows:

1. **Obligations Secured and Covenants of Title.** This Deed of Trust is made for the purpose of securing the performance of each agreement of Borrower herein and in the Construction or other Loan Agreement and the Commitment between Borrower and Lender (the "Loan Agreement") relating hereto and the following instruments executed in connection therewith (if applicable): (1) one or more Promissory Note(s), including additional, replacements, or substitutions thereof (the "Note"); (2) the Assignment of Sales Agreements, Leases and Rents; (3) the Loan Agreement; (4) the Assignment of Construction Contract, Engineer Contract and Permits, and the UCC-1 Financing Statement, all of which constitute the ("Related Documents") between Lender and Borrower; (5) all renewals, extensions, modifications, substitutions and consolidations of the Note, together with all future advances made to Borrower by Lender, its successors and assigns, under the Note or pursuant to the terms of this Deed of Trust or the Loan Agreement or any other instruments and agreements executed in connection with or to secure the Note; and (6) any and all other obligations of Borrower to Lender, its successors and assigns, now existing and hereafter arising and which are at any time specifically declared by Lender in writing to be secured by these presents or which specifically indicate in the instruments which evidence the same that they are intended to be so secured.

   All of the foregoing constitute the "Secured Obligations."

   Borrower covenants that Borrower is lawfully seized of the interest hereby conveyed and has the right to grant, convey and assign the Property, that the Property is unencumbered, except as specifically provided in Exhibit B attached hereto and by this reference incorporated herein, and that Borrower will warrant and defend generally the title to the Property against all claims and demands subject to the exceptions listed in Exhibit B hereto.

2. **Timely Payment and Performance.** Borrower shall promptly pay when due and timely perform all Secured Obligations, including without limitation payment of all the principal of and interest on the indebtedness evidenced by the Note, any default and late charges provided in the Note, and all other sums secured by this Instrument.

   Borrower shall promptly pay when due all lawful taxes and assessments upon the Property. Should Borrower fail to pay any taxes, assessments, insurance premiums, liens or other charges payable by Borrower, Lender may pay the same and the amount so paid with interest at the rate set forth in the Note secured hereby shall be added to and become a part of the debt secured by this Instrument. Lender shall not be required or obligated to make any such payments on behalf of Borrower and has no duty to do so.

3. **Funds for Taxes and Insurance.** If Lender shall request in writing, Borrower shall pay to Lender on the day monthly installments of interest are payable under the Note (or on another day designated in writing by Lender), until the Secured Obligations are paid in full, a sum (herein "Funds") equal to one twelfth ($1/12^{th}$) of: (a) the yearly taxes and assessments which have been or may be levied on the Property; (b) the yearly premium installments for fire and other hazard insurance and such other insurance as Lender may require. Any waiver by Lender of a requirement that Borrower pay such Funds directly may be revoked by Lender, in Lender's sole discretion, at any time upon notice in writing to Borrower.

Lender may require Borrower to pay to Lender, in advance, such other Funds for other taxes, assessments, charges, premiums, association assessments, and impositions of a similar nature, as well as water, sewer, and any other charges in connection with the Property or chargeable against Borrower which Lender shall reasonably deem necessary to protect Lender's interests (herein "Other Impositions"). Unless otherwise provided by applicable law, Lender may require Funds for Other Impositions to be paid by Borrower in a lump sum or in periodic installments, at Lender's option.

The Funds shall be held in an institution(s) of Lender's choice, the deposits or accounts of which are insured or guaranteed by FDIC. Lender shall apply the Funds to pay such rates, rents, taxes, assessments, insurance premiums and Other Impositions so long as Borrower is not in breach of any covenant or agreement of Borrower in this Instrument. Lender shall make no charge for so holding and applying the Funds, analyzing such account or for verifying and compiling such assessments and bills. If Lender requires the Funds to be established, the Funds may be commingled and invested with Lender's own funds or may be deposited in a non interest-bearing account, or an account bearing interest for Lender. The Funds are pledged as additional security for the sums secured by this Instrument.

If the amount of the Funds held by Lender at the time of the annual accounting therefor shall exceed the amount deemed necessary by Lender to provide for the payment of taxes, assessments, insurance premiums, and Other Impositions, as they fall due, such excess shall be credited to Borrower by Lender in a manner determined by Lender in its sole discretion. If at any time the amount of the Funds held by Lender shall be less than the amount deemed necessary by Lender to pay taxes, assessments, insurance premiums, and Other Impositions, as they fall due, Borrower shall pay to Lender any amount necessary to make up the deficiency within thirty (30) days after notice from Lender to Borrower requesting payment thereof.

Upon Borrower's breach of any covenant or agreement of Borrower in this Instrument, Lender may apply, in any amount and in any order as Lender shall determine in Lender's sole discretion, any Funds held by Lender at the time of application (a) to pay taxes, assessments, insurance premiums and Other Impositions which are now or will hereafter become due, or (b) as a credit against the other Secured Obligations. Upon payment and performance in full of all Secured Obligations, Lender shall refund to Borrower any excess Funds held by Lender.

Notwithstanding anything in this Section 3 to the contrary, Lender shall not require the payment of such Funds so long as there has been no delinquency in the payment of any taxes, assessments, or insurance premiums relating to the Property and no other default under the Secured Obligations or this Instrument.

4. **Application of Payments.** Unless applicable law provides otherwise, all payments received by Lender from Borrower and/or anyone obligated with Borrower to Lender under the Secured Obligations or this Instrument shall be applied by Lender in the following order of priority: (a) amounts payable to Lender by Borrower under Section 3 and any amounts Lender may be required to pay to lien claimants or the holders of any other encumbrance(s) against the Property to protect its security interest hereof; (b) interest payable on the Note; (c) interest payable on advances made pursuant to Section 10 hereof; (d) principal of advances made to protect Lender's security interest or pursuant to Section 10 hereof; (e) principal of the Note; and (f) any other sums secured by this Instrument in such order as Lender, at Lender's option, may determine.

5. **Charges; Liens.** Borrower shall pay all water, sewer and other charges, taxes, assessments, insurance premiums, and Other Impositions attributable to the Property at Lender's option in the manner provided under Section 3 hereof or, if not paid in such manner, by Borrower making payment, when due, directly to the payee thereof, or in such other manner as Lender may designate in writing. Borrower shall promptly furnish to Lender all notices of amounts due under this Section 5, and in the event Borrower shall make payment directly, Borrower shall promptly furnish to Lender receipts evidencing such payments. Borrower shall promptly discharge any lien which has, or may have, priority over or equality with, the lien of this Instrument, and Borrower shall pay, when due, the claims of all persons supplying labor or materials to or in connection with the Property. Without Lender's prior written permission, Borrower shall not allow any lien inferior to this Instrument to be perfected against the Property.

Borrower may withhold payment of any tax, assessment or claim in connection with a good faith dispute over the obligation to pay, so long as Lender's interest in the Property is not jeopardized. If a lien arises or is filed as a result of non-payment, Borrower shall within fifteen (15) days secure the discharge of the lien or deposit with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender in an amount sufficient to discharge the lien plus any costs, attorney fees or other charges that could accrue as a result of a foreclosure or sale under the lien.

If any federal, state or local tax to which this Section 5 applies is enacted subsequent to the date of this Instrument, enactment shall constitute a default and Lender may exercise any or all of the remedies available to it in the event of a default unless Borrower may lawfully pay the tax or charge imposed by the tax; and Borrower pays the tax or charge within thirty (30) days after notice from Lender that the tax law has been enacted.

6. **Insurance.** Borrower shall keep the improvements now existing or hereafter erected on the Property insured by carriers at all times satisfactory to Lender against loss by fire, hazards included within the term "extended coverage," rent loss, use and occupancy insurance, commercial general liability, and such other hazards, casualties, liabilities and contingencies as Lender shall require and in such amounts and for such periods as Lender shall require. Should the Property at any time become located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area, Borrower agrees to obtain and maintain flood insurance in the amount of the full unpaid balance of the Secured Obligations. Borrower shall provide workers' compensation insurance for its employees and shall require all contractors or others working on the Property to carry workers' compensation insurance in amounts required by law.

All premiums on insurance policies shall be paid, at Lender's option, in the manner provided under Section 3 hereof, or in such other manner as Lender may designate in writing.

All insurance policies and renewals thereof shall be in a form acceptable to Lender and shall include a standard mortgage clause in favor of and in form acceptable to Lender with loss payable to Lender. Prior to disbursement of any

loan funds and at least thirty (30) days prior to the expiration date of a policy, Borrower shall deliver or cause to be delivered to Lender certificates of coverage from each insurer confirming required coverage and containing a stipulation that coverage will not be cancelled, modified or diminished without a minimum of thirty (30) days' prior written notice to Lender; Borrower shall request in writing that each insurer deliver to Lender a certified copy of the policies or renewals thereof; and Borrower shall furnish Lender with a copy of such request. Borrower shall promptly furnish to Lender all renewal notices and all receipts of paid premiums.

In the event of loss, Borrower shall give immediate written notice to the insurance carrier and to Lender. Borrower hereby authorizes and empowers Lender as attorney-in-fact for Borrower to make proof of loss, to adjust and compromise any claim under insurance policies, to appear in and prosecute any action arising from such insurance policies, to collect and receive insurance proceeds, and to deduct therefrom Lender's expenses incurred in the collection of such proceeds; provided however, that nothing contained in this Section 6 shall require Lender to incur any expense or take any action hereunder. Borrower further authorizes Lender, at Lender's option, (a) to hold the balance of such proceeds to be used to reimburse Borrower for the cost of reconstruction or repair of the Property or (b) to apply the balance of such proceeds to the payment of the sums secured by this Instrument, whether or not then due, in the order of application set forth in Section 4 hereof.

If the insurance proceeds are held by Lender to reimburse Borrower for the cost of restoration and repair of the Property, the Property shall be restored to the equivalent of its original condition or such other condition as Lender may approve in writing. Lender may, at Lender's option, condition disbursement of such proceeds on Lender's approval of such plans and specifications of an architect satisfactory to Lender, contractor cost estimates, architect's certificates, waivers of liens, sworn statements of mechanics and materialmen and such other evidence of costs, percentage completion of construction, application of payments, and satisfaction of liens as Lender may reasonably require. If the insurance proceeds are applied to the payment of the sums secured by this Instrument, any such application of proceeds to principal shall not extend or postpone the due dates of the monthly installments and other payments referred to in this Instrument or in the Note unless Borrower and Lender otherwise agree in writing. If the Property is sold or if Lender acquires title to the Property, Lender shall have all of the right, title and interest of Borrower in and to any insurance policies and unearned premiums thereon and in and to the proceeds resulting from any damage to the Property prior to such sale or acquisition.

**7. Hazardous Use and Materials.**

**a. Compliance with Laws.** Borrower further represents, warrants, and covenants that:

(1) The Property, if developed, has been developed, and all improvements, if any, have been constructed and maintained, in full compliance with all applicable laws, statutes, ordinances, regulations, and codes of all federal, state, and local governments (collectively "Laws"), and all covenants, conditions, easements, and restrictions affecting the Property (collectively "Covenants"); and

(2) Borrower and its operations upon the Property currently comply, and will hereafter comply in all material respects with all applicable Laws and Covenants.

**b. Definitions; Environmental Covenants; Warranties and Compliance.** Borrower further represents, warrants, and covenants that:

(1) For purposes of this section, "Environmental Law" means any federal, state, or local law, statute, ordinance, or regulation pertaining to Hazardous Substances, health, industrial hygiene, land use, wetlands, surface or subsurface conditions, mining, or environmental conditions, including, but not limited to, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 USC §§9601-9675, and the Resource Conservation and Recovery Act of 1976 ("RCRA"), as amended, 42 USC §§6901-6992.

(2) For the purposes of this section, "Hazardous Substance" includes without limitation:

(a) All "hazardous substances" designated under 40 CFR Part 302, ORS 465.200(9), RCW 70.105.010(14), or any similar regulation now existing or hereafter promulgated;

(b) All "hazardous wastes" within the meaning of 40 CFR §261.3, ORS 466.005(7), RCW 70.105.010(15), or any similar regulation now existing or hereafter promulgated;

(c) All "extremely hazardous substances" listed in 40 CFR Part 355, RCW 70.105.010(5), or any similar regulation now existing or hereafter promulgated;

(d) All "hazardous chemicals" as defined under 29 CFR §1910.1200(c) or any similar regulation now existing or hereafter promulgated;

(e) All "toxic chemicals" listed in 40 CFR Part 372 or any similar regulation now existing or hereafter promulgated;

(f) Those substances defined as "hazardous" or "toxic" in the Hazardous Materials Transportation Act, 49 USC §§1801-1819 or in any amendment thereto, or listed in 49 CFR Part 172 or any similar regulation now existing or hereafter promulgated;

(g) All materials, wastes, and substances that are designated as a "hazardous substance" pursuant to Section 311 of the Clean Water Act, 33 USC §§1251-1387 (33 USC §1321) or listed pursuant to Section 3076 of the Clean Water Act (33 USC §1317);

(h) All materials, substances, and wastes that are or which contain (i) asbestos; (ii) polychlorinated biphenyls; (iii) explosives, except such explosives as are used during construction in accordance with law; (iv) petroleum, and any fractions thereof; or (v) radioactive materials; and

(i) Such other substances, materials, and wastes that are or become regulated or classified as hazardous or toxic under federal, state, or local laws or regulations.

(3) Borrower will not use, generate, manufacture, treat, produce, store, release, discharge, or dispose of on, under or about the Property or the Property's groundwater, or transport to or from the Property, any Hazardous Substance, and will not permit any other person to do so, except for such Hazardous Substances that may be used in the ordinary course of Borrower's business and in compliance with all Environmental Laws, including but not limited to those relating to licensure, notice, and recordkeeping.

(4) Borrower will keep and maintain the Property in compliance with, and shall not cause or permit all or any portion of the Property, including groundwater, to be in violation of any Environmental Law.

(5) Borrower shall, and hereby agrees to, hold Lender, its trustees, beneficiaries, directors, officers, employees, agents, successors, and assigns, harmless from, indemnify them for, and defend them against any and all losses, damages, liens, costs, expenses, and liabilities directly or indirectly arising out of or attributable to any violation of any Environmental Law, any breach of Borrower's warranties in this Section 7, or the use, generation, manufacture, production, storage, release, threatened release, discharge, disposal, or presence of a Hazardous Substance on, under, or about the Property, including, but not limited to, the costs of any required repair, restoration, cleanup, containment, or detoxification of the Property or any other land, site, property or resource, the preparation and implementation of any closure, remedial or other required plans, attorney fees and costs (including but not limited to those incurred in any proceeding and in any review or appeal), fees, penalties, and fines.

(6) Borrower represents and warrants to Lender that:

(a) Neither the Property nor Borrower is in violation of or subject to any existing, pending, or threatened investigation by any governmental authority under any Environmental Law.

(b) Borrower has not and is not required by any Environmental Law to obtain any permit or license other than those it has obtained to construct or use the Improvements.

(c) No Hazardous Substance has ever been used, generated, manufactured, treated, produced, stored, released, discharged, or disposed of on, under, or about the Property in violation of any Environmental Law.

(7) All representations, warranties, and covenants in Subsections (5) and (6) shall survive the satisfaction of the Borrower's repayment of the Secured Obligation, the reconveyance of the trust estate, or the foreclosure of this Instrument by any means.

8. **Preservation and Maintenance of Property.** Borrower (a) shall neither conduct or permit any nuisance nor commit waste or permit impairment or deterioration of the Property; (b) shall not abandon the Property; (c) shall keep the Property in good condition and repair and shall restore or repair promptly and in a good and workmanlike manner all or any part of the Property to the equivalent of its original condition, or such other condition as Lender may approve in writing, in the event of any damage, injury or loss thereto, whether or not insurance proceeds are available to cover in whole or in part the costs of such restoration or repair; (d) shall keep the Property, including without limitation, improvements, fixtures, goods, equipment, machinery, goods and appliances thereon in good repair and shall replace fixtures, equipment, machinery, and appliances on the Property when necessary to keep such items in good repair; (e) shall comply with all laws, ordinances, regulations, covenants, conditions and restrictions, and requirements of any governmental body applicable to the use or occupancy of the Property and will hold Lender harmless against any violations thereof; (f) shall not commit, suffer or permit any act upon such Property in violation of law; (g) shall cultivate, irrigate, fertilize, prune and do all other acts which from the character or use of the Property may be reasonably necessary, the specific enumeration herein not excluding the general; (h) shall, if Lender requests, provide for professional management of the Property by a property manager satisfactory to Lender pursuant to a contract approved by Lender in writing; (i) shall generally operate and maintain the Property in a manner to insure maximum rentals (if applicable); and (j) shall give notice in writing to Lender of any action or proceeding and, unless otherwise directed in writing by Lender, appear in and defend Borrower and Lender in any action or proceedings purporting to affect the Property, the security of this Instrument, or the rights or powers of Lender. Neither Borrower nor any tenant or other person shall remove, demolish or alter any improvement now existing or hereafter erected on the Property or any fixture, equipment, machinery, or appliance in or on the Property except when incident to its replacement with item of like kind. Improvements shall include all existing and future buildings, structures, parking facilities and other improvements.

If the terms of this Instrument and the Secured Obligations provide that the loan or loans granted thereby or any part thereof is being obtained for the purpose of financing construction of improvements on the Property, Borrower further agrees:

(x) To commence any construction promptly and to pursue construction with reasonable diligence to completion in accordance with plans and specifications satisfactory to Lender;

(y) To allow Lender to inspect the Property at all times during construction; and

(z) To comply with all terms of this Instrument and the Secured Obligations regarding construction on the Property.

9. **Zoning and Allowed Use of Property.** Unless required by applicable law or unless Lender has otherwise agreed in writing, Borrower shall not allow changes in the use for which all or any part of the Property was intended at the time this Instrument was executed. Borrower shall not initiate or acquiesce in a change in the zoning or land use classification, or approve a Local Improvement District assessment of the Property without Lender's prior written consent.

10. **Protection of Lender's Security.** Borrower shall not permit any lien, mortgage or encumbrance prior, equal or inferior to the lien of this Instrument to be imposed or perfected upon the Property without the express prior written consent of Lender. If a lien arises or is filed as a result of non-payment, Borrower shall within fifteen (15) days secure the discharge of the lien or deposit with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender in an amount sufficient to discharge the lien plus any costs, attorney fees or other charges that could accrue as a result of a foreclosure or sale under the lien. If (a) Borrower fails to perform the covenants and agreements contained in this Instrument, or (b) a legal proceeding that might significantly affect Lender's interest in the Property and/or rights under this Instrument is commenced that affects the Property or title thereto or the interest of Lender therein, including, but not limited to, eminent domain, insolvency, code enforcement, or proceedings involving a bankrupt or decedent, or (c) Borrower has abandoned the Property, then Lender may do and pay for whatever is reasonable or appropriate to protect Lender's interest in the Property and rights under this Instrument, including protecting and/or assessing the value of the Property, and securing and/or repairing the Property. Lender's actions can include, but are not limited to: (a) paying any sums secured by a lien which has priority over this Instrument; (b) appearing in court; (c) paying reasonable attorney fees to protect its interest in the Property and/or rights under this Instrument, including its secured position in a bankruptcy proceeding; and (d) procuring satisfactory insurance as required herein. Lender, at its sole option, may demand reimbursement for any and all such expenses and may bring an action for repayment, or treat the payment(s) as an advance secured hereby. Securing the Property includes, but is not limited to, entering the Property to make repairs or complete any construction or other work, protect against weather damage, change locks, replace or board up doors and windows, drain water from pipes, eliminate building or other code violations or dangerous conditions, and have utilities turned on or off. Although Lender may take action under this Section 10, Lender is not required to do so and is not under any duty or obligation to do so. It is agreed that Lender incurs no liability for not taking any or all actions authorized under this Section 10.

Any amounts disbursed by Lender pursuant to this Section 10, with interest thereon at the applicable Note rate, shall become additional indebtedness of Borrower secured by this Instrument and may be separately accounted for from the loan balance at Lender's discretion. The fact that a computerized accounting system does not separately account for the amounts disbursed by Lender under this section, does not determine how Lender elects to treat repayment of such amounts by Borrower. Unless Borrower and Lender agree to other terms of payment, such amounts shall be immediately due and payable and shall bear interest from the date of disbursement at the applicable Note rate unless collection from Borrower of interest at such rate would be contrary to applicable law. Borrower hereby covenants and agrees that Lender shall be subrogated to the lien of any mortgage or other lien discharged, in whole or in part, by the indebtedness secured hereby.

In the event of breach of any of the requirements of this Section 10, the Lender may, in addition to any other rights or remedies, at any time thereafter, declare the entire indebtedness secured hereby immediately due and payable.

11. **Inspections and Appraisals.** Lender may make or cause to be made reasonable entries upon the Property for the purposes of inspection of the Property and performing an appraisal. An appraisal may be required at any time at Lender's option and Borrower's expense.

12. **Books and Records.** Borrower shall keep and maintain at all times at Borrower's address stated below, or such other place as Lender may approve in writing, complete and accurate books of accounts and records in accordance with Generally Accepted Accounting Principles (or such other method as may be acceptable to Lender) adequate to reflect correctly the results of the operation of the Property and copies of all written contracts, leases and other instruments which affect the Property. Upon breach by Borrower of any covenant or agreement of Borrower in this Instrument and periodically but not more often than quarterly if Borrower is not in breach, such books, records, contracts, leases, and other instruments shall be subject to examination and inspection at any reasonable time by Lender, and shall be delivered to Lender, at Lender's request, together with a balance sheet, a statement of income and expenses of the Property and a statement of changes in financial position, each in reasonable detail and certified by Borrower and, if Lender shall require, by an independent certified public accountant, and together with a rent schedule for the Property, certified by Borrower, showing the name of each tenant, and for each tenant, the space occupied, the lease expiration date, the rent payable, and the rent paid.

13. **Condemnation.** Borrower shall promptly notify Lender of any action or proceeding relating to any condemnation, exercise of the power of eminent domain or other taking, whether direct or indirect, of the Property, or part thereof, and Borrower shall appear in and prosecute/defend any such action or proceeding unless otherwise agreed to by Lender and Borrower in writing. Borrower (notwithstanding that Lender may not be a party to any such proceeding) will promptly give Lender copies of notices, pleadings, judgments, determinations and other papers received by Borrower. If Borrower elects not to prosecute/defend any such action within fifteen (15) days after service on Borrower of a summons relating thereto from a court of competent jurisdiction, or if Borrower fails to notify Lender in writing of Borrower's election to prosecute/defend such action within such fifteen (15)-day period, Borrower authorizes Lender, at Lender's option, as attorney-in-fact for Borrower, to commence, appear in and prosecute, and be represented by counsel in Lender's or Borrower's name, any action or proceeding relating to any condemnation or other taking of the Property, or part thereof, whether direct or indirect, and to settle or compromise any claim in connection with such condemnation or other taking. The proceeds of any award, payment, or claim for damages, direct or consequential, in connection with any condemnation or other taking, whether direct or indirect, of the Property, or any part hereof, or for conveyances in lieu of condemnation, are hereby assigned to and shall be paid to Lender. Borrower will not enter into any agreement for the taking of all or a part of the Property, unless Lender shall have first consented thereto in writing.

Borrower authorizes Lender to apply such awards, payments, proceeds or damages, after the deduction of Lender's expenses incurred in the collection of such amounts, at Lender's option, to restoration or repair of the Property or to

payment of the sums secured by this Instrument, whether or not then due, in the order of application set forth in Section 4 hereof, with the balance, if any, to Borrower. Unless Borrower and Lender otherwise agree in writing, any application of proceeds to principal shall not extend or postpone the due date of the monthly installments and other payments referred to in this Instrument. Borrower agrees to execute such further evidence of assignment of any awards, proceeds, damages or claims arising in connection with such condemnation or taking as Lender may require.

14. **Borrower and Lien Not Released.** From time to time, Lender may, at Lender's option, extend the time for payment of Borrower's indebtedness to Lender or any part thereof, reduce the payments thereon, release anyone liable on any of such indebtedness, accept a renewal note or notes therefore, and/or accept additional security of any kind. Lender may also authorize the Trustee to release from the lien of this Instrument or impair any part of the Property, take or release other or additional security, reconvey any part of the Property, consent to any map or plan of the Property, consent to the granting of any easement, join in any extension, modification or subordination agreement. Lender can agree in writing with Borrower to modify the rate of interest or period of amortization of the Note, change the amount of the monthly installments payable thereunder, or change the maturity date of the indebtedness. All such actions by Lender may be taken without giving notice to or obtaining the consent of Grantor, Grantor's successors or assigns or of any junior lienholder or guarantors, without liability on Lender's part and notwithstanding Borrower's breach of any covenant or agreement of Borrower in this Instrument, and without affecting the lien or other rights of Lender with respect to any Property or other security not expressly released in writing. Further, any actions taken by Lender pursuant to the terms of this Section 14 shall not affect the obligation of Borrower or Borrower's successors or assigns to pay the sums secured by this Instrument and to observe the covenants of Borrower contained herein, shall not affect the guaranty of any person, corporation, partnership or other entity for payment of the indebtedness secured hereby, and shall not affect the lien or priority of lien hereof on the Property. Borrower shall pay Lender a reasonable service charge, together with such title insurance premiums and attorney fees and other costs or charges as may be incurred, at Lender's option, for any such action if taken at Borrower's request.

15. **Forbearance by Lender Not a Waiver.** Any forbearance by Lender in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any right or remedy. The acceptance by Lender of payment of any sum secured by this Instrument after the due date of such payment shall not be a waiver of Lender's right to either require prompt payment when due of all other sums so secured or to declare a default for failure to make prompt payment. The procurement of insurance or the payment of taxes or other liens or charges by Lender shall not be a waiver of Lender's right to accelerate the maturity of the indebtedness secured by this Instrument, nor shall Lender's receipt of any awards, proceeds or damages under Sections 6 and 13 hereof operate to cure or waive any acceleration of any Secured Obligation or Borrower's default of this Instrument.

16. **Estoppel Certificate.** Borrower shall, within ten (10) days of a written request from Lender, furnish Lender with a written statement, duly acknowledged, setting forth the sums secured by this Instrument and any right of setoff, counterclaim or other defense which exists against such sums and the obligations of this Instrument. In the event Borrower fails to provide such written statement within ten (10) days after Lender's request, all statements made by Lender in the form of request shall be deemed true and accurate, and Borrower shall be estopped from asserting otherwise or raising contrary contentions in defense of any action commenced by Lender. Borrower agrees and understands that Lender and third parties may rely upon the statements contained in any form of request or estoppel certificate.

17. **Uniform Commercial Code Security Agreement.** This Instrument is intended to be a security agreement pursuant to the Uniform Commercial Code for any part of the Property, including any items deemed to be equipment, fixtures, goods, general intangibles, inventory, or personal property, that, under applicable law, may be subject to a security interest pursuant to the Uniform Commercial Code, and Borrower hereby grants Lender a security interest in such Property.

Borrower shall give advance notice in writing to Lender of any proposed change in Borrower's name, identity, structure or address and shall execute and deliver to Lender, prior to or concurrently with the occurrence of any such change, all additional financing statements that Lender may require to establish and maintain the validity and priority of Lender's security interest with respect to any of the Property described or referred to herein.

Some of the items of the Property are goods that are or are to become fixtures relating to the real property, and it is intended that, as to these goods, this Instrument shall be effective as a financing statement filed as a fixture filing from the date of its filing for record in the real estate records of the county in which the Property is situated. Information concerning the security interest created by this Instrument may be obtained from Lender, as secured party, at the address of Lender stated above. The mailing address of Borrower, as debtor, is as stated above.

Borrower agrees to execute and deliver to Lender, upon Lender's request, any financing statement, as well as extensions, renewals and amendments thereof, and reproductions of this Instrument in such form as Lender may require to perfect a security interest with respect to such items. Borrower shall pay all costs of filing such financing statements and any extensions, renewals, amendments and releases thereof, and shall pay all reasonable costs and expenses of any record searches for financing statements Lender may reasonably require.

Without the prior written consent of Lender, Borrower shall not create or suffer to be created pursuant to the Uniform Commercial Code any other security interest in any of the Property, including replacements and additions thereto. Upon Borrower's breach of any covenant or agreement of Borrower contained in this Instrument, including the covenants to pay when due all sums secured by this Instrument, Lender shall have the remedies of a secured party under the Uniform Commercial Code and, at Lender's option, may also invoke the remedies provided in Section 31 of this Instrument as to such items. In exercising any of such remedies, Lender may proceed against the items of real property and any items of personal property specified above as part of the Property separately or together and in any order or combination whatsoever, without in any way affecting the availability to Lender of remedies under the Uniform Commercial Code or of the remedies provided in Section 31 of this Instrument.

**18. Sales Agreements and Occupancy Leases.**

**a.** Borrower shall not enter into any sale agreements (except earnest money agreements), lease, or rent the Property or any part thereof without the prior written consent of Lender, which may be withheld in Lender's sole discretion. Borrower covenants and agrees to keep, observe, and perform and to require the purchaser or tenants to keep, observe and perform all of the covenants, agreements, and provisions of any future sale agreement or leases of any portion of the Property on their respective parts to be kept, observed, and performed. In case Borrower shall neglect or refuse to do so, then Lender may, if it shall so elect, perform and comply with or require performance and compliance by the tenants with any such lease covenants, agreements and provisions. Any sums expended by Lender in performance or compliance therewith or in enforcing such performance of compliance by the purchaser or tenants, including costs, expenses and attorney fees shall (i) bear interest from the date of such expenditures at the applicable Note rate; (ii) shall be paid by Borrower to Lender upon demand; and (iii) shall be deemed a part of the debt secured hereby and recoverable as such in all respects.

**b.** In addition to the covenants and terms herein contained and not in limitation thereof, Borrower covenants that Borrower will not in any case cancel, abridge or otherwise modify sales agreements, tenancies, subtenancies, leases, or subleases of the Property or accept prepayments of installments of amounts to become due thereunder without Lender's prior written approval, which may be withheld in Lender's sole discretion.

**c.** Each lease of the Property or any part thereof or any renewal, modification, or extension of any existing lease (which by operation of law would otherwise be junior and subordinate to this Instrument) may, at Lender's option, be made senior to this Instrument at any time prior to foreclosure.

**d.** Borrower will not:

(1) Execute any future lease of any portion of the Property without the prior written consent of Lender to the form, terms, and conditions thereof, which consent may be withheld in Lender's sole discretion; or

(2) Execute an assignment of any part of the income or rents from the Property (i) without Lender's written consent, which may be withheld in Lender's sole discretion, and (ii) unless such assignment shall provide that it is subordinate to Lender's interest under this Instrument; or

(3) Terminate or consent to cancellation or surrender of any purchase agreement of the Property or any part thereof, except where the purchaser is in default thereunder and with Lender's prior written consent; or

(4) Modify any such purchase agreement so as to decrease the amount of the purchase price payable thereunder; or

(5) Accept prepayments of any installments of purchase price or rents to become due under such agreements, except prepayments in the nature of security for the performance of the leases thereunder; or

(6) In any other manner impair the value of the Property or the security of Lender for the payment of Secured Obligations.

**e.** Borrower shall furnish to Lender, within thirty (30) days after a request by Lender to do so, a written statement containing the names of all purchasers and lessees of the Property, the terms of their respective purchase agreements or leases, the spaces sold or occupied and the purchase price or rental paid.

By executing this Instrument, Borrower hereby assigns to Lender all purchase agreements or leases now existing or hereafter made of all or any part of the Property and all security deposits or payments in connection with such purchase agreements or leases of the Property. Upon this assignment by Borrower to Lender, Lender shall have all of the rights and powers possessed by Borrower prior to such assignment and Lender shall have the right to modify, extend or terminate such purchase agreements or leases and to execute new purchase agreements or leases, in Lender's sole discretion. As used herein, "leases" shall include rental or other occupancy agreements of any nature whatsoever.

**19. Remedies Cumulative.** Each remedy provided in this Instrument is distinct and cumulative to all other rights or remedies under this Instrument and the Secured Obligations in law or equity, and may be exercised concurrently, independently, or successively, in any order whatsoever.

**20. Events of Default.** The occurrence of any of the following shall, without notice, demand or opportunity to cure, constitute an event of default under the Secured Obligations and this Instrument:

**a.** Failure of Borrower to make any payment required to be paid by Borrower under the Secured Obligations or this Instrument in strict accordance with the terms thereof;

**b.** Failure of Borrower to perform any other covenant, agreement or other obligation contained in this Instrument or the Secured Obligations;

**c.** Any warranty, representation, or statement made or furnished to Lender by or on behalf of Borrower proving to be or having been false in any material respect when made or furnished;

**d.** Commencement of foreclosure, whether by judicial proceeding, nonjudicial foreclosure, self-help, repossession, or any other method, by any creditor of Borrower against any of the Property, but this subsection shall not apply in the event of a good faith dispute by Borrower as to the validity or

reasonableness of the claim that is the basis of the foreclosure suit, provided that Borrower provides Lender with written notice of such claim and provides adequate reserves and guarantees therefor;

**e.** Death of the Borrower or any guarantor;

**f.** If any building on the Property shall be removed or demolished or threatened with demolition;

**g.** If any assignment by Borrower or any guarantor, for the benefit of creditors shall be made; or

**h.** If Borrower or any guarantor (i) shall voluntarily file a petition under the Federal Bankruptcy Act, as such Act may from time to time be amended, or under any similar or successor Federal statute relating to bankruptcy, insolvency arrangements or reorganizations, or under any state insolvency act; or (ii) shall file an answer in an involuntary proceeding admitting insolvency or inability to pay debts; or (iii) shall fail to obtain a vacation or stay of involuntary proceedings brought for the reorganization, dissolution, or liquidation of Borrower or any guarantor; or (iv) shall be adjudged bankrupt; or (v) shall make an assignment for the benefit of creditors;

**i.** If a trustee or receiver shall be appointed for Borrower or any guarantor or Borrower's or any guarantor's property upon dissolution, business failure or discontinuance of Borrower or any guarantor as a going business (except for labor disputes); or if the Property shall become subject to the jurisdiction of a Federal bankruptcy court, or similar state court; or if there is an attachment, execution or other judicial seizure of any portion of Borrower's or any guarantor's assets and such seizure is not discharged within ten (10) days; or

**j.** If Borrower defaults under any loan, extension of credit, security agreement, purchase or sales agreement, or any other agreement, in favor of any other creditor or person that may materially affect any of Borrower's property or Borrower's ability to repay or perform its obligations under this Instrument and/or the Secured Obligations.

Upon an event of default, except as otherwise provided below, Lender shall not accelerate the debt that this Instrument secures, make any payments for which Borrower is primarily liable, or foreclose upon or attach any assets of Borrower unless it first gives Borrower written notice of such default at Borrower's address and in the manner described for notices in this Instrument and unless such default is not fully cured within the following periods:

**a.** ten (10) days after such notice is given in the event of any failure to make any monetary payment to any person under this Instrument or any Secured Obligation; or

**b.** thirty (30) days after such notice is given in the event of nonmonetary defaults not subject to other provisions of this section, provided (i) within ten (10) days after such notice is given Borrower commences its cure and submits to Lender in writing its plan to cure, and (ii) such cure is continuously pursued by Borrower with due diligence. If such default is not reasonably capable of being cured within thirty (30) days, Borrower shall have such additional time as is reasonably necessary to complete the cure, but in no event for more than ninety (90) days after the notice of default is given, all provided (x) such default is in Lender's reasonable judgment curable within such period, (y) Borrower provides Lender with written, detailed progress reports at least every thirty (30) days until the cure is completed, and (z) Borrower continuously and diligently pursues such cure.

Notwithstanding the above provisions, the notice and cure periods provided for in this section shall not apply and immediate action may be taken by Lender:

(1) if any building on the Property shall be removed or demolished or threatened with demolition,

(2) if a petition shall be filed by Borrower, Grantor, or any guarantor of the Note under the Federal Bankruptcy Act, or Acts amendatory thereof or supplemental thereto, or under any statute either of the United States or any state in connection with insolvency or reorganization, or for the appointment of a receiver or trustee of all or a portion of Borrower's, or any such guarantor's property; or

(3) if any assignment by Borrower, Grantor, or any guarantor of any Secured Obligation, for the benefit of creditors shall be made; or

(4) for any event of default provided for in this Instrument and the Secured Obligations for which a notice and cure period is not specifically provided, or for any event of default which is not curable (e.g., the term of the loan expired without full payment).

The provisions of this section shall apply to defaults under this Instrument and the Secured Obligations and, unless expressly stated to the contrary, any notice or cure period referred to therein shall be deemed to incorporate such provisions. If any of such documents are inconsistent with this section, this section shall be controlling, unless such other document expressly provides otherwise. Where additional notice or cure periods are provided in this or any other such documents or are required by any other contract or by law, such periods and those contained in this section shall run concurrently. Nothing in this section shall be construed as extending the term of the Note or the date upon which any default occurs, and no decision to forego any remedy shall be deemed a waiver on the part of Lender of any right relating to any other default. Lender may declare successive defaults for successive breaches even if a waiver was previously granted. No failure to give any notice of any default shall constitute a waiver of such default or any remedy that may be available in connection therewith. This section shall not impair the exercise of any remedy immediately upon default, including, without limitation, the seeking of any mandatory or prohibitive injunction or restraining order or appointment of a receiver.

Any default under this Instrument shall constitute a default under the Secured Obligations. Likewise, any default under the Secured Obligations shall constitute a default under this Instrument.

21. **Assignments and Transfers.** Borrower acknowledges that Lender has relied upon Borrower's financial statements, credit history, business and real property managerial expertise and other factors personal to Borrower in making the loan secured by this Instrument, and Borrower covenants not to voluntarily or involuntarily sell or otherwise transfer its ownership of the Property or any part thereof except as permitted in Section 50 hereof. Transfers of stock, membership or partnership interests in Borrower or any successor of Borrower, transfers by leases with purchase options, conveyances by real estate contract, and through foreclosures or other forced sales or forfeitures shall each be deemed a transfer of Borrower's interest in the Property.

22. **Further Encumbrances.** Borrower acknowledges that Lender has relied upon the Property not being subject to additional liens or encumbrances for reasons which include, but are not limited to, (i) the possibility of competing claims or the promotion of plans disadvantageous to Lender in bankruptcy; (ii) the risks to Lender in a junior lienholder's bankruptcy; (iii) questions that involve the priority of future advances, the priority of future leases of the Property, the marshaling of Borrower's assets; (iv) Lender's rights to determine the application of condemnation awards and insurance proceeds; (v) the impairment of Lender's option to accept a deed in lieu of foreclosure; and (vi) Lender's requirements concerning Borrower's preservation of its equity in the Property and the absence of debt which could increase the likelihood of Borrower's inability to perform its obligations when due. Therefore, as a principal inducement to Lender to make the loan secured by this Instrument and with the knowledge that Lender will materially rely upon this section in so doing, Borrower covenants not to voluntarily or involuntarily encumber the Property or any part thereof. Without limiting the generality of the foregoing and irrespective of the priority thereof, no mortgages, deeds of trust, or other forms of security interests shall encumber any real or personal property that is the subject of any lien or security interest granted to Lender as security for the Secured Obligations. Encumbrances and hypothecations of stock or partnership interests in Borrower or any successor of Borrower, sale lease-backs, transfers by leases with purchase options, and conveyances by real estate contract shall each be deemed an encumbrance of the Property.

23. **Notice.** Except for any notice required under applicable law to be given in another manner, (a) any notice to Borrower provided for in this Instrument or in any Secured Obligations shall be given by mailing such notice by certified mail, return receipt requested, addressed to Borrower at Borrower's address stated herein or at such other address as Borrower may designate by notice to Lender as provided herein, and (b) any notice to Lender shall be given by certified mail, return receipt requested, to Lender's address stated herein or to such other address as Lender may designate by notice to Borrower as provided herein. Any notice provided for in this Instrument or the Secured Obligations shall be deemed to have been given to Borrower or Lender when given in the manner designated herein.

24. **Successors and Assigns Bound; Joint and Several Liability; Agents; Caption.** The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of Lender and Borrower, subject to the limitations on assignment by Borrower contained herein. All covenants and agreements of Borrower shall be joint and several. In exercising any rights hereunder or taking any actions provided for herein, Lender may act through its employees, agents or independent contractors as authorized by Lender. Lender may disclose to any such parties any information or other data or material in Lender's possession relating to Borrower and the loan without the consent of or notice to Borrower. The captions and headings of the sections of this Instrument are for convenience only and are not to be used to interpret or define the provisions hereof.

25. **Governing Law; Severability.** This Instrument shall be governed by the laws of the State of Oregon, or such other jurisdiction in which the Property is located. In the event that any provision or clause of this Instrument or the Secured Obligations conflicts with applicable law, or shall be held to be invalid, illegal or unenforceable, such conflict or unenforceability shall not affect other provisions of such documents that can be given effect without the conflicting provision. To this end, the provisions of this Instrument and the Secured Obligations are declared to be severable. In the event that any applicable law limiting the amount of interest or other charges permitted to be collected from Borrower is interpreted so that any charge provided for in these documents, whether considered separately or together with other charges levied in connection therewith, would violate such law if given full effect, and Borrower is entitled to the benefit of such law, such charge is hereby reduced to the extent necessary to eliminate such violation. For the purpose of determining whether any applicable law limiting the amount of interest or other charges permitted to be collected from Borrower would be violated, all indebtedness that is secured by this Instrument or evidenced by the Secured Obligations and which would constitute interest, as well as all other charges levied in connection with such indebtedness which constitute interest, shall be deemed to be allocated and spread over the stated amortization period of the loan. Unless otherwise required by applicable law, such allocation and spreading shall be effected in such a manner that the rate of interest computed thereby is uniform throughout the stated term of the Note.

26. **Waiver of Statute of Limitations.** To the extent permitted by law, Borrower hereby waives the right to assert any statute of limitations as a bar to the enforcement of the lien of this Instrument and the Secured Obligations, or to any action brought to enforce the Note or any other obligation secured by this Instrument.

27. **Waiver of Marshalling.** Notwithstanding the existence of any other security interests in the Property held by Lender or by any other party, Lender shall have the right to determine the order in which any or all of the Property shall be subjected to the remedies provided herein. Lender shall have the right to determine the order in which any or all portions of the indebtedness secured hereby are satisfied from the proceeds realized upon the exercise of the remedies provided herein. Borrower, any party who consents to this Instrument, and any party who now or hereafter acquires a security interest in the Property and who has actual or constructive notice hereof, hereby waives any and all right to require the marshalling of assets in connection with the exercise of any of the remedies permitted by applicable law or provided herein.

28. **Commercial Trust Deed.** This Instrument is not a residential deed of trust. So long as any of the debt secured hereby is unpaid, Borrower covenants and agrees that the Property shall remain nonresidential property. Borrower specifically consents to the appointment of a receiver to ensure that the Property remains nonresidential property.

29. **Rents, Issues, and Profits.** Borrower irrevocably and absolutely assigns to Lender the rents, issues, profits and proceeds of contracts of the Property, together with all future leases, profits and contracts, and any and all extensions, renewals and replacements thereof. However, as long as no default shall exist in compliance with any requirement of this Instrument or the Secured Obligations, Borrower may collect assigned rents and profits as the same shall fall due, but upon the occurrence of any default, all rights of the Borrower to collect and receive rents and profits shall wholly and immediately terminate without notice, and Lender shall thereafter have the absolute right to all such rents and profits. All rents or profits receivable from or in respect to said Property that Borrower shall be permitted to collect hereunder shall be received by it to pay the usual and reasonable operating expenses of, and the taxes upon, said Property and the sums owing the Lender as they become due and payable as provided in this Instrument or in the Secured Obligations, or any modifications of either.

Upon any default hereunder or any default under the indebtedness secured hereby or under the Secured Obligations, Lender may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court (Borrower hereby consents to the appointment of such receiver without the posting of a bond or undertaking and consents to the appointment of Lender as such receiver), and without regard to the value of the Property or the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of the Property or any part thereof, in its own name sue for or otherwise collect said rents, issues and profits including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including attorney fees, upon any indebtedness secured hereby, and in such order as Lender may determine.

30. **Possession.** Until default and until Lender exercises its right to possession, Borrower shall remain in possession and control of the Property and operate and manage the Property and collect the rents, revenues, income, issues and profits therefrom.

31. **Acceleration; Remedies.** Upon any event of default or Borrower's breach of any covenant or agreement of Borrower in this Instrument or in any Secured Obligation, including, but not limited to, the covenants to pay when due any sums secured by this Instrument following any applicable notice and cure period, Lender may declare all of the sums secured by this Instrument to be immediately due and payable without further demand.

Lender shall be entitled to collect all costs and expenses incurred pursuing any of Lender's remedies, including, but not limited to, reasonable attorney fees, whether or not any action or proceeding is commenced and any such fees incurred in any appellate or bankruptcy proceeding, and costs of documentary evidence, appraisals, abstracts and title or foreclosure reports, trial court, arbitration, mediation, or costs or fees of any nature whatsoever.

Upon default and following any applicable notice and cure period, Lender may, at Lender's sole option, exercise any one or more of the following rights and remedies in addition to any other remedy available herein or at law:

a. Lender may exercise all rights of a receiver as a mortgagee-in-possession. Lender may, as a mortgagee-in-possession, take possession of all or any part of the Property, and such Property shall be peaceably surrendered by Borrower. Lender may revoke Borrower's right to collect the rents and revenues from the Property, and may, either itself or through its agents, collect the same. To facilitate collection, Lender may notify Borrower's tenants to pay rents directly to Lender.

b. Lender may have a receiver appointed as a matter of right or may exercise all rights of a receiver. Lender may, through a receiver, take possession of all or any part of the Property, and such Property shall be peaceably surrendered by Borrower. Lender may revoke Borrower's right to collect the rents and revenues from the Property, and may, either itself, through its agents or through a receiver, collect the same. To facilitate collection, Lender may notify Borrower's tenants to pay rents directly to Lender.

Lender also may have a receiver appointed as a matter of right whether or not the apparent value of the Property exceeds the amount of the Secured Obligations, and any receiver appointed may serve without bond. Lender's agents or employees may serve as receiver. Upon taking possession of all or any part of the Property the receiver or Lender may:

(1) Use, operate, manage, control and conduct business on the Property and make expenditures for all maintenance and improvements as in its judgment are proper;

(2) Collect all rents, revenues, income, issues and profits from the Property and apply such sums to the expenses of use, operation and management;

(3) At Lender's option, complete any construction in progress on the Property, and in that connection pay bills, borrow funds, mortgage or otherwise encumber the Property, employ contractors and make any changes in plans or specifications as Lender deems appropriate.

If the revenues produced by the Property are insufficient to pay expenses, the receiver may borrow, from Lender or otherwise, or Lender may borrow or advance such sums as Lender deems necessary for the purposes stated in this section, and repayment of such sums shall be secured by this Instrument. The amounts borrowed or advanced shall bear interest at the highest rate of interest then being paid on the Note from the date of expenditure until repaid and shall be payable by Borrower to Lender on demand.

c. With respect to any part of the Property that is personal property, Lender may exercise the rights and remedies of a secured party under the Uniform Commercial Code and under this Instrument.

d. After giving Borrower notice of default in the manner prescribed by applicable law, if any, Lender may invoke the power of sale, commence judicial foreclosure, commence an action on the Note, or exercise any other remedies permitted by applicable law or provided herein or in any Secured Obligation or otherwise without notice. Borrower acknowledges that the power of sale granted herein and by law may be exercised by Lender without prior judicial hearing. Borrower has the right to bring an action to assert the non-existence of a breach or any other defense of Borrower to acceleration and sale.

If Lender invokes the power of sale, Lender shall give written notice to Trustee of the occurrence of an event of default and of Lender's election to cause the Property to be sold. Trustee and Lender shall give such notices as the laws of Oregon may require to Borrower and to such other persons as the laws of Oregon prescribe, and after the lapse of such time as may be required by applicable law, Trustee or its agent shall sell the Property according to the laws of Oregon. Trustee or its agent may sell the Property at the time and place and under the terms designated in the notice of sale in one or more parcels and in such order as Trustee or its agent may determine. Trustee or its agent may postpone sale of all or any parcel of the Property as permitted by law by public announcement at the time and place fixed in the notice of sale. Lender or Lender's designee may purchase the Property at any sale.

Trustee or its agent shall deliver to the purchaser a Trustee's deed conveying the Property so sold without any covenant or warranty, expressed or implied. The recitals in the Trustee's deed shall be prima facie evidence of the truth of the statements made therein. Trustee shall apply the proceeds of the sale in the following order: (a) to all costs and expenses of the sale, including, but not limited to, trustee's and attorney fees, publication fees, service fees and costs of title evidence; (b) to all sums secured by this Instrument in such order as Lender, in Lender's sole discretion, directs; (c) to all persons having recorded liens subsequent to the interest of the Lender as those parties interests may appear; and (d) the excess, if any, to the Clerk of the Court of the County in which the sale took place or to the person or persons legally entitled thereto.

Notwithstanding Lender's acceleration of the sums secured by this Instrument, Borrower shall have the right to have proceedings for foreclosure by advertisement and sale discontinued at any time permitted by law before the sale of the Property pursuant to the power of sale contained in this Instrument and applicable law if: (a) Borrower pays Lender all sums which would then be due under this Instrument or the Secured Obligations, if any, had no acceleration occurred; (b) Borrower cures all breaches of this Instrument and the Secured Obligations; (c) Borrower pays all reasonable expenses incurred by Lender and Trustee, including but not limited to, reasonable trustee's and attorney fees; and (d) Borrower takes such action as Lender may reasonably require to assure that the lien of this Instrument, Lender's interest in the Property, and Borrower's obligation to pay the sums secured by this Instrument shall continue unimpaired. Upon such payment and cure by Borrower, this Instrument and the obligations secured hereby shall remain in full force and effect as if no acceleration had occurred.

This right to reinstate does not apply if Lender selects any remedy other than non-judicial foreclosure by advertisement and sale.

If Lender elects to commence judicial suit or action for the foreclosure of this Instrument, Borrower agrees to pay to Lender the costs of such suit or action and such reasonable sum for attorney fees as the court may allow, including those on appeal whether such suit or action be brought to a judgment or not, and also such further sums, if any, as Lender shall have paid for costs or expenses. All monies herein agreed to be paid shall be secured hereby. Borrower consents to a personal deficiency judgment for any part of the debt hereby secured which shall not be paid by the sale of the Property, unless such judgment is prohibited by law, and Borrower expressly waives (a) any claim of homestead; (b) all rights of Borrower of redemption from sale under any order or judgment of foreclosure; and (c) all rights to possession of the Property after the date of sale.

If Borrower remains in possession of the Property after the Property is sold either under the power of sale or judicial action to foreclose as provided above, Lender is otherwise in possession of the Property upon default by Borrower, Borrower will be a tenant at sufferance of Lender, or the purchaser of the Property at the sale as the case may be, and shall at the sole discretion of Lender, either (a) pay a reasonable rental for use of the Property; or (b) vacate the Property immediately upon written demand of Lender.

e. Lender may commence an action under the Note and/or any Guaranty, without waiving the lien of this Instrument, but any such judgment obtained shall have such priority as is determined by law.

32. **Cross-Default and Cross-Collateralization Provisions.** In the event Borrower or any entity or individual related to Borrower or acting as a Guarantor under the Secured Obligations (a "Related Party") has entered or does in the future enter into any other loan agreement, deed of trust, mortgage or note payable to Lender, a default in the terms and provisions of the other loan agreement, note or instrument securing it shall constitute a default hereunder. Nothing in the preceding sentence shall in any way lessen or impair the rights of Lender with respect to this Instrument and the Secured Obligations. Lender, at its option, may separately enforce the provisions of any loan, note, or deed of trust or mortgage securing it. Default under each loan, note, or deed of trust or mortgage shall constitute a separate cause of action, and the institution of proceedings upon one, but not upon both or all, shall not be construed as a splitting of a cause of action by Lender or a waiver of any rights under any other loan, note, or deed of trust or mortgage.

In the event Borrower or any Related Party has or shall enter into any other loan agreement, deed or trust, mortgage or note payable to Lender, Lender shall have the right, at any time upon written notice to Borrower and/or any such Related Party(ies), to deem all real or personal property serving as collateral to secure any one loan as providing security for all loans made by Lender to Borrower and such Related Party(ies). Except with respect to a partial release (as more particularly described in Section 50 below), the remaining property pledged to secure the loans, or any of them, shall serve as additional collateral to secure any and all amounts owed by Borrower and the Related Party(ies) to Lender under this instrument and all other loans until all amounts owed to Lender shall have been paid in full or until specifically released in writing by Lender, whichever first occurs.

33. **Related Party Obligations.** In the event Borrower or any Related Party is a corporation, limited liability company, limited partnership, or any other entity other than a natural person, any and all obligations to, and all funds loaned or contributed by shareholders, directors, members, managers, parent companies, affiliates, or partners of Borrower and/or any Related Party shall be subordinate to the lien of Lender secured by this Instrument. By its execution of this Instrument, Borrower represents and warrants to Trustee and Lender that it has taken all requisite action necessary to subordinate any and all such prior indebtedness and/or contributions to the lien of this Instrument and, further, that the

lien of this Instrument shall be superior to any and all such indebtedness and/or contributions that may arise on or after the date of this Instrument.

34. **Reconveyance.** Upon payment of all sums secured by this Instrument, Lender shall require Trustee to reconvey the Property and shall surrender this Instrument and all notes evidencing indebtedness secured by this Instrument to Trustee. Trustee shall reconvey the Property without warranty to the person or persons legally entitled thereto. Such person or persons shall pay Trustee's reasonable costs incurred in so reconveying the Property.

35. **Substitute Trustee.** In accordance with applicable law, Lender may from time to time appoint a successor trustee to any Trustee appointed hereunder who has ceased to act. Without conveyance of the Property, the successor trustee shall succeed to all the title, power, and duties conferred upon the Trustee herein and by applicable law.

36. **Assignment/Participation.** Lender reserves the right to assign or participate all or any part of its rights and obligations under this Instrument and any Secured Obligations. Upon assignment, if any, Lender shall be released from all liability hereunder. Borrower's right to transfer or assign is subject to limitations contained elsewhere in this Instrument. At any time during the loan term, Borrower shall deliver to Lender, at Lender's request, such further documents including, but not limited to, site assessments or studies, environmental audit reports and other consultants' studies and reports, as Lender may reasonably request for use in the sale of the loan, or any interest therein, by Lender. Lender shall have the right to provide any information on Borrower of the Property contained in Lender's files to any party contemplating the purchase of any interest in the loan.

37. **Use of Property. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. 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. 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 VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES 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.**

38. **Future Advances.** So long as this Instrument secures indebtedness held by Lender and upon request of Borrower, Lender, at Lender's sole option, may make future advances to Borrower. This Instrument shall secure all those future advances which specifically state they are secured hereby, and the lien of each such advance shall relate back to the date of this Instrument. This Instrument shall have the full force, effect, and benefits of a trust deed to secure future advance of money, if any, which specifically state they are secured hereby.

39. **Purpose of Loan.** The loan secured hereby is made, and all proceeds thereof will be used solely for commercial, investment or business purposes and not for personal, household, or family purposes. The real Property hereby conveyed is not used principally for agricultural or farming purposes.

40. **Time of Essence.** Time is of the essence of this Instrument.

41. **Amendments Superior to Intervening Liens.** Should any agreement be hereafter entered into modifying or changing the terms of this Instrument or the Secured Obligations, the rights of the parties to such agreement shall be superior to the rights of the holder of any intervening lien.

42. **Attorney Fees.** As used in this Instrument and in the Secured Obligations, "attorney fees" shall include attorney fees, if any, which shall be incurred whether or not legal action is commenced and any such fees incurred at trial, mediation, arbitration, interpleader, bankruptcy, hearing or any judicial proceeding, and on appeal or review, and on any collection before or after judgment.

43. **Prepayment.** Borrower may prepay this indebtedness at any time.

44. **Incorporation by Reference.** In Lender's sole discretion, all Related Documents are by this reference incorporated herein as if fully set forth.

45. **Loan Agreement Provisions.** Borrower agrees to comply with the covenants and conditions of the Secured Obligations that are hereby incorporated by reference in and made a part of this Instrument. All advances made by Lender pursuant to this Instrument or the Secured Obligations shall be indebtedness of Borrower secured by this Instrument. All sums disbursed by Lender prior to completion of the improvements to protect the security of this Instrument shall be treated as disbursements secured hereby. All such sums shall bear interest from the date of disbursement at the applicable rate stated in the Note, unless collection from Borrower of interest at such rate would be contrary to applicable law in which event such amounts shall bear interest at the highest rate which may be collected from Borrower under applicable law and shall be payable upon notice from Lender to Borrower requesting payment therefore.

From time to time as Lender deems necessary to protect Lender's interests, Borrower shall, upon request of Lender, execute and deliver to Lender, in such form as Lender shall direct, assignments of any and all rights or claims which relate to the construction of the Property and which Borrower may have against any party supplying or who has

supplied labor, materials or services in connection with construction of the Property. In case of breach by Borrower of the covenants and conditions of the Secured Obligations, Lender, at Lender's option, with or without entry upon the Property, (a) may invoke any of the rights or remedies provided in the Secured Obligations, or (b) may accelerate the sums secured by this Instrument, and Borrower shall not assert any right of setoff, counterclaim or other claim or defense against the obligations of the Secured Obligations.

46. **Variable Rate Obligation.** The obligation this Instrument secures may provide that the interest rate, payment terms, or balance due on the loan secured hereby may be indexed, adjusted, renewed, or renegotiated in accordance with the terms of the Note and on account of any extensions and renewals of the Note. The priority of this Instrument shall not be affected by renegotiation or adjustment of the initial interest rate provided in the Note upward or downward, which may increase or decrease the amounts of periodic payments or may extend or shorten the term of this obligation, or both. The priority of this Instrument also shall not be affected by an increase in the underlying obligation secured by this Instrument during any part of the term of this Instrument as a result of deferment of all or a portion of the interest or principal payments and the addition of such payments to the outstanding balance of the obligation. The priority of this Instrument also shall not be affected by the execution of any new Note during the term of this Instrument which reflects changes made pursuant to any of the adjustments described in this section or by any other changes which would not otherwise affect priority under Oregon law.

47. **Multiple Parties.** If there is more than one person comprising Borrower, the obligations imposed upon Borrower under this Instrument shall be joint and several. A breach or default by any one person comprising Borrower shall constitute a breach or default by each other person comprising Borrower. Each of the married persons comprising Borrower (if applicable) pledges his or her separate and community property interests and all community property interests in the Property.

48. **Non-foreign Certification.** Section 1445 of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code") provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. To inform Lender that the withholding of tax will not be required in the event of the disposition of the Property or improvements pursuant to the terms of this Instrument, Borrower hereby certifies, under penalty of perjury, that:

a. Borrower is not a foreign person, foreign corporation, foreign partnership, foreign trust or foreign estate, as those terms are defined in the Internal Revenue Code and the regulations promulgated thereunder; and

b. Borrower's principal place of business is located at 12600 SW 72ND AVENUE #200 TIGARD, OREGON 97223. It is understood that Lender may disclose the contents of this certification to the Internal Revenue Service and that any false statement contained herein could be punished by fine, imprisonment or both. Borrower covenants and agrees to execute such further certificates, which shall be signed under penalty of perjury, as Lender shall reasonably require. The covenant set forth herein shall survive the foreclosure of the lien of this Instrument or acceptance of a deed in lieu thereof.

49. **Report of Real Estate Transaction.** Borrower has made or provided for making, or will make or provide for making, on a timely basis, any reports or returns required under Section 6045(e) of the Internal Revenue Code of 1986 (and any similar reports or returns required by state or local law) relating to the Property, notwithstanding the fact that the primary reporting responsibility may fall on the Lender, counsel for the Lender, or other party. Borrower's obligations under this section will be deemed to be satisfied if proper and timely reports and returns required under this section are filed by a title company or real estate broker involved in the real estate transaction relating to the Property, but nothing contained herein shall be construed to require such returns or reports to be filed by Lender or counsel for Lender.

50. **Partial Releases.** If this loan is for the acquisition or development of more than one lot, then upon not less than ten (10) days' prior written notice from Borrower, Lender shall request a partial reconveyance from the lien of this Instrument to certain lots of the Property on the following terms and conditions:

a. There exist no defaults under the Secured Obligations or this Instrument or any other security for the Secured Obligation at the time the partial reconveyance is requested or is to be recorded; provided, however, no consent to any partial reconveyance shall constitute a waiver of any default or of any condition herein to any future reconveyance;

b. The approved subdivision plat for the Property has been properly recorded;

c. Borrower has provided Lender with evidence confirming that the lots being reconveyed and the lots remaining encumbered by this Deed of Trust following the reconveyance comply with all applicable site plan, subdivision and platting requirements;

d. Construction of all improvements on the particular lot to be released must be completed to the satisfaction of Lender;

e. Borrower's request for partial reconveyance must give the legal description of the particular lot to be released, and must request the Lender to deposit with the title insurance company its authorization for the partial reconveyance and its demand for payment;

f. The lots remaining encumbered by this Deed of Trust following the reconveyance have adequate access to all right-of-way and utilities;

g. The partial reconveyance will not result in any encroachment or breach any zoning law, ordinance or restrictive covenant;

h. Lender's receipt of written consent to the partial reconveyance from any guarantors of the Note;

i. Lender's receipt of an endorsement to its title insurance policy insuring the continuing validity and priority of this Instrument following the partial reconveyance;

j. Lender's receipt of the release price N/A and NO/100 Dollars ($0) for each lot to be released which Lender shall apply to the principal amounts owing under the Secured Obligation, plus a Lot Release Fee of $50.00 per reconveyance, which is a fee to Lender and does not reduce the loan balance. Borrower must also pay any Trustee's fees for the partial reconveyance;

k. Lender's receipt of payment of all Lender's costs and fees incurred in connection with such partial reconveyance request.

l. Borrower's satisfaction of all other terms of the Secured Obligations that, in Lender's sole discretion, must be satisfied prior to any partial conveyance.

**51. Existing Indebtedness.** In the event this Instrument is subordinate to, or should become at any time subordinate to, any other indebtedness, Borrower agrees to pay or perform, or cause to be paid or performed, all obligations and amounts required to prevent any default under such prior or existing indebtedness and under any security documents related to such indebtedness. Borrower further agrees that neither Borrower nor any other party obligated under the existing or prior indebtedness will, without first obtaining the written consent of Lender, (i) increase the amount of the prior indebtedness secured by the Property or (ii) enter into any agreement with the holder of any mortgage, deed of trust, or other security agreement having priority over the lien of this Instrument that shall modify, amend, extend, or renew that agreement. Lender's consent may be withheld in Lender's sole discretion.

**52. Statute of Frauds.**

**UNDER OREGON LAW MOST AGREEMENTS, PROMISES AND COMMITMENTS MADE BY COMMUNITY FINANCIAL CORPORATION, AFTER OCTOBER 3, 1989, CONCERNING LOANS AND OTHER CREDIT EXTENSIONS WHICH ARE NOT FOR PERSONAL, FAMILY OR HOUSEHOLD PURPOSES OR SECURED SOLELY BY THE BORROWER'S RESIDENCE, MUST BE IN WRITING, EXPRESS CONSIDERATION AND BE SIGNED BY COMMUNITY FINANCIAL CORPORATION, TO BE ENFORCEABLE.**

**WARNING**

**Unless you provide us with evidence of the insurance coverage as required by our contract or loan agreement, we may purchase insurance at your expense to protect our interest. This insurance may, but need not, also protect your interest. If the collateral becomes damaged, the coverage we purchase may not pay any claim you make or any claim made against you. You may later cancel this coverage by providing evidence that you have obtained property coverage elsewhere.**

**You are responsible for the cost of any insurance purchased by us. The cost of this insurance may be added to your contract or loan balance. If the cost is added to your contract or loan balance, the interest rate on the underlying contract or loan will apply to this added amount. The effective date of coverage may be the date your prior coverage lapsed or the date you failed to provide proof of coverage.**

**The coverage we purchase may be considerably more expensive than insurance you can obtain on your own and may not satisfy any need for property damage coverage or any mandatory liability insurance requirements imposed by applicable law.**

**IN WITNESS WHEREOF,** Borrower has executed this Instrument or has caused the same to be executed by its duly authorized representatives.

**Borrower:**

**J.T. ROTH CONSTRUCTION, INC,**
AN OREGON CORPORATION

By: _____
Name: JT ROTH JR
Title: PRESIDENT

STATE OF OREGON )
) ss.
County of Washington )

This instrument was acknowledged before me on 12/16, 2021, by JT ROTH JR as PRESIDENT of J.T. ROTH CONSTRUCTION, INC, AN OREGON CORPORATION.

OFFICIAL STAMP
SAMUEL GOOLD
NOTARY PUBLIC - OREGON
COMMISSION NO. 1007880
MY COMMISSION EXPIRES JANUARY 12, 2025

Samuel Goold
NOTARY PUBLIC FOR OREGON
My Commission Expires: 1-12-25

**REQUEST FOR FULL RECONVEYANCE**

To be used only when obligations have been paid.

TO: _____, Trustee

The undersigned is the legal owner and holder of all indebtedness secured by the foregoing trust deed. All sums secured by such trust deed have been fully paid and satisfied. You are hereby directed, on payment to you of any sums owing to you under the terms of such trust and pursuant to statute, to cancel all evidences of indebtedness secured by such trust deed (which are delivered to you herewith together with such trust deed) and to reconvey, without warranty, to the parties designated by the terms of such trust deed the estate now held by you under the same. Mail reconveyance and documents to _____ at the address noted for Borrower immediately above.

DATED: _____, 20_____.

_____
Lender/Beneficiary

**EXHIBIT A**

(Legal Description)

All that portion of the Southwest quarter of the Northwest quarter of Section 33, Township 2 South, Range 1 West of the Willamette Meridian which lies South of the center line of line of a 20 foot roadway and which center line an described as follows:

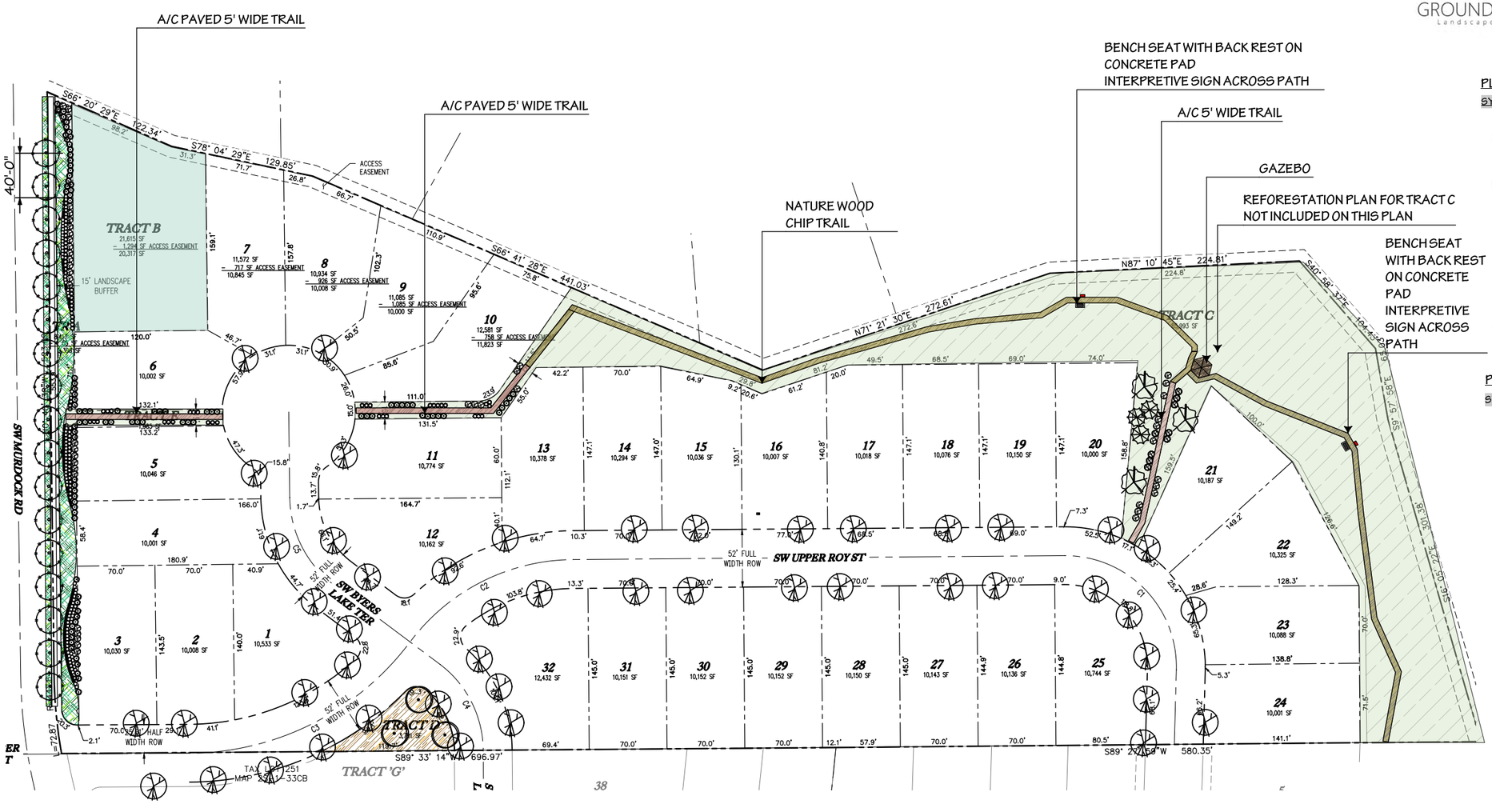
Beginning at an iron pipe, which is in the center of a county road and which pipe is 703 feet, more or less, South of the Northwest corner of the Southwest quarter of the Northwest quarter of Section 33, Township 2, South, Range 1 West of the Willamette Meridian; running thence South 65° 31' East a distance of 155.3 feet; thence South 77° 23' East a distance of 129.5 feet; thence South 65° 55' East a distance of 441.5 feet; thence North 72° 07' East a distance of 272.5 feet; thence North 87° 57' East a distance of 225.0 feet; thence South 40° 13 East a distance of 104.4 feet; thence South 9° 09' East a distance of 65.0 feet; thence in a straight line a distance of 300 feet, more or less, to the Southeast corner of the Southwest quarter of the Northwest quarter of said Section 33, Township 2 South, Range 1 West of the Willamette Meridian, in Washington County, Oregon.

Exhibit A12

GROUND ROOTS
Landscape Design

# MOSER PASS

| PROJECT | |
|---|---|
| | 22012 |
| TAX LOT 1700 SHERWOOD, OR | |
| DESIGNER | DATE / VERSION |
| GROUND ROOTS LD - JANE ELRICK | 9/7/2022 / 4 |
| LANDSCAPE PLAN | 1/1 |




## PLANT LIST - TREES

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 3 | ACER RUBRUM 'FRANKS RED'<br>Red Sunset Maple | 2" cal | AS SHOWN |
| | 13 | CARPINUS BELTULUS PYRAMIDALIS<br>European Hornbeam | 2" cal | AS SHOWN |
| | 3 | GINKGO BILOBA 'GOLDSPIRE'<br>Goldspire Ginkgo | 6-8' ht. | AS SHOWN |
| | 3 | PINUS FLEXIUS 'VANDERWOLF PINE'<br>Limber Pine | 5' ht | AS SHOWN |
| | 48 | ZELKOVA SERRATA 'VILLAGE GREEN'<br>Village Green Zelkova | 2" cal | AS SHOWN |

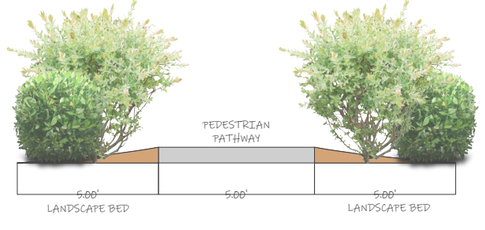
## PLANT LIST - SHRUBS & GROUND COVER

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 9 | MYRICA CALIFORNICA<br>Pacific Wax Myrtle | 5 gal | 6' oc |
| | 45 | VACCINIUM OVATUM<br>Evergreen Huckleberry | 2 gal | 4' oc |
| | 87 | CARYOPTERIS X CLANDONENSIS<br>Blue Mist Bluebeard | 2 gal | 4' oc |
| | 88 | ILEX GLABRA 'SHAMROCK'<br>Shamrock Inkberry | 2 gal | 4' oc |
| | 97 | PENNISETUM ALOPECURIOIDS 'HAMELN'<br>Hameln Dwarf Fountain Grass | 1 gal | 3' oc |
| | 96 | VIBURNUM TINUS 'COMPACTUM'<br>Spring Bouquet Laurustinus | 2 gal | 4' oc |

## SEEDED AREAS

| | | | |
|---|---|---|---|
| | PT LAWN SEED<br>PT 769 R & R ECO-TURF MIX | SEED | 5-7 lbs / 1000 sqft |
| | PT 705 XERISCAPE LAWN ALTERNATIVE | SEED | 2 lbs / 1000 sqft |
| | (2) 6' BENCH WITH BACK REST ON CONCRETE PAD | | |
| | INTERPRETIVE SIGN | | |

# PEDESTRIAN WALKWAY CROSS-SECTION




## TREE DENSITY CALCULATIONS*

*DOES NOT INCLUDE REFORESTATION OF TRACT C

| TREE NAME | QTY | MATURE SPREAD | CANOPY AREA (SF) | CANOPY COVERAGE (SF) |
|---|---|---|---|---|
| **PROPOSED NEW TREES:** | | | | |
| ACER RUBRUM 'FRANKSRED' | 3 | 40 | 1257 | 3771 |
| CARPINUS BETULUS PYRAMIDALIS | 13 | 35 | 962 | 12506 |
| GINKGO BILOBA 'GOLDSPIRE' | 3 | 6 | 28 | 84 |
| PINUS FLEXILIS VANDERWOLF PYRAMID' | 3 | 30 | 707 | 2121 |
| ZELKOVA SERRATA 'VILLAGE GREEN' | 48 | 36 | 1018 | 48864 |
| | | **TOTAL CANOPY COVERAGE** | | 67346 |
| | | **TOTAL SITE AREA** | | 335,896 |
| | | **PERCENT CANOPY COVER** | | 20% |

0 100 200 300 FT

SCALE: 1" = 50'

N

WINTER SUN

SUMMER SUN

EXISTING PLANTS-LOCATION APPROXIMATE
UNLESS SPECIFIED, ALL PLANT SYMBOLS ARE PLACEHOLDERS TBD BASED ON AVAILABILITY

NOTE:
THE EXISTING PROPERTY CONDITIONS, INCLUDING PROPERTY LINE LOCATIONS SHOWN ON THE PLAN, ARE APPROXIMATE AND DO NOT REPRESENT A FIELD-SURVEYED CONDITION. OWNER SHALL VERIFY ALL PROPERTY LINES, DIMENSIONS, EASEMENTS, AND EXISTING UNDERGROUND UTILITY AND IRRIGATION LOCATIONS PRIOR TO ANY CONSTRUCTION. SERVICES AND ADVICE ARE LIMITED TO PLANNING AND CONCEPTUAL DESIGN OF EXTERIOR SPACES AND HORTICULTURE CONSULTATION AND DO NOT INCLUDE ENGINEERING SERVICES, STRUCTURAL ANALYSIS, OR CONSTRUCTION DETAILS WHICH MAY REQUIRE THE SERVICES OF A LICENSED PROFESSIONAL AS REQUIRED BY LAW. CONSTRUCTION DETAILS GIVEN ARE GENERAL IN NATURE AND SHOULD BE CONFIRMED BY A LICENSED ARCHITECT OR CONTRACTOR. IMAGES SHOWN ARE FOR INSPIRATION AND SOME REFERENCES MAY NOT BE THE WORK OF GROUND ROOTS LANDSCAPE DESIGN. SOURCES AVAILABLE UPON REQUEST.

City of Sherwood Oregon
*Home of the Tualatin River National Wildlife Refuge*

# Pre-Application Conference Notes

File # PAC 2021-013 Denali Phase 4 (Moser)
Meeting Date – October 28, 2021
Conference Call via Microsoft Teams
Staff Contact - Eric Rutledge
rutledgee@sherwoodoregon.gov
503-625-4242

*Meeting held via conference call on Microsoft Teams. After the pre-application conference, the applicant submitted a revised preliminary plat that responds to planning comments raised during the meeting. The final planning notes have been updated to reflect the latest proposal. Engineering, Fire, and other agency comments have not been updated based on the changes.*

## Type V Planned Unit Development & Type III Subdivision

*The pre-application conference and notes cannot cover all code requirements and aspects that apply to the proposal. Failure of staff to provide information required by the code does not constitute a waiver of the applicable standards or requirements. It is recommended that a prospective applicant obtain and read the Zoning and Community Development Code and/or ask any questions of City staff relative to code requirements prior to submitting an application.*

### PROJECT SUMMARY

**Proposed Project Name:** Denali Phase 4 (Moser Property)

**Proposal Description:** The applicant is proposing a 32-lot subdivision and Planned Unit Development. The development site currently consists of a single parcel approximately 12.36-acres in size in the Very Low Density Residential zone. The development site is also located in the SE Sherwood Master Plan study area.

The applicant is proposing an extension of the public street system approved under the Denali Summit and Denali Meadows subdivisions. "SW Curry Ridge Rd." is proposed to connect to the existing intersection of SW Murdock Rd. and SW Upper Roy St.

An 87,143 SF open space tract is proposed at the north/east boundary of the site. The open space would connect to the open space tract approved as part of the Denali Summit subdivision and PUD.

**Applicant:** Emerio Design LLC
Attn: Steve Miller

6445 SW Fallbrok Place #100
Beaverton, OR 97008

**Owner:** Leroy and Delores Moser
22900 SW Murdock Rd.
Sherwood, OR 97140

**Site Address:** 22900 SW Murdock Rd.
**Tax Lot ID:** 2S133BC01700
**Land Use Designation:** Very Low Density Residential

## APPLICATION TYPE, TIMELINE & FEES

**Full details on application type, noticing, and public hearing procedures listed under 16.72**

### Application Type and Hearing Authority

Type V PUD and Type III Subdivision

- The Type V Hearing Authority is the City Council and the Appeal Authority is the Land Use Board of Appeals
- The subdivision application will be reviewed concurrently with the PUD application under the same hearing and appeal authorities.

### Estimated Approval Timeline

- 30 day completeness review
- 90 days to issue a staff recommendation and hold two public hearings. First before the Planning Commission and second before the City Council.
- 14 day appeal period for all land use decisions

### Land Use Fees

*Fees as of July 1, 2021. Please confirm fees with staff prior to submittal as fee schedule is revised annually. Engineering plan review, building permit, and SDC fees separate.*

| | |
|---|---|
| • Planned Unit Development | $2,424.65 |
| • Subdivision | $6,843.14 + 21.56 per lot |
| • Final Site Plan Review | $713.13 |
| • Final Plat (subdivision) | $1,212.33 |
| • Publication and Distribution of Type III-V Notice | $466 |

**APPLICATION SUBMITTAL REQUIREMENTS**

See attached land use form, subdivision checklist, and additional PUD submittal requirements per SZCDC § 16.40.020(B). A neighborhood meeting is required prior to submitting a Type III - V application. See attached neighborhood meeting details including a virtual meeting form.

*Note:*

- *A tree report is required as a completeness item*
- *A preliminary landscape plan is required as a completeness item*
- *A preliminary open space improvement plan is required as a completeness item*

*Note:*
*Applicants are encouraged to submit 4 full and reduced size paper copies and one electronic copy for completeness review. The full number of paper copies (15) and one updated electronic copy will be required after the application is deemed complete.*

**SUMMARY OF APPLICABLE CODE CRITERIA (SZCDC Title 16) – THESE CRITERIA FOR SITE PLAN REVIEW ONLY. PLEASE SEE SEPARATE ANNEXATION REQUIREMENTS DESCRIBED BELOW.**

*These sections **must** be addressed in the narrative submitted with the land use application*

| **Division II. - LAND USE AND DEVELOPMENT** | | **Division VI. - PUBLIC INFRASTRUCTURE** | |
|---|---|---|---|
| Chapter 16.12 - RESIDENTIAL LAND USE DISTRICTS | **X** | Chapter 16.104 - GENERAL PROVISIONS | |
| Chapter 16.22 - COMMERCIAL LAND USE DISTRICTS | | Chapter 16.106 - TRANSPORTATION FACILITIES | **X** |
| Chapter 16.31 - INDUSTRIAL LAND USE DISTRICTS | | Chapter 16.108 - IMPROVEMENT PLAN REVIEW | **X** |
| Chapter 16.36 - INSTITUTIONAL AND PUBLIC (IP) LAND USE DISTRICT | | Chapter 16.110 - SANITARY SEWERS | **X** |
| Chapter 16.38 - SPECIAL USES | | Chapter 16.112 - WATER SUPPLY | **X** |
| Chapter 16.40 - PLANNED UNIT DEVELOPMENT (PUD) | **X** | Chapter 16.114 - STORM WATER | **X** |
| Chapter 16.42 - HOME OCCUPATIONS | | Chapter 16.116 - FIRE PROTECTION | **X** |
| Chapter 16.44 - TOWNHOMES | | Chapter 16.118 - PUBLIC AND PRIVATE UTILITIES | **X** |
| Chapter 16.46 - MANUFACTURED HOMES | | | |
| Chapter 16.48 - NON-CONFORMING USES | | **Division VII. - LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS** | |
| Chapter 16.50 - ACCESSORY STRUCTURES, ARCHITECTURAL FEATURES AND DECKS | | Chapter 16.120 - SUBDIVISIONS | **X** |
| Chapter 16.52 - ACCESSORY DWELLING UNITS | | Chapter 16.122 - LAND PARTITIONS | |
| Chapter 16.54 - ADULT ENTERTAINMENT | | Chapter 16.124 - PROPERTY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS | |
| Chapter 16.56 - OTHER LAND USE ACTIONS | | Chapter 16.126 - REPLATTING, LOT CONSOLIDATIONS AND VACATION OF PLATS | |
| Chapter 16.58 - CLEAR VISION AND FENCE STANDARDS | **X** | Chapter 16.128 - LAND DIVISION DESIGN STANDARDS | **X** |
| Chapter 16.60 - YARD REQUIREMENTS | **X** | | |
| Chapter 16.62 - CHIMNEYS, SPIRES, ANTENNAS, AND SIMILAR STRUCTURES | | **Division VIII. - ENVIRONMENTAL RESOURCES** | |
| Chapter 16.64 - DUAL USE OF REQUIRED SPACE | | Chapter 16.134 - FLOODPLAIN (FP) OVERLAY | |
| Chapter 16.66 - TRANSPORTATION FACILITIES AND IMPROVEMENTS | | Chapter 16.136 - PROCEDURES | |
| Chapter 16.68 - INFILL DEVELOPMENT STANDARDS | | Chapter 16.138 - MINERAL RESOURCES | |
| | | Chapter 16.140 - SOLID WASTE | |
| **Division III. - ADMINISTRATIVE PROCEDURES** | | Chapter 16.142 - PARKS, TREES AND OPEN SPACES | **X** |
| Chapter 16.70 - GENERAL PROVISIONS | | Chapter 16.144 - WETLAND, HABITAT AND NATURAL AREAS | **X** |
| Chapter 16.72 - PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS | **X** | Chapter 16.146 - NOISE | |
| Chapter 16.76 - APPEALS | | Chapter 16.148 - VIBRATIONS | |
| | | Chapter 16.150 - AIR QUALITY | |
| **Division IV. - PLANNING PROCEDURES** | | Chapter 16.152 - ODORS | |
| Chapter 16.80 - PLAN AMENDMENTS | | Chapter 16.154 - HEAT AND GLARE | |
| Chapter 16.82 - CONDITIONAL USES | | Chapter 16.156 - ENERGY CONSERVATION | **X** |
| Chapter 16.84 - VARIANCES | | | |
| Chapter 16.86 - TEMPORARY USES | | **Division IX. - HISTORIC RESOURCES** | |
| Chapter 16.88 - INTERPRETATION OF SIMILAR USES | | Chapter 16.160 - SPECIAL RESOURCE ZONES | |
| | | Chapter 16.162 - OLD TOWN (OT) OVERLAY DISTRICT | |
| **Division V. - COMMUNITY DESIGN** | | Chapter 16.164 - LANDMARK REVIEW | |
| Chapter 16.90 - SITE PLANNING | | Chapter 16.166 - LANDMARK DESIGNATION | |
| Chapter 16.92 - LANDSCAPING | **X** | Chapter 16.168 - LANDMARK ALTERATION<br>16.168.010 - PROCEDURES | |
| Chapter 16.94 - OFF-STREET PARKING AND LOADING | **X** | 16.168.020 - ALTERATION STANDARDS | |
| Chapter 16.96 - ON-SITE CIRCULATION | **X** | 16.168.030 - VARIANCES TO ALTERATION STANDARDS | |
| Chapter 16.98 - ON-SITE STORAGE | | | |
| Chapter 16.100 - PERMANENT SIGNS | | | |

**SUMMARY OF KEY CONSIDERATIONS AND ISSUES**

*The following comments are based on staff's review of the information provided on the pre-application form and accompanying attachments.*

Summary of Required Land Use Permits

- Type V Planned Unit Development
- Type IV Final Development Plan
- Type III Subdivision
- Type II Street Design Modification
- Type I Final Plat

Zoning & Proposed Land Uses

- The property is zoned Very Low Density Residential (VLDR) and the applicant is proposing a development utilizing the SE Sherwood Master Plan PUD standards. 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. See staff comments below regarding the subject development and conformance with the SE Sherwood Master Plan
- Density should be calculated based on the following definition:
    - *SZCDC § 16.10.020 "Density": 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.*

Development Standards

| **Development Standard (single-family detached)** | **VLDR-PUD** | **Exception Proposed through PUD** |
|---|---|---|
| Lot area | 10,000 SF | No |
| Minimum lot width at front property | 25 ft. | **Yes** |
| Minimum lot width at building line | None | No |
| Lot depth | None | No |
| Max Height | 30 ft. or 2 stories | No |
| Front yard setback | 20 | **Yes** |
| Face of garage setback | 20 | No |
| Interior side yard setback | 5 | No |
| Corner lot street side setback | 20 | **Yes** |
| Rear yard setback | 20 | **Yes** |

- The City is considering a text amendment to the PUD code that would prohibit the development to request changes to the minimum lot area and setbacks of the underlying zone. If the proposed change is adopted by City Council, the minimum lot size would be 10,000 SF and the minimum setbacks would be as shown in the VLDR table above for the subject site. If the application is submitted after the code is adopted, the plat would need to be revised to show conformance with the minimum setback requirements of the VLDR zone. No changes would be required to the lot sizes since all are currently over 10,000 SF.
- The code amendment is on the City Council agenda for December 7 and if passed would become effective on January 7, 2022.
    - *https://www.sherwoodoregon.gov/planning/page/residential-design-standards-code-update-and-implementation-house-bill-2001-housing*

Conformance with the SE Sherwood Master Plan

- The table below provides background on how the SE Sherwood Master Plan area has developed in relation to the B/C alternative.
- The applicant provided a revised Preliminary Plat after the pre-app meeting that proposes 32 residential lots and 1.86-acres of open space.
- For the Moser site specifically, the B/C Alternative identifies a 4.5-acre open space on the property. This natural area would serve as the primary open space for the SE Sherwood planning area and would connect to SW Murdock Rd. via a pedestrian corridor along the northern boundary of the site. Since the plan was created, the trees in this future open space area were removed by the property owner.
    - Staff is supportive of the proposed quantity and location of open space provided in the revised plans. The support assumes additional plantings and improvements not shown on the preliminary plat will be provided. This includes a 15 ft. wide tract or easement providing a pedestrian connection to SW Murdock Rd. between Tract B and Lot 6; a continuous trail system through the open space, new tree planting for the open space, and a usable improvement such as a gazebo in the open space.
    - While the amount of open space proposed is less than what is identified in the SE Sherwood Master Plan area, the proposal will provide usable open space for the neighborhood and public that meets the intent of the master plan. The Sherwood City Council is the final decision maker on this matter.
    - Staff recommends incorporating the historic cattle access lane as part of the open space design

| Development | Open Space | B/C Alternative |
|---|---|---|
| Lane | 21,002 SF | |
| Meadows | 36,574 SF | |
| Summit | 80,167 SF | |
| Moser | 81,143 SF | |

| | | |
|---|---|---|
| **Total** | **5.02 AC** | **11 AC** |

| **Development** | **Net Buildable Site** | **Units** | **Net Density** |
|---|---|---|---|
| Lane | 113,640 SF (2.60 AC) | 7 | 2.69 |
| Meadows | 144,480 (3.32 AC) | 13 | 3.92 |
| Summit | 535,016 (12.28 AC) | 41 | 3.33 |
| Moser (proposed) | 429,818 (9.87 AC) | 32 | 3.24 |
| **Total** | **28.07 AC** | **93** | **3.31** |
| **B/C Alternative** | - | **82** | - |

Conformance with the PUD Approval Criteria

- The application shall discuss why a PUD is being pursued, and how the exceptions from the underlying code are warranted by the unique design and amenities incorporated in the development plan. A list of the exceptions identified by staff is provided below.
- A minimum of 15% open space is required. For determining the "buildable portion" of the site please refer to the definition of "Net Developable Site" in SZCDC § 16.10.
    - Based on the revised Preliminary Plat, the proposed open space calculation is 20.3%. (108,583 SF / 87,143 SF = 20.3%)

Based on the preliminary plans, the following exceptions to the underlying code are being requested:

- Front yard setback, rear yard setback, corner lot street side setback (SZCDC § 16.12.030(C))
- Lot width at front property line (SZCDC § 16.12.030(C))
- Driveway width for access serving 3 or more residential units (SZCDC § 16.96.020(A))
- Cul-de-sac length (SZCDC § 16.106.040(E))
- Pedestrian and Bicycle Connectivity (SZCDC § 16.106.030(B)(6))

Land Division Standards

- All lots in a subdivision shall abut a public street (SZCDC § 16.128.030(B)).
- 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 (SZCDC 16.128.030(D).
- Complete land division standards are located under SZCDC Division VII.

Pedestrian Circulation

- The plans show pedestrian corridor widths at a minimum of 15 ft. which is consistent with the Denali Summit PUD design. Staff recommends using the same design the Denali Summit corridors (5 ft. landscaping on each side of a 5 ft. hard-surface pathway).
- A pedestrian connection to SW Murdock Rd. is required north of the new intersection of SW Curry Ridge Rd. and SW Murdock Rd.

Trees and Landscaping

- SW Murdock Rd. is an arterial street and requires a 15 ft. wide landscaped visual corridor (SZCDC § 16.142.040).
- A 40% tree canopy over the net development site is required for single-family residential development. Preservation of existing native trees in good health can be used to achieve the required canopy. The canopy of preserved trees can be counted twice in obtaining the 40% minimum (SZCDC § 16.142.070(E).
- All trees on the site shall be inventories and described per SZCDC § 16.142.070.

Environmental

- Regionally significant upland habitat is located on the site. Inventory and protection requirements are located in SZCDC § 16.144.020(C). The tree report provided with the application can be used to determine the extent and health of the resource.

Transportation

- A new public street system is proposed to connect to the Denali Meadows and Denali Summit subdivisions. The proposed 52 ft. local street ROW is appropriate for the development. Parking would be permitted on one side. The applicant is encouraged to provide a street parking exhibit with the submittal.
- 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. The application should discuss why a cul-de-sac is proposed based on the standard. An Engineering Design Modification is required for the cul-de-sac. The application should also address SZCDC § 16.106.020(E) for the proposed cul-de-sac.
- Please refer to the City of Sherwood Engineering and Oregon Department of Transportation comments for full transportation comments.

Water, Storm Water, and Other Public Utilities

Please refer to the City of Sherwood Engineering comments.

## AGENCY COMMENTS

**City of Sherwood Engineering Comments**
Please refer to the engineering comments from Craig Christensen, PE. Contact info listed below.

**City of Sherwood Building Division**
Please contact Scott McKie, Building Official, with questions at 503-625-4217 or mckies@sherwoodoregon.gov

**Tualatin Valley Fire & Rescue Comments**
Please contact Ty Darby, Deputy Fire Marshall, with questions at 503-259-1409 or ty.darby@tvfr.com

## APPLICANT QUESTIONS

- *We will be submitting under the PUD guidelines for the VLDR zoning district, which generally allows for some design flexibility. We are showing an interior public street that would meander through the property with one (1) short cul-de-sac street providing access to thirteen (13) lots, with Lots 1 - 3 being rear loaded to eliminate driveways on the Upper Roy extension. Do you see any issues with the proposed cul-de-sac as designed?*

**Response:** The distance between the SW Upper Roy St. and SW Willamette St. intersections along SW Murdock Rd. is approximately 1,000 ft. SW Murdock Rd. is an arterial street under City jurisdiction. The minimum spacing for intersections along an arterial street is 600 ft. and a new street connection between SW Upper Roy and SW Willamette would not meet City spacing standards.

The proposed cul-de-sac is greater than 200 ft. in length and the applicant is required to obtain a design modification from the City Engineering Dept. The application should also address SZCDC § 16.106.020(E). A pedestrian connection in lieu of a public street connection is also required north of SW Upper Roy.

- *Does the location for the proposed Open Space meet City requirements?*

**Response:** The proposed location of open space is consistent with the SE Sherwood Master Plan. The amount of open space provided in the revied plat is still less than what is identified in the master plan.

- *What are the requirements for half street improvements on Murdock?*

**Response:** See City of Sherwood Engineering comments.

- *Any special design considerations for Upper Roy intersection w/Murdock.*

**Response:** Yes, due to proximity of the intersection to Murdock Park and the curve south of the intersection. A design that includes enhanced pedestrian safety at the intersection may be required (e.g. flashing beacon).

- *How does the fee in lieu paid by Miller's project effect Upper Roy construction? Does the fee in lieu go to this developer?*

**Response:** See City of Sherwood Engineering comments or contact Craig Christensen.

- *Can the existing road easement on north line be terminated?*

**Response:** The easement can be terminated if use of the easement is no longer needed. A copy of the easement language and discussion of the need can be submitted with the application.

- *We would like to obtain an early grading permit to stockpile soil on this site the moment the land use approval is obtained. Can we discuss a path to this effort?*

**Response:** A grading permit can be issued after land use approval is received. Staff can discuss early review of a grading permit, however, issuance of a permit is also dependent on reviews from DEQ and CWS. Those reviews may require land use approval. Please also be aware that leading up to the hearing, staff focus will be on the land use application.

- *Another thing to think about is grading out the backs of Lots 1-5 on the Denali Summit PUD to the south of the Mosier property, which is being developed by the same developer. With the grading of Lots 1 – 5 in the Denali Summit PUD, now that the developer controls the Mosier property, is it possible to remove the boulder wall that has recently been discussed. Any thoughts on how to accomplish this task?*

**Response:** Please refer to the City of Sherwood Engineering comments or contact Craig Christensen.

- *Should we record a grading easement on the Denali Summit plat to allow for grading efforts required for this Mosier site? If so, would this be a temporary easement?*

**Response:** Please refer to the City of Sherwood Engineering comments or contact Craig Christensen.

- *Water looping and water zones were a topic at Denali Summit does this come into plan with this site?*

**Response:** Please refer to the City of Sherwood Engineering comments or contact Craig Christensen.

*Confirm density with proposed layout - City code reads as follows:*

*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.*

*Based on the submitted layout, does the design generally conforms to the concepts, goals and objectives of the SE Sherwood MP to achieve a maximum density of four (4.0) dwelling units per net buildable acre?*

**Response:** Please refer to the discussion above regarding conformance with the SE Sherwood Master Plan. Staff supports the location and quantity of open space shown in the revised plat, however, it is still short of what is shown in the master plan. Additional details to come to that conclusion were discussed during meetings are not shown on the plans. This includes a 15 ft. wide pedestrian connection to SW Murdock Rd., a gazebo in the open space tract, new tree plantings in the open space tract, and continuation of the trail system from the Denali Summit subdivision. The final decision maker on this matter is City Council.

# Contact Information and Helpful Links

## PLANNING DEPARTMENT INFORMATION

| | |
|---|---|
| **Colleen Resch,** Planning Technician | reschc@sherwoodoregon.gov / 503-625-4223 |
| **Eric Rutledge**, Associate Planner | rutledgee@sherwoodoregon.gov / 503-625-4242 |
| **Joy Chang,** Senior Planner | changj@sherwoodoregon.gov / 503-625-4214 |

**Current Project Page:**
https://www.sherwoodoregon.gov/projects?tid=All&field_project_status_value=All&field_project_type_tid=93&keys=&=Apply

**Planning Applications and Checklists:**
https://www.sherwoodoregon.gov/planning/page/land-use-applications-and-checklists

## ENGINEERING DEPARTMENT INFORMATION

| | |
|---|---|
| **Jo Guediri,** Engineering Program Associate | guedirij@sherwoodoregon.gov / 503-925-2309 |
| **Craig Christensen,** Civil Engineer P.E. | christensenc@sherwoodoregon.gov / 503-925-2301 |
| **Bob Galati,** City Engineer P.E. | galatib@sherwoodoregon.gov / 503-925-2303 |

**Engineering Department Home Page:** https://www.sherwoodoregon.gov/engineering

**Permit Process Packet:** www.sherwoodoregon.gov/engineering/page/eng-permit-process-packet-forms

**System Development Charges (SDC) Information:**
https://www.sherwoodoregon.gov/engineering/page/system-development-charges-sdc

## BUILDING DEPARTMENT INFORMATION

| | |
|---|---|
| **Karen Abdill,** Lead Building Permit Specialist | abdillk@sherwoodoreong.gov / 503-625-4226 |
| **Scott McKie,** Building Official | mckies@sherwoodoregon.gov / 503-625-4217 |

**Building Department Home Page:** https://www.sherwoodoregon.gov/building

**Building Permit Forms:** https://www.sherwoodoregon.gov/building/page/permit-forms

# Engineering Pre-Application Comments

| | |
|---|---|
| To: | Eric Rutledge, Associate Planner |
| From: | Craig Christensen, P.E., Engineering Department |
| Project: | PAC 2021-013 Denali Moser |
| Date: | October 22, 2021 |

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 Engineering Department and Public Works Department, Clean Water Services (CWS) and Tualatin Valley Fire & Rescue in addition to requirements established by other jurisdictional agencies providing land use comments. City of Sherwood Engineering Department comments are as follows:

Sanitary Sewer

There is an existing 8-inch diameter public sanitary sewer main within SW Murdock Road from SW Upper Roy Street to 200 feet north of SW Upper Roy Street along the subject property frontage. The depth of this sanitary sewer makes it questionable as to its ability to serve some of the lower areas of the subject property. Sanitary sewer will need to be extended through the interior of the development to provide public sanitary sewer to all new lots.

Any existing septic system on the site will need to be abandon in accordance with all applicable regulations.

Water

There is an existing 12-inch diameter public water main within SW Murdock Road along the full length of the subject property frontage. This main provides all the needed service within this area. Therefore no extension of the existing water system is anticipated outside of that needed to serve the subject development.

The new water system interior to the subject development will likely be required to connect to the surrounding systems. There are 3 separate pressure zones in the area (380', 400' and 535'). The pressure zone to be used for this area is unknown at this time. Additional offsite work may be necessary if the 400' pressure zone is to serve the development.

Any well on the site will either need to be abandoned or maintained in accordance with all applicable regulations.

Storm Sewer

There is a 12-inch diameter existing storm sewer main located within SW Murdock Road along the northern portion of the property frontage receiving the runoff from a ditch on the east side of SW Murdock Road. This storm sewer discharges into a ditch which runs along the east side of SW Murdock Road further north of the subject property frontage. This storm water eventually flows to a water quality facility that may currently be inoperable. Extension of the storm sewer within SW Murdock Road will likely be required as necessary to receive storm runoff from the SW Murdock Road street improvements and will need to be extended through the interior of the development to provide public storm sewer to new public streets and to all new lots.

Water quality treatment and hydromodification will likely be required in compliance with Clean Water Services (CWS) standards. Street access to the water quality/hydro-modification facility will likely be required.

A storm water report meeting CWS standards will be required. As part of the storm water report, it will likely be required that a downstream analysis be provided to show that the downstream storm system has capacity for the proposed development.

Transportation

The subject property is bordered by SW Murdock Road (Arterial Street) to the west of the subject property. SW Murdock Road will likely be a 3-lane street along the frontage of the subject property to provide for a median left turn lane. SW Murdock Road will likely need to be widened to 50 feet of pavement from the curb on the opposite (west) side of SW Murdock Road with 5-foot wide landscape strip, 6-foot wide sidewalk, 1-foot wide buffer strip and right-of-way dedication as necessary to accommodate the street section. This street section will accommodate two 6-foot wide bike lanes, two 12-foot wide travel lanes and one 14-wide left turn lane. Street lighting along SW Murdock Road will likely be required as well as the undergrounding of overhead utility lines along the frontage of the subject property. Restriping of SW Murdock Road south of its intersection with SW Upper Roy Street will likely be required to create a north bound left turn lane south of the intersection. A landscaped median area may be required within SW Murdock Road outside of the left turn lane areas.

A rapid flashing beacon may be required at the SW Murdock Road/SW Upper Roy intersection.

The extension of SW Upper Roy Street eastward into the subject property and other interior streets will likely be required to provide for a 28-foot wide paved street with a 5-foot wide landscape strip, 6-foot wide sidewalk, 1-foot wide buffer strip. Street lighting will be required along new public streets.

Right-of-way dedication for the extension of SW Upper Roy on the property south of the subject property will be dedicated upon recording of the Denali Summit plat.

The proposed cul-de-sac shown appears to be in excess of the allowed 200-foot maximum. A code variance/design modification request will need to be approved.

A payment in lieu of constructing improvements along the extension of SW Upper Roy Street is being made by the property to the south as part of the requirements for that development. Upon final acceptance of the public improvements for the subdivision, the payment in lieu money being held by the city can be released to the developer of this development.

Other Engineering Issues:
A CWS Service Provider Letter is required.

A CWS Storm Water Connection Permit Authorization is required.

The subject development disturbance exceeds 5 acres, therefore a DEQ NPDES 1200-C permit will be required.

A Public Utility Easement with a minimum width of 8 feet will likely be required along all right-of-way frontage.

SW Murdock Road is an arterial status street. Arterial status streets are subject to visual corridor requirements meeting Sherwood Municipal Code standards.

There is an As-Built Request Form on the City of Sherwood website for acquisition of as-built plans.

A System Development Charge spreadsheet is available for use in the forms section on the City of Sherwood website.

Sherwood Broadband conduits and vaults shall be installed along all right-of-way frontages within the PUE.

Overhead utilities along the east side of SW Murdock Road will need be relocated underground.

If there are contaminants in site soils that require clean up, then the necessary permitting shall be obtained from DEQ for the clean up operations and a finding of “No Further Action” will need to be received.

END OF COMMENTS

DISCLAIMER: The comments provided above are initial in nature and are in no way binding as to what conditions may or may not be imposed upon the development in the Notice of Decision.

Case No. _____
Fee _____
Receipt #_____
Date _____
TYPE_____

City of Sherwood
Oregon
*Home of the Tualatin River National Wildlife Refuge*

**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:_____ Phone: _____
Applicant Address: _____ Email: _____
Owner:_____ Phone: _____
Owner Address: _____ Email: _____
Contact for Additional Information: _____

**Property Information:**

Street Location: _____
Tax Lot and Map No: _____
Existing Structures/Use: _____
Existing Plan/Zone Designation: _____
Size of Property(ies) _____

**Proposed Action:**

Purpose and Description of Proposed Action:

Proposed Use: _____

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 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.

# APPLICATION MATERIALS REQUIRED FOR

# SUBDIVISION PLAT

**Submit the following to the City of Sherwood Planning Department, 22560 SW Pine St., Sherwood, OR 97140: (503) 925-2308.**

**It is strongly suggested that you have a pre-application meeting with the City prior to submitting for a Subdivision. (See *Pre-application Process* form for information.)**

**Note:** The Clean Water Services (CWS) requires a pre-screening to determine if water quality sensitive areas exist on the property. If these sensitive areas exist, a Site Assessment and Service Provider Letter is required prior to submitting for a subdivision or minor land partition or undertaking any development. **This application will not be accepted without a completed Pre-Screening Form and if required a Service Provider Letter.** Please contact CWS at (503) 681-3600.

If the proposal is next to a Washington County roadway, the applicant must submit an Access Report (Traffic Study) to Washington County Department of Land Use and Transportation (503) 846-8761. **This application will not be accepted until an Access Report (Traffic Study) is submitted to Washington County and the Access Report is deemed complete by the County; or written verification from Washington County that an Access Report is not required is provided.**

**I.** **Fee -** See City of Sherwood current Fee Schedule, which includes the "Publication/Distribution of Notice" fee, at **www.sherwoodoregon.gov.** Click on Departments/Planning/ Fee Schedule.

**Note:** The above fee is required at the time you submit for a subdivision. Additional fees will be charged for building permit, system development charges, impact fees and other fees applicable to the development. These fees will be charged when you make application for building permit. Building permit application will not be accepted until the final plat is recorded.

**II.** **BACKGROUND INFORMATION** (all materials collated and folded (not rolled) to create fifteen (15) sets)

*****Note that the *final* application must contain fifteen (15) folded sets of the above, however, upon initial submittal of the application and prior to completeness review, the applicant may submit three (3) complete folded sets with the application in lieu of fifteen (15), with the understanding that fifteen (15) complete sets of the application materials will be required before the application is deemed complete and scheduled for review.

- ☐ **Application Form –** One original and fourteen (14) copies of a completed **City of Sherwood Application for Land Use Action** form. Original signatures from all owners must be on the application form.

- ☐ **Documentation of Neighborhood Meeting** - Affidavits of mailing, sign-in sheets and a summary of the meeting notes shall be included with the application.

- ☐ **Tax Map** - Fifteen (15) copies of the latest Tax Map available from the Washington County Assessor's Office showing property within at least 300 feet with scale (1"=100' or 1"= 200') north point, date and legend.

- ☐ **Mailing Labels –** Two (2) sets of mailing labels for property owners within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice. Mailing labels are available from the Washington County Assessors office or a private title insurance company. . Ownership records shall be based on the most current available information from the Tax Assessor's office. *It is the applicant's responsibility to provide mailing labels that accurately reflect all property owners that reside within 1,000 feet of the subject site.*

- ☐ **Vicinity Map –** Fifteen (15) copies of a vicinity map. A photocopy of the Thomas Guide is adequate, showing the City limits and the Urban Growth Boundary.

- ☐ **Narrative –** Fifteen (15) copies and **an electronic copy** of a narrative explaining the proposal in detail and a response to the Required Findings for Subdivision, located in Chapter 16 of the Municipal Code/Zoning & Development, Section 16.120. The Municipal Code/Zoning & Development is available online at www.sherwoodoregon.gov, City Government/Records.

- ☐ **Electronic Copy –** An electronic copy of the entire application packet. This should include all submittal materials (narrative, vicinity map, mailing labels, site plan, preliminary plat, etc.).

## III. REQUIRED PLANS

Submit fifteen (15) sets of the following folded full-size plans and **an electronic copy in PDF format**. Plans must have:

1) The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.
2) The name, address and phone of the owner, developer, applicant and plan producer.
3) North arrow,
4) Legend,
5) Date plans were prepared and date of any revisions
6) Scale clearly shown. Other than architectural elevations, all plans must be drawn to an engineer scale.
7) All dimensions clearly shown.

- ☐ **Existing Conditions Plan** - Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and utilities, existing vegetation including trees, any floodplains or wetlands and any easements on the property. The existing conditions plan shall also include the slope of the site at 5-foot contour intervals

☐ **Preliminary Development Plans-** Plans must be sufficient for the Hearing Authority to determine compliance with applicable standards. The following information is typically needed for adequate review:

1. The subject parcel(s), its dimensions and area and the buildable area of each lot.

2. The location and dimensions of proposed development, including the following:

Transportation

a. Public and private streets with proposed frontage improvements including curb, gutters, sidewalks, planter strip, street lighting, distances to street centerline, pavement width, right-of-way width, bike lanes and driveway drops.
b. Public and private access easements, width and location.
c. General circulation plan showing location, widths and direction of existing and proposed streets, bicycle and pedestrian ways and transit routes and facilities.
d. Show the location and distance to neighboring driveways and the width and locations of driveways located across the street.
e. The location and size of accesses, sight distance and any fixed objects on collectors or arterial streets.
f. Emergency accesses.

Grading and Erosion Control

g. Indicate the proposed grade at two (2)-foot contour intervals.
h. Indicate the proposed erosion control measures to CWS standards (refer to CWS R&O 07-20).
i. Show areas of cut and fill with areas of structural fill.
j. Show the location of all retaining walls, the type of material to be used, the height of the retaining wall from the bottom of the footing to the top of the wall and the exposed height of the wall.

Utilities

k. Utilities must be shown after proposed grade with 2-foot contour intervals.
l. Map location, purpose, dimensions and ownership of easements.
m. Fire hydrant locations and fire flows.
n. Water, sewer and stormwater line locations, types and sizes.
o. Clearly indicate the private and public portions of the system.
p. Above-ground utilities and manhole locations

Preliminary Stormwater Plan

q. Show location, size and slope of water quality facility.
r. Preliminary calculations justifying size of facility.
s. The total square footage of the new and existing impervious area.
t. Indicate a stormwater facility to CWS standards (CWS R&O 07-20).

Sensitive Areas

u. Show any and all streams, ponds, wetlands and drainage ways.
v. Indicate the vegetative corridor for sensitive areas to CWS standards. (R&O 07-20).
w. Indicate measures to avoid environmental degradation that meet CWS, DSL and Army Corp requirements.
x. Flood elevation.
y. Wetland delineation and buffering proposed.

Land Use

z. The square footage of each building and a break down of square footage by use. (i.e. retail, office, industrial, residential, etc.).
aa. Net buildable acres. (The land remaining after unbuildable areas are taken out, such as the floodplain and wetland areas.)
bb. Net density calculation for residential use.
cc. Existing trees proposed to remain and trees to be removed and the drip-lines of trees proposed to remain.
dd. Street tree location, size and type. (refer to Ch. 8, Section 8.304.06 of the Community Development Code).
ee. Location, size and height of proposed free-standing signs.
ff. Location, height and type of fencing and walls.
gg. For each lot indicated the building envelope.

☐ **Reduced - Proposed Development Plans –** One (1) reduced copy of the Proposed Development Plans on 8 1/2" by 11" sheets and fifteen (15) reduced copies on 11" by 17" sheets.

☐ **Lighting Plan** – Photometric lighting plan indicating foot candle power on and along the perimeter of the site. Proposed locations, height and size of lights. (If outdoor lighting is proposed).

☐ **Surrounding Land Uses –** Existing land use including nature, size and location of existing structures within 300 feet. .

## IV. DOCUMENTS REQUIRED

☐ **Title Report** – Two (2) copies of a current preliminary title report available from a private title insurance company.

☐ **CWS Service Provider Letter** – Four (4) copies of the CWS service provider letter.

☐ **Soils Analysis and/or Geotechnical Report** – Four (4) copies completed by a registered Soils Engineer or Geologist including measures to protect natural hazards. (If required by the City Engineer).

☐ **Traffic Study –** Four (4) copies of a traffic study. (If required by the City Engineer

## V. ADDITIONAL DOCUMENTS THAT MAY BE REQUIRED

☐ **Army Corps and DSL wetland applications and/or permits –** Four (4) copies of required Divisions of State Lands and/or Army Corp of Engineers permits and/or permit applications if applicable.

☐ **Trip Analysis** - verifying compliance with the Capacity Allocation Program, if required per 16.108.070.

☐ **Tree Report –** Two (2) copies of a tree report prepared by an arborist, forester, landscape architect, botanist or other qualified professional. (If trees are on-site).

- ☐ **Natural Resource Assessment –** If required by Clean Water Services (CWS). The CWS Pre-Screening indicates as to whether this report is required or not.

- ☐ **Wetland Delineation Study –** if required by Oregon Division of State Lands (DSL) or the Army Corps of Engineers.

- ☐ **Other Special Studies and/or Reports –** if required by the Planning Director or the City Engineer to address issues identified in the pre-application meeting or during project review.

- ☐ Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County

## 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.

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.
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.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
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.
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.
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 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.

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.

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.

3. That exceptions from the standards of the underlying zoning district are warranted by the unique design and amenities incorporated in the development plan.

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).

5. That the system of ownership and the means of developing, preserving and maintaining parks and open spaces are acceptable.

6. That the PUD will have a beneficial effect on the area which could not be achieved using the underlying zoning district.

7. That the proposed development, or an independent phase of the development, can be substantially completed within one (1) year from date of approval.

8. That adequate public facilities and services are available or are made available by the construction of the project.

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.

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).

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.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-003, § 2, 4-5-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. No. 2008-015, § 1, 10-7-2008; Ord. 2001-1119, § 1; 98-1053; Ord. 86-851, § 3)

# PLANNING DEPARTMENT NEIGHBORHOOD MEETING PACKET

**(Required for all Type III, IV or V projects)**

Submit the following with land use application materials to the City of Sherwood Planning Department, 22560 SW Pine St., Sherwood, OR 97140: (503) 625-5522.

The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development per Sherwood Zoning and Community Development Code 16.70.020. The meeting must be held in a public location **prior** to submitting a land use application.

☐ Affidavits of mailing to adjacent property owners that are within 1,000 feet of the subject application.

☐ Sign-in sheet(s)

☐ Summary of the meeting notes

*(Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in 16.72.020.)*

# Affidavit of Mailing

DATE:

STATE OF OREGON )
)
Washington County )

I, _____, representative for the _____ proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on _____.

_____
Representatives Name:
Name of the Organization:

# NEIGHBORHOOD MEETING SIGN IN SHEET

**Proposed Project:** _____

**Proposed Project Location:** _____

**Project Contact:** _____

**Meeting Location:** _____

**Meeting Date:** _____

| **Name** | **Address** | **E-Mail** | **Please identify yourself (check all that apply)** | | | |
|---|---|---|---|---|---|---|
| | | | Resident | Property owner | Business owner | Other |
| | | | | | | |
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**Continued sign-in sheet for proposed project:_____ Date:_____**

| Name | Address | E-Mail | Please identify yourself (check all that apply) | | | |
|---|---|---|---|---|---|---|
| | | | Resident | Property owner | Business owner | Other |
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# NEIGHBORHOOD MEETING LOCATIONS

Neighborhood meetings must be held in the City of Sherwood, preferably near the proposed project location. The following is a list of potential meeting locations but is not all inclusive.

Chamber of Commerce (tentative) – 16065 SW Railroad Street ……..…503-625-7800
(Contact the Chamber of Commerce for more information.)

Sherwood School District
Archer Glen Elementary School -16155 SW Sunset Blvd
Edy Ridge Elementary School - 21472 SW Copper Terrace
Hopkins Elementary School - 21920 SW Sherwood Blvd
Laurel Ridge Middle School - 21416 SW Copper Terrace
Middleton Elementary School - 23505 SW Old Hwy 99W
Sherwood Charter School - 23264 SW Main Street
Sherwood Middle School - 21970 SW Sherwood Blvd
Sherwood High School - 16956 SW Meinecke Road

Contact Liz Gally……503-825-5922
*The school district rents their facilities. The fee schedule is available on their website at http://sherwood.k12.or.us/*

Marjory Stewart Senior Center – 21907 SW Sherwood Blvd…….503-625-5644

Sherwood City Hall - 22560 SW Pine Street……503-625-5522

Sherwood Police Department - 20495 SW Borchers Drive……..…503-625-5523

Tualatin Valley Fire & Rescue - 15440 SW Oregon Street…….503-649-8577
(Contact administrative office and request to set up a meeting at Sherwood fire department.)

YMCA – 23000 SW Pacific Highway .....503-625-9622
(Contact Lauren O'Halloran)

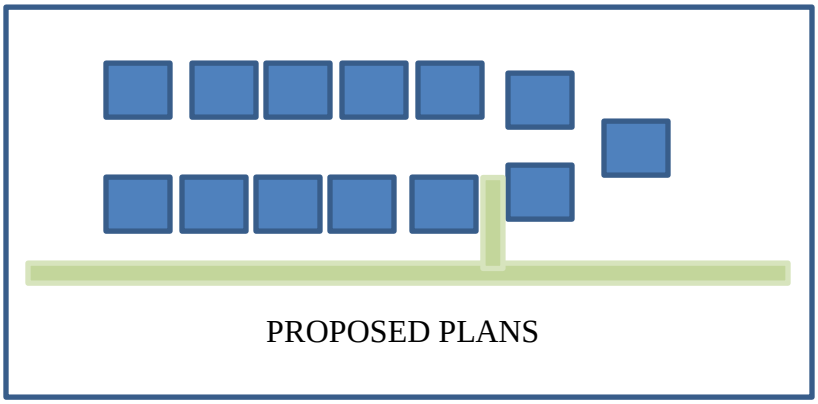
Other locations could include churches, coffee shops, developer's office, onsite, etc. provided they are open to the public to attend, conveniently located and are within the City of Sherwood.

# EXAMPLE NOTICE A

# NOTICE OF NEIGHBORHOOD MEETING

A Neighborhood Meeting will be held on January 1, 2011 at 123 SW Local Street (Subject site) to inform the community about our proposed subdivision. Interested community members are encouraged to attend this meeting. Please contact John Doe at 555-555-5555 for additional information.

**PROJECT PROPOSAL**: The ABC Group is proposing a thirteen (13) Lot subdivision at 123 Local Street. The subdivision will have single family homes that are all constructed in one phase. We are also proposing a pathway connecting this subdivision to the adjacent neighborhoods.



PROPOSED PLANS

## Agenda

6:30PM – Welcome
7 PM - Project Presentation
8 PM – Question and Answer
9 PM – Meeting Adjourn

## Meeting Information

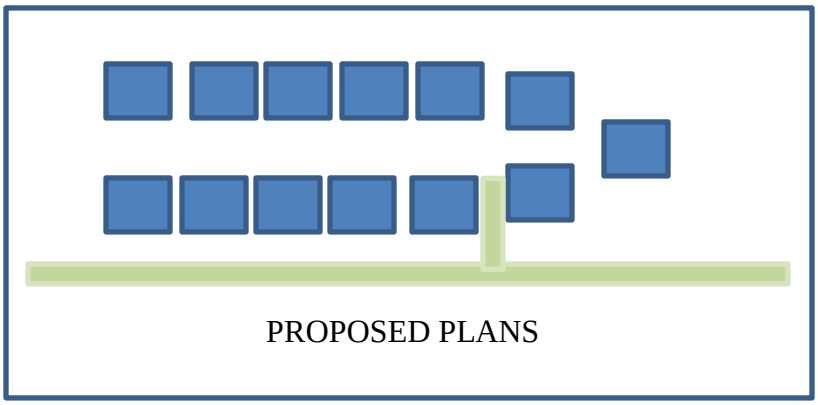
DATE: January 1, 2011
TIME: 7 PM
LOCATION: 123 SW Local Street (Subject site)
CONTACT: John Doe, Project Manager at ABC Group 555-555-5555

EXAMPLE NOTICE B

# NOTICE OF NEIGHBORHOOD MEETING

A Neighborhood Meeting will be held on January 1, 2011 at 123 SW Local Street (Subject site) to inform the community about our proposed subdivision. Interested community members are encouraged to attend the open house. Please contact John Doe at 555-555-5555 for additional information.

**PROJECT PROPOSAL:** The ABC Group is proposing a thirteen (13) Lot subdivision at 123 Local Street. The subdivision will have single family homes that are all constructed in one phase. We are also proposing a pathway connecting this subdivision to the adjacent neighborhoods.



PROPOSED PLANS

**Open House Information**

DATE: January 1, 2011
TIME: 7 – 9PM
LOCATION: 123 SW Local Street (Subject site)
CONTACT: John Doe, Project Manager at ABC Group  555-555-555

CITY OF SHERWOOD
COVID-19 VIRTUAL NEIGHBORHOOD MEETING REQUIREMENTS

May 11, 2020

Effective immediately due to the Coronavirus (Covid-19) outbreak, the City of Sherwood Planning Department will accept a virtual meeting alternative in place of an in-person Neighborhood Meeting. This option will allow land use applications to move forward while still providing an opportunity for community members to provide valuable input on development projects. The virtual meeting alternative will be in effect until the City determines it is no longer necessary based on official County and State restrictions related to Covid-19.

This is a temporary option for holding a Neighborhood Meeting during the time covered by the Governor's order and does not permanently replace any portion of current Sherwood Zoning and Community Development Code's requirements for Neighborhood Meetings under SZCDC § 16.70.020. The Virtual Neighborhood Meeting Requirements are described below.

1. The applicant's Virtual Neighborhood Meeting notice materials shall be mailed to property owners and recognized neighborhood organizations within 1,000 ft. of the subject application site and shall include all the following:

    - A written narrative explaining the development proposal.
    - A legible (preferably rendered) site plan.
    - A URL for the virtual meeting (to be held on Zoom, Skype, Go-to-Meeting, Microsoft Teams, or other similar online platform), and information on how members of the public can access the virtual meeting.
    - A toll-free phone number providing an alternative for participation by phone.
    - Addresses where written comments and questions can be submitted via email and US Postal Service prior to the meeting.
    - A URL for a website, Dropbox, or other online platform hosted by the applicant providing public access to a copy of the mailing materials and other typical neighborhood meeting materials (grading plan, landscape plan, renderings, etc.). These materials shall be posted online the same day the meeting notice is mailed.

2. In executing the Virtual Neighborhood Meeting, the applicant shall:

    - Hold the online meeting at the time and virtual location posted in the notice.
    - During the meeting, collect names and contact information of all participants and provide that information with the meeting summary (in lieu of a sign-in sheet).
    - During the meeting, solicit input and exchange information about the proposed development

- During the meeting address all questions and comments submitted prior to the meeting by email or USPS.

3. The following information is required to be submitted with the land use application:

- An affidavit of mailing to adjacent property owners and recognized neighborhood organizations within 1,000 ft. of the subject application site
- A sign in sheet (name and contact info of participants collected during the meeting)
- Any correspondence (email or USPS) the applicant receives regarding the meeting
- A summary of the meeting notes

*Please note that if the virtual meeting is to be recorded, all participants shall be notified that the meeting is being recorded.*

***Sherwood Zoning and Community Development Code (for reference)***
***16.70.020 - Neighborhood Meeting***

*A. The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development.*

*B. Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Affidavits of mailing, sign-in sheets and a summary of the meeting notes must be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.*

*1. Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in 16.72.020.*

April 25, 2022

JT Roth
Attn: Tim Roth
12600 SW 72nd Avenue, Ste. 200
Portland, OR 97223

VIA EMAIL

RE: 22900 SW Murdock Road – ESA Compliance for Early Grading Permits
(TL: 2S133BC01700)

Dear Tim:

As requested, ES&A did a review of potential listed threatened and endangered species occurring within the proposed early grading for the site. The potential for listed species occurrence on site was evaluated based on the site investigation completed for the natural resource assessment for the Clean Water Services (CWS) Service Provider Letter (SPL).

The attached CWS Site Assessment report provides a summary of the existing habitat on site and the extent of any regulated water resource sensitive areas or associated vegetated corridor (VC) buffers. The entire site was investigated for sensitive habitat as well as migratory bird nests.

***Site Conditions***

The site has an existing residential building and ancillary structures in the western end of site with a gravel driveway entering the site from SW Murdock Road. The northwest quadrant of the project area is a weedy field. Trees have been largely removed from this end of site, but there are a few Pacific madrone trees (*Arbutus menziesii*) scattered throughout.

The eastmost two-thirds of the property is characterized by steeper slopes, with large patches of Himalayan blackberry creating a mosaic with open grassy areas. This portion of the site was logged sometime after 2006. Scattered clusters of Pacific madrone trees are found throughout this part of the property. The southeastern portion of the property with its meandering logging roads, hosts bigleaf maple and Pacific madrone intermixed in large patches of invasive blackberry.

The most likely location on site for any potential species presence is within the undisturbed perimeter of site in the north and eastern edges of site within mature trees along the property boundary. An extensive riparian forest borders the eastern edge of the site and extends east down to the Rock Creek floodplain. The off-site riparian forest is the most likely habitat for listed species. No impacts to offsite forest habitat is proposed with site development and this area will remain protected as open space.

### *USFWS Regulated Species*

A list of ESA species potentially present within the project vicinity was obtained through the USFWS on-line Information, Planning and Conservation System (IPAC) (USFWS 2020). The USFWS Endangered Species Program lists a total of seven (7) threatened or endangered species potentially occurring within the project vicinity, including three bird species and five plant species.

The two bird species listed on the USFWS Planning and Conservation System are the northern spotted owl (*Strix occidentalis caurina*) and streaked horned lark (*Eremophila alpestris strigata*). Habitat requirements for the northern spotted owl include old growth coniferous forests and the streaked horned lark requires open dry grassland. Neither of these habitat types is present within the project site. The site has been logged so no old-growth forest habitat is present and existing habitat is scrub and small sapling vegetation with no suitable grassland.

The two insect species include listed Threatened Fender's Blue Butterfly (*Icaricia icarioides fenderi)* and Candidate Monarch Butterfly (*Danaus plexippus)*. Habitat requirements for Fender's Blue Butterfly include native prairie and oak savannah, and it requires Kincaid's lupine (*Lupinus sulphureus)* as a host plant. Neither of these habitat types is present within the project site. Monarch butterfly habitat requirements include flowering plants and milkweed for breeding which can occur in a wide range of conditions such as grassland, tundra, urban cities, rural agricultural habitat, wetland, mountain, and coastal habitats. There was no observed suitable flowing plants or milkweed observed on site. While there is potential for suitable habitat for this species, the probability of constant annual Monarch presence is low give the highly disturbed and significantly altered conditions by past clearing.

The three (3) listed plants include Kincaid's lupine (*Lupinus sulphureus ssp. kincaidii*), Nelson's checker-mallow (*Sidalcea nelsoniana*), and Willamette Daisy (*Erigeron decumbens var. decumbens*). Habitat requirements for the three species include wet prairie and upland prairie. Neither of these habitat types is present within or adjacent to the project site.

Nelson's checker-mallow may occur in wet ditches and emergent wetland. However, the probability that Nelson's checker-mallow would be present given the highly disturbed condition of the on-site emergent wetland on site is extremely low.

### *NMFS Regulated Species*

There are no streams or riparian habitat within the site. The nearest stream is Rock Creek, which is approximately 200 feet offsite to the east of the project area. According to Oregon Fish Habitat Distribution Barriers provided by the Oregon Department of Fish and Wildlife (ODFW), Rock Creek is within the fish district NWWD-Coast Range Unit.

Three species of listed anadromous fish under the jurisdiction of NMFS are present in Rock Creek. There are no offsite barriers downstream, northeast of the site and all three of these fish species show up on the *ODFW* Oregon Fish Habitat Distribution and Barriers database as being present in the waterways (StreamNet 2019).

*Listed Species Review*

The ODFW Oregon Fish Habitat Distribution and Barriers database documented four (4) potential federal or state listed or sensitive species within proximity of the project site:

1. Coho salmon (Lower Columbia River ESU) (*Oncorhynchus kisutch*)
2. Steelhead (Lower Columbia River ESU, winter run) (*Oncorhynchus mykiss*)
3. Chiselmouth chub (Lower Columbia River ESU) (*Acrocheilus alutaceus)*

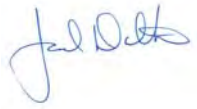
*Sensitive:*

4. Pacific lamprey (*Lampetra tridentata*)

The proposed project will not alter the Rock Creek channel stream habitat used by these species and the project will meet local stormwater treatment and detention requirements to minimize impacts to water quality and quantity in the offsite creek. Current habitat use by these species will not be impacted by project.

Please let me know if you have any questions about this review.

Sincerely,



Jack Dalton
Environmental Science & Assessment, LLC

Cc: Steve Miller Emerio Design.

Attachments:
CWS Site Assessment-Murdock Road

Clean Water Services

# SENSITIVE AREA CERTIFICATION FORM

**Clean Water Services File Number**

**1. Property Information** (example 1S234AB01400)

Tax lot ID(s): 2S133BC01700

Site Address: 22900 SW Murdock Rd

City, State, Zip: Sherwood, Oregon, 97140

Nearest cross street: SW Upper Roy St

**2. Owner Information**

Name: Tim Roth

Company: JT Roth Construction

Address: 12600 SW 72nd Ave., Ste. 200

City, State, Zip: Portland, OR 97223

Phone/Fax:

E-Mail: timr@jtrothinc.com

**3. 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 Early Grading - Residential development

**4. Applicant Information**

Name: Tim Roth

Company: JT Roth

Address: 12600 SW 72nd Ave., Ste. 200

City, State, Zip: Portland, OR 97223

Phone/Fax:

E-Mail: kenzier@jtrothinc.com

**5. Check any of the following that apply to this project**

- ☐ Adds less than 500 square feet of impervious surface.
- ☐ Does not encroach closer to the Sensitive Area than existing development on the property.
- ☑ Is not located on a slope greater than 25%.

**6. Applicant Information**

Name: Jack Dalton

Company: Environmental Science & Assessment, LLC

Address: 4831 NE Fremont Street, Ste., 2B

City, State, Zip: Portland, OR 97213

Phone/Fax: (503) 478-0424

E-Mail: jack@esapdx.com

**7. Will the project involve any off-site work?** ☐ Yes ☑ No ☐ Unknown (check appropriate box)

If yes, location and description of off-site work:

**8. Additional comments or information that may be needed to understand your project:**

**9. An on-site, water quality sensitive area reconnaissance was completed on:**

Date 11/10/21 By Jack Dalton, Alex Sherman

Title Wetland Scientist Company Environmental Science & Assessment, LLC

Clean Water Services

# SENSITIVE AREA CERTIFICATION FORM

**Clean Water Services File Number** _____

**10. Existence of Water Quality Sensitive Areas** (check all appropriate boxes)

As defined in the District's Design and Construction Standards:

A. Water Quality Sensitive Areas ☒ do ☐ do not exist on the tax lot.

B. Water Quality Sensitive Areas ☒ do ☐ do not exist within 200' on adjacent properties, or ☐ unable to evaluate adjacent property.

C. Vegetated corridors ☒ do (7519 SF) ☐ do not exist on the tax lot.

D. Vegetated corridors ☒ do ☐ do not exist within 200' on adjacent properties, or ☐ unable to evaluate adjacent property.

E. Impacts to sensitive areas and/or vegetated corridors will occur ☐ On-site ☐ Off-site ☒ None proposed at this time.

F. If impacts, mitigation is ☐ On-site ☐ Off-site ☐ Other_____

**11. Simplified Site Assessment containing the following information:** (check only items submitted)

Please refer to Design and Construction Standards 19-5 section 3.02.2, as amended by Resolution and Order 19-22, for application requirements.

☐ Complete Certification Form (2 pages)

☐ Written description of the site and proposed activity.

☐ Site plan of the entire property.

☐ Photographs of the site labeled and keyed to the site plan.

**12. Standard Site Assessment containing the following information:** (check only items submitted)

Please refer to Design and Construction Standards 19-5 section 3.02.2, as amended by Resolution and Order 19-22, for application requirements.

☒ Complete Certification Form (2 pages)

☒ Written description per Design and Construction Standards 19-5 section 3.13.3 b. 1, as amended by Resolution and Order 19-22

☒ Wetland Data sheets

☒ Vegetated Corridor Data sheets

☒ Existing Site Condition Figures

☒ Proposed Development Figures

**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.**

**Applicant:**

Print/Type Name Jack Dalton Print/Type Title Wetland Scientist

Signature _____ Digitally signed by Jack Dalton DN: cn=Jack Dalton, o=ES&A LLC, ou, email=jack@esapdx.com, c=US Date: 2022.04.01 14:30:42 -07'00' Date 4/1/22

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**APPENDIX B: SITE PHOTOGRAPHS**
**APPENDIX C: WETLAND DELINEATION DATA FORMS**
**APPENDIX D: VEGETATED CORRIDOR DATA FORMS**

## INTRODUCTION

Environmental Science & Assessment, LLC (ES&A) conducted a Site Assessment for a subdivision development project at 22900 SW Murdock Road in Sherwood, Oregon (Figure 1). The 12.4-acre study area is a single tax lot (TL# 2S133BC01700) located in the northwest quarter of Section 33 in Township 2 South, Range 1 West.

The following appendices are included with this report:
Appendix A: Figures
Appendix B: Site Photographs
Appendix C: Wetland Delineation Data Forms
Appendix D: Vegetated Corridor Data Forms

## METHODOLOGY

The primary guidance document for this report is the *Design and Construction Standards for Sanitary Sewer and Surface Water Management*, R&O 19-5 as amended by R&O 19-22 (Clean Water Services, 2019), which provides the methodology for assessing the presence and extent of Sensitive Areas (SAs) within the development site and within 200 feet of the site, and the required Vegetated Corridors (VCs) adjacent to them.

Two levels of investigation were used to evaluate the presence or absence of Sensitive Areas. The first level included a review of existing and available background data. The second level consisted of a data collection effort conducted during an on-site evaluation.

Reviewed background data included the following information:

- Aerial Photography and Topography (Metro Data Resource Center's MetroMap, 2019)
- City of Sherwood Local Wetland Inventory (LWI) (David Evans & Associates, 1992)
- Natural Resource Conservation Service (NRCS) Soil Survey of Washington County, Oregon (Web Soil Survey, 2021)
- U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) Map Washington County, Oregon area (USFWS, 2021);

ES&A staff conducted the site evaluation on November 10, 2021. Relevant field data was collected to identify and characterize the nature and condition of the site and to determine the extent of Sensitive Areas and associated VC (Figure 3).

Wetland delineation data was collected at four (4) locations onsite (DPs 1-2) (Figure 3) (Appendix C). Vegetated Corridor data was recorded at two (2) locations to characterize the adjacent VCs (Appendix D).

The wetland delineation data was collected using the methodology provided in the *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)* (USACE, 2010). The Sensitive Area boundaries were mapped in the field using know locations.

**SITE DESCRIPTION**

The site is located at 22900 SW Murdock Road in Washington County (Figure 1). The study area includes one tax lot on the east side of SW Murdock Road, just north of SW Upper Roy Street (TL# 2S133BC01700). The site includes a single-family residence, a separate garage unit, and a barn (Figure 2).

The topography of the site generally slopes towards the north boundary with the steepest slopes that measure greater than 25 percent being found along the eastern boundary of the property. The site elevations are highest at 285 feet on the middle section of the southern tax lot boundary, and slope down to lower elevations between 240 to 250 feet on the northwest corner and 210 to 220 feet on the northeast corner (Figure 2).

The western third of the property is characterized by a weedy field. The building structures are located in the middle of the western half. A gravel driveway connects SW Murdock Road to the housing in the middle and western end of property (Photo 1). The northwest quadrant of the project area is a weedy field (Photo 2) that has a vegetation community composed of tall fescue (*Festuca arundinacea*), meadow foxtail (*Alopecurus pratensis*), reed canarygrass (*Phalaris arundinacea*), orchard grass (*Dactylis glomerata*), and Agrostis grass species with weedy herbaceous species including creeping thistle (*Cirsium arvense*), ribwort plantain (*Plantago lanceolata*), white clover (*Trifolium repens*), common teasel (*Dipsacus sylvestris*), wild carrot (*Daucus carota*). Trees have been largely removed from this end of site, but there are a few Pacific madrone trees (*Arbutus menziesii*) scattered throughout.

The southwest corner of the tax lot is higher in elevation with an herbaceous vegetation community similar to what is found in the northwest quadrant, but with a more tree species, including Pacific madrone, Doug fir (*Pseudotsuga menziesii*), Oregon white oak (*Quercus garryana*), bigleaf maple (*Acer macrophyllum*). Invasive species in this area include Himalayan blackberry (*Rubus armeniacus*) and Scotch broom (*Cytisus scoparius*).

The eastmost two-thirds of the property is characterized by steeper slopes, with large patches of Himalayan blackberry (visible in aerial photographs) creating a mosaic with open grassy areas. This is the disturbed habitat that resulted from the logging of the property sometime after 2006. Pacific madrone trees are more numerous in this part of the property. The northern fence line area hosts species: One-seed hawthorn (*Crataegus monogyna*), cascara (*Rhamnus purshiana*), Oregon white oak, some Douglas fir, and poison oak (*Toxicodendron diversilobum*). The southeastern portion of the property with its meandering logging roads, hosts bigleaf maple and Pacific madrone intermixed in large patches of invasive blackberry.

The northeastern edge of the property, delineated by a logging road, bordering an offsite sloped forest includes oceanspray (*Holodiscus discolor*), trumpet honeysuckle (*Lonicera ciliosa*), snowberry (*Symphoricarpos albus*), bigleaf maple, and Himalayan blackberry (Photo 4). The bottom of the offsite forest slope east of site extends down to the Rock Creek floodplain approximately 200 feet from the property boundary (Figure 2).

Soil survey mapping indicates most of the site to be underlain by non-hydric Saum silt loam with 7 to 12 percent slopes (Map Unit 38C) with Xerochrepts-Rock outcrop complex (Map Unit 4D) in the northeastern part of the property (NRCS, Web Soil Survey, 2021).

Surrounding land use is zoned as Single Family Residential. The eastern property boundary borders the riparian forest habitat along Rock Creek which is zoned as Exclusive Farm or Forest Use.

*Sensitive Areas*

Sensitive Areas were identified onsite. A small slope wetland (Wetlandd A) was mapped from wetland determination data plots near the mid northern part of the site that met wetland criteria for all three indicators, including soils, vegetation, and hydrology (DPs 1-4, Appendix C). The isolated slope wetland (Photo 5) has an area of 2,059 square feet (Figure 3). The wetland is on a slight slope with a hummocky ground texture and is classified as Palustrine Emergent Persistent with a Seasonal Flooding water regime (PEM1C).

The wetland is mostly covered by an herbaceous vegetation community that includes tall fescue and creeping bentgrass (*Agrostis stolonifera*). A patch of cluster rose (*Rosa pisocarpa*) inhabits the northwestern portion of the wetland.

No other sensitive areas are present on site.

*Off-site Sensitive Areas*

ES&A staff identified two off-site Sensitive Areas: the Rock Creek floodplain and slopes exceeding 25 percent. The stream flows from south to east, with the channel approximately 360 feet away from the eastmost edge of the project area. The Rock Creek Floodplain ranges between 410 to 450 feet in width; it is an expanse of reed canarygrass bordered by invasive blackberry and red-osier dogwood (Photo 6). At the time of the site visit, the creek was flooded up to the edge of the floodplain, which is at the base of the forested slopes (Figure 2).

The forest with slopes exceeding 25 percent, leading from the eastern edge of the tax lot down to the edge of the floodplain, can be characterized as a mixed forest with deciduous and evergreen trees: bigleaf maple, Douglas fir, and western redcedar (*Thuja plicata*). The understory is inhabited by beaked hazelnut (*Corylus cornuta*), sword fern (*Polystichum munitum*), licorice fern (*Polypodium glycyrrhiza*), trailing blackberry (*Rubus ursinus*), and dull Oregon grape (*Mahonia nerv*osa). The forest floor features an abundance of large woody debris (LWD) that compose part of the habitat.

Both the United States Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) and the city of Sherwood Local Wetland Inventory (LWI) have the adjacent Rock Creek Floodplain partially mapped as wetland. The NWI categorizes the wetland unit in terms of Cowardin classification as PEMC1: Palustrine Emergent, dominated by persistent vegetation with a seasonally flooded hydroperiod.

*Vegetated Corridors (VC)*

The VC for the onsite wetland, given that it is isolated, less than half an acre, exhibiting slopes less than 25 percent, should be assigned a VC buffer width of 25 feet according to Table 3-1 of CWS's *Design and Construction Standards for Sanitary Sewer and Surface Water Management.* The VC area totals 6,974 square feet located in the middle of the northern boundary of the project area (Figure 3).

A patch of snowberry occupies the northern portion of the VC, which is the only shrub cover within the VC. Most of the VC is composed of the hummocky and grassy field with an herbaceous community that includes tall fescue, bentgrass (*Agrostis sp.*), and annual bluegrass (*Poa annua*). Outside the 25-ft VC, there are a small number of shrub-size Oregon ash (Fraxinus latifolia) trees with diameter-at-breast-height (DBH) that is less than 2 inches. The vegetation adjacent to the open grass area consists of large patches of Himalayan blackberry intermixed with tall Oregon grape (*Mahonia aquifolium*), cascara, and one-seed hawthorn. The VC has been graded to be in degraded condition given the complete lack of tree canopy cover with the herbaceous community being composed mostly of non-native species (VC-1; Appendix D).

The VC area from the offsite resources beyond the northeast boundary is the outer edge of the VC slope setback extending into the project area only slightly, creating a thin sliver measuring 545 square feet along the most northeast border. Rock Creek was assigned a 200-foot buffer extending from the floodplain edge given its perennial flow and slopes that meet or exceed 25 percent. The VC has been scored to be in good condition due to ample canopy cover from native trees, a robust understory with native species and minimal invasive cover (VC-2; Appendix D).

**PROPOSED SITE PLAN**

The site development at this point includes an early grading permit as the initial stages of a subdivision development project. Grading is proposed for the southeast and northeast end of site, with a construction access road temporarily extending east from SW Murdock Rd to the area southeast of the barn. The grading plan will maintain a minimum 75-foot buffer from the small wetland to ensure there are no impacts to sensitive area or 25-foot VC (Figure 4).

**VEGETATED CORRIDOR ENHANCEMENT**

VC enhancement for Wetland A is required to bring the VC up to good condition. No enhancement is required for the VC on east side associated with the off-site Rock Creek wetland, since the VC is in Good condition with exceptional native cover throughout the herbaceous, shrub, and tree stratums.

The enhancement planting is proposed at the full minimum CWS density. Most of the wetland's VC is grass with a few bunches of shrub species, but it lacks tree cover. The proposed tree and shrub planting:

| | |
|---|---|
| Trees | 75 |
| Shrubs | 376 |
| Total | 451 |

The table below shows the suggested plant species and quantities for enhancing the VC.

**Table 1. Wetland Enhancement Planting List**

| Plant Species name: | Wetland VC Enhancement (6,974 sq. ft.) | Plant size: | Spacing: | Spacing format: |
|---|---|---|---|---|
| Trees | | | | |
| *Rhamnus purshiana (cascara)* | 30 | 2 gal. | 10 ft o.c. | Single |
| *Alnus rubra* (red alder) | 25 | 1 gal. | 10 ft o.c. | Single |
| *Acer macrophyllum* (bigleaf maple) | 20 | 2 gal. | 10 ft o.c. | Single |
| Scrub-shrub | | | | |
| *Mahonia aquifolium (tall Oregon grape)* | 50 | 1 gal. | 5 ft o.c. | Cluster |
| *Rosa gymnocarpa* (baldhip rose) | 100 | 1 gal. | 5 ft o.c. | Cluster |
| *Symphoricarpus albus (snowberry)* | 126 | 1 gal. | 5 ft o.c. | Cluster |
| *Acer circinatum (vine maple)* | 50 | 1 gal. | 5 ft o.c. | Single |
| *Holodiscus discolor (oceanspray)* | 50 | 1 gal. | 5 ft o.c. | Single |
| Total: | 451 | | | |

**REFERENCES**

Clean Water Services, 2019. *Design and Construction Standards for Sanitary Sewer and Surface Water Management. R&O 19-5 as amended by R&O 19-22*. 2019.

Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual*. Technical Report Y-87-1, US Army Engineer Waterways Experiment Station, Vicksburg, MS.

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Metro. 2019. Metro Data Resource Center's MetroMap GIS Application. http://gis.oregonmetro.gov/metromap/. Accessed November 2021.

Natural Resources Conservation Service, United Stated Department of Agriculture. *Web Soil Survey for Washington County, Oregon*. Available online at: http://websoilsurvey.nrcs.usda.gov/. Accessed November 2021.

U.S. Army Corps of Engineers (USACE). 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)*, ed. J.S. Wakeley, R. W. Lichvar, and C.V. Noble. ERDC/EL TR-10-3. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

## APPENDIX A: FIGURES




Source: Metro Data Resource Center. http://gis.oregonmetro.gov/metromap/

| | | |
|---|---|---|
| Environmental Science & Assessment, LLC<br>e s & a | Vicinity Map<br>22900 SW Murdock Rd<br>Sherwood, Oregon | Figure 1<br>Approx. Scale:<br>1in. = 1000 ft. |




Source: earth.google.com

Imagery Date: 06/17/2021

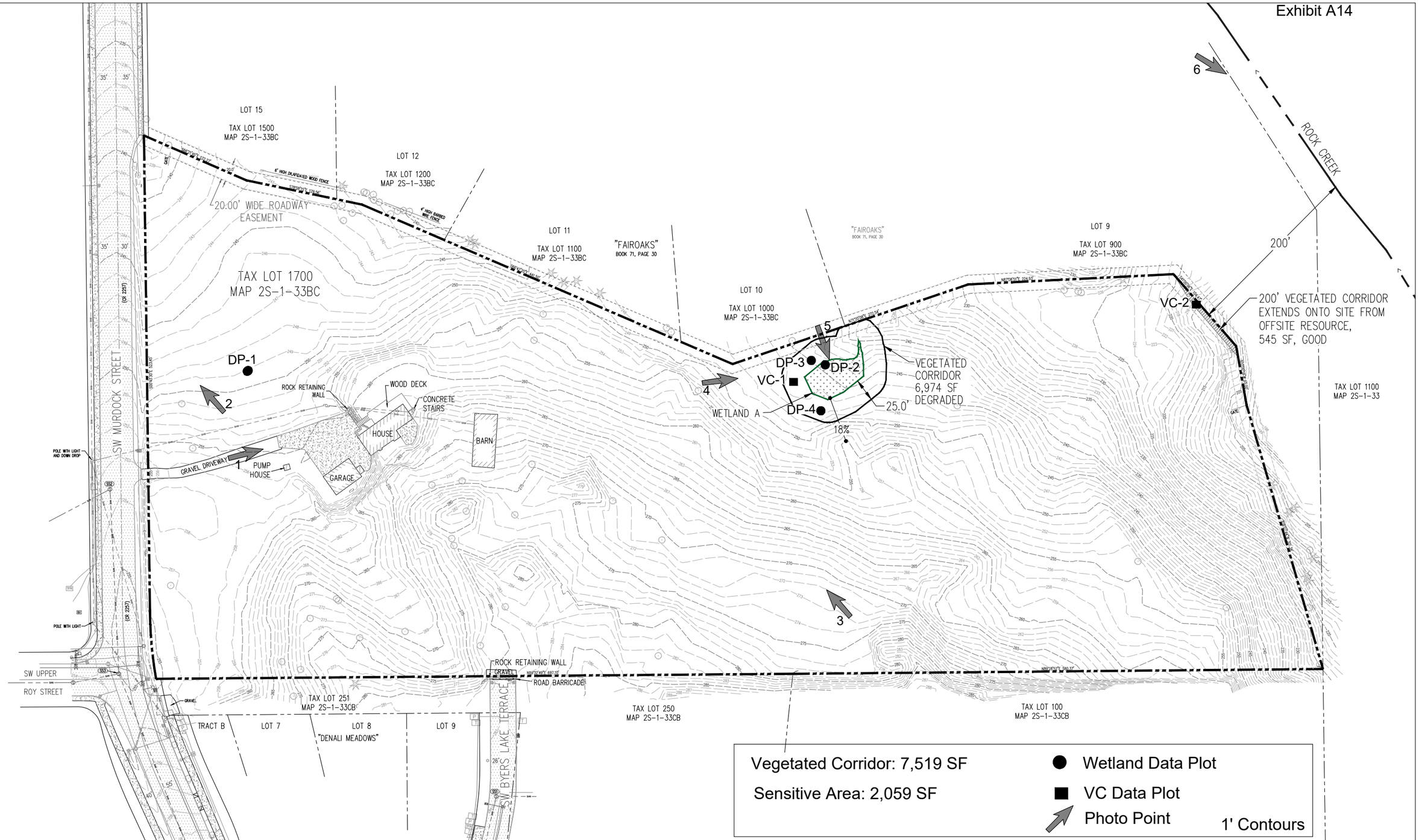
Environmental Science & Assessment, LLC

# Aerial Photograph
# 22900 SW Murdock Rd
# Sherwood, Oregon

## Figure 2

0 142.5 285 ft

Exhibit A14




Vegetated Corridor: 7,519 SF

Sensitive Area: 2,059 SF

- Wetland Data Plot
- VC Data Plot
- Photo Point

1' Contours


Environmental Science & Assessment, LLC

4831 NE Fremont St., Suite 2B
Portland, OR 97213
Phone: 503.478.0424
www.esapdx.com


# Existing Conditions Map
# 22900 SW Murdock Street
# Sherwood, Oregon

| | |
|---|---|
| Base Map Source: | Northwest Surveying, Inc. |
| Modified By: | KR |
| Date: | 2/22 |
| Rev: | 00/00 |
| Proj. # | 21055 |

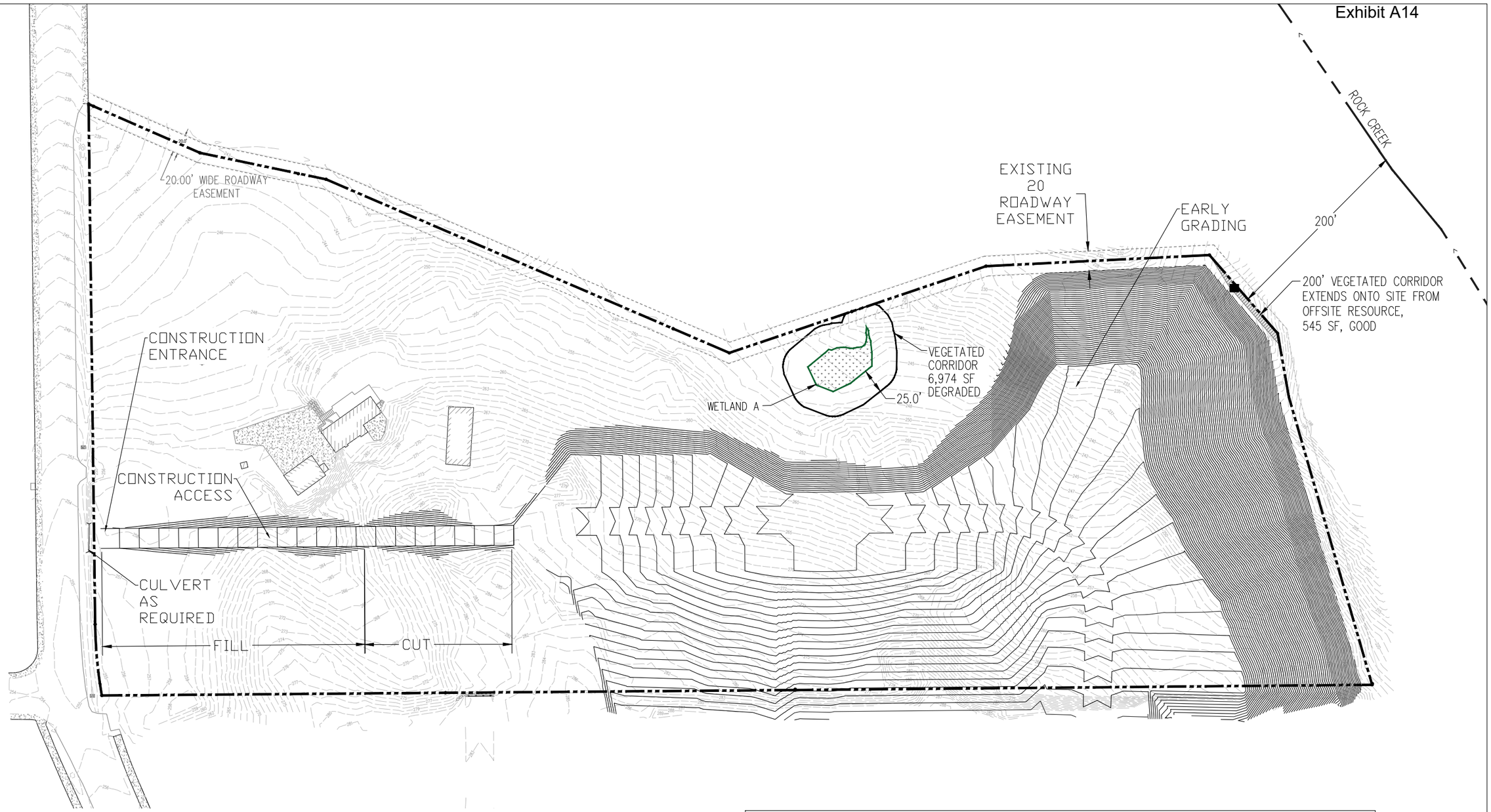
N

Figure 3

1"=100'

0 50 100

Exhibit A14




To Remain: Vegetated Corridor: 7,519 SF

VC Enhancement: 6,974 SF
Trees 75 & 376 Shrubs

Sensitive Area: 2,059 SF


Environmental Science & Assessment, LLC

e s & a

4831 NE Fremont St., Suite 2B
Portland, OR 97213
Phone: 503.478.0424
www.esapdx.com


# Site Plan Map
## 22900 SW Murdock Street
## Sherwood, Oregon

| | |
|---|---|
| Base Map Source: Northwest Surveying, Inc. | |
| Modified By: | KR |
| Date: | 2/22 |
| Rev: | 00/00 |
| Proj. # | 21055 |

N

Figure 4

1"=100'

0 50 100

## APPENDIX B: SITE PHOTOGRAPHS



Photo 1. Building structures in the project area, looking east.



Photo 2. Grass field west of the house, looking northwest.



Photo 3. Characteristic vegetation community from logged area east of the house, looking northwest.



Photo 4. Looking east along northern property boundary.



Photo 5. Habitat of Wetland A, looking south.



Photo 6. Rock Creek floodplain and offsite riparian habitat at the toe of steep slopes, looking southeast.

## APPENDIX C: WETLAND DELINEATION DATA FORMS

# WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: 22900 SW Murdock Road City/County: Sherwood / Washington Sampling Date: 11/10/2021

Applicant/Owner: JT Roth State: OR Sampling Point: DP-1

Investigator(s): Jack Dalton & Alex Sherman Section, Township, Range: S33 T2S R1W

Landform (hillslope, terrace, etc.): prairie Local relief (concave, convex, none): none Slope (%): <5

Subregion (LRR): A-Northwest Forests and Coasts Lat: 45.354333 Long: 122.825432 Datum: NAD 83

Soil Map Unit Name: Saum silt loam, 7 to 12 percent slopes (38C) Rating=0 NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes X | No _____ | **Is the Sampled Area within a Wetland?** Yes _____ No X |
| Hydric Soil Present? | Yes _____ | No X | |
| Wetland Hydrology Present? | Yes _____ | No X | |

Remarks: Data plot location in the middle of grassy field; north of driveway, west of housing.

## VEGETATION – Use scientific names of plants.

| Tree Stratum (Plot size: 30' diameter) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| | _____ = Total Cover | | |
| **Sapling/Shrub Stratum (Plot size: 30' diameter)** | | | |
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| | _____ = Total Cover | | |
| **Herb Stratum (Plot size: 5' diameter)** | | | |
| 1. Agrostis sp. | 50 | Y | FAC |
| 2. Alopecurus pratensis | 15 | | FAC |
| 3. Festuca arundinacea | 25 | Y | FAC |
| 4. Cirsium arvense | 10 | | FAC |
| 5. Holcus lanatus | 5 | | FAC |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| | 105 = Total Cover | | |
| **Woody Vine Stratum (Plot size: 30' diameter)** | | | |
| 1. | | | |
| 2. | | | |
| | 0 = Total Cover | | |

% Bare Ground in Herb Stratum _____

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | Multiply by: |
|---|---|
| OBL species _____ | x 1 = _____ |
| FACW species _____ | x 2 = _____ |
| FAC species _____ | x 3 = _____ |
| FACU species _____ | x 4 = _____ |
| UPL species _____ | x 5 = _____ |
| Column Totals: _____ (A) | _____ (B) |

Prevalence Index = B/A = _____

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ 5 - Wetland Non-Vascular Plants[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes X No _____

Remarks:

## SOIL

Sampling Point: DP-1

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth (inches) | Matrix Color (moist) | Matrix % | Redox Features Color (moist) | Redox Features % | Redox Features Type[1] | Redox Features Loc[2] | Texture | Remarks |
|---|---|---|---|---|---|---|---|---|
| 0-4 | 10YR 3/2 | 100 | | | | | silty clay loam | |
| 4-12 | 10YR 4/4 | 100 | | | | | silty clay loam | |
| 12-18 | 10YR 4/3 | 100 | | | | | silty clay loam | |
| 18-20 | 10YR 4/4 | 100 | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

**Indicators for Problematic Hydric Soils[3]:**

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if present):**

Type: _____

Depth (inches): _____

**Hydric Soil Present? Yes _____ No X**

Remarks: No redox features found in upper 12 inches

## HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

**Field Observations:**

Surface Water Present? Yes _____ No ✓ Depth (inches): _____

Water Table Present? Yes _____ No ✓ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No ✓ Depth (inches): _____

**Wetland Hydrology Present? Yes _____ No X**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

# WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: 22900 SW Murdock Road City/County: Sherwood / Washington Sampling Date: 11/10/2021

Applicant/Owner: JT Roth State: OR Sampling Point: DP-2

Investigator(s): Jack Dalton & Alex Sherman Section, Township, Range: S33 T2S R1W

Landform (hillslope, terrace, etc.): prairie Local relief (concave, convex, none): none Slope (%): <5

Subregion (LRR): A-Northwest Forests and Coasts Lat: 45.354353 Long: 122.822979 Datum: NAD 83

Soil Map Unit Name: Xerochrepts-Rock outcrop complex (47D) Rating=0 NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | |
|---|---|---|
| Hydrophytic Vegetation Present? | Yes X No _____ | **Is the Sampled Area within a Wetland?** Yes X No _____ |
| Hydric Soil Present? | Yes X No _____ | |
| Wetland Hydrology Present? | Yes X No _____ | |

Remarks: Sample plot on wetland side of delineated boundary. Plot located in the lone wetland of study area

## VEGETATION – Use scientific names of plants.

| Tree Stratum (Plot size: 30' diameter) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| | = Total Cover | | |
| **Sapling/Shrub Stratum (Plot size: 30' diameter)** | | | |
| 1. Rosa pisocarpa | | Y | FAC |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| | = Total Cover | | |
| **Herb Stratum (Plot size: 5' diameter)** | | | |
| 1. Festuca arundinacea | 75 | Y | FAC |
| 2. Agrostis stolonifera | 20 | | FAC |
| 3. Geranium dissectum | 5 | | FAC |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| | 100 = Total Cover | | |
| **Woody Vine Stratum (Plot size: 30' diameter)** | | | |
| 1. | | | |
| 2. | | | |
| | 0 = Total Cover | | |

% Bare Ground in Herb Stratum _____

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | Multiply by: |
|---|---|
| OBL species _____ | x 1 = _____ |
| FACW species _____ | x 2 = _____ |
| FAC species _____ | x 3 = _____ |
| FACU species _____ | x 4 = _____ |
| UPL species _____ | x 5 = _____ |
| Column Totals: _____ (A) | _____ (B) |

Prevalence Index = B/A = _____

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

✓ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ 5 - Wetland Non-Vascular Plants[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes X No _____

Remarks:

## SOIL

Sampling Point: DP-2

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth (inches) | Matrix Color (moist) | Matrix % | Redox Features Color (moist) | Redox Features % | Type[1] | Loc[2] | Texture | Remarks |
|---|---|---|---|---|---|---|---|---|
| 0-7 | 5YR 3/2 | 100 | | 0 | | | silt loam | |
| 7-10 | 5YR 3/2 | 95 | 7.5YR 4/4 | 5 | | | silty loam | 10% gravel |
| 10-16 | 5YR 3/2 | 90 | 7.5YR 4/4 | 10 | | | silty loam | |
| >16 | | | | | | | rock/refuse | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ✓ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

**Indicators for Problematic Hydric Soils[3]:**

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if present):**

Type: _____

Depth (inches): _____

**Hydric Soil Present?** **Yes** X **No** _____

Remarks:

## HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ✓ High Water Table (A2)
- ✓ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

**Field Observations:**

Surface Water Present? Yes _____ No ✓ Depth (inches): _____

Water Table Present? Yes ✓ No _____ Depth (inches): 5

Saturation Present? (includes capillary fringe) Yes ✓ No _____ Depth (inches): 0

**Wetland Hydrology Present?** **Yes** X **No** _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

# WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: 22900 SW Murdock Road City/County: Sherwood / Washington Sampling Date: 11/10/2021

Applicant/Owner: JT Roth State: OR Sampling Point: DP-3

Investigator(s): Jack Dalton & Alex Sherman Section, Township, Range: S33 T2S R1W

Landform (hillslope, terrace, etc.): prairie Local relief (concave, convex, none): none Slope (%): <5

Subregion (LRR): A-Northwest Forests and Coasts Lat: 45.354364 Long: 122.823026 Datum: NAD 83

Soil Map Unit Name: Xerochrepts-Rock outcrop complex (47D) Rating=0 NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes X | No _____ | **Is the Sampled Area within a Wetland?** Yes _____ No X |
| Hydric Soil Present? | Yes _____ | No X | |
| Wetland Hydrology Present? | Yes X | No _____ | |

Remarks: Sub-surface saturation present, but hydric soils have not developed at north end.

## VEGETATION – Use scientific names of plants.

| Tree Stratum (Plot size: 30' diameter) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| | _____ = Total Cover | | |
| **Sapling/Shrub Stratum (Plot size: 30' diameter)** | | | |
| 1. Rosa pisocarpa | 10 | Y | FAC |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| | 10 = Total Cover | | |
| **Herb Stratum (Plot size: 5' diameter)** | | | |
| 1. Festuca arundinacea | 35 | Y | FAC |
| 2. Agrostis sp. | 15 | | FAC |
| 3. Geranium dissectum | 20 | Y | NL |
| 4. Vicia americana | 15 | | FAC |
| 5. Poa annua | 20 | Y | FAC |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| | 100 = Total Cover | | |
| **Woody Vine Stratum (Plot size: 30' diameter)** | | | |
| 1. | | | |
| 2. | | | |
| | 0 = Total Cover | | |

% Bare Ground in Herb Stratum _____

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 75 (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | Multiply by: |
|---|---|
| OBL species _____ | x 1 = _____ |
| FACW species _____ | x 2 = _____ |
| FAC species _____ | x 3 = _____ |
| FACU species _____ | x 4 = _____ |
| UPL species _____ | x 5 = _____ |
| Column Totals: _____ (A) | _____ (B) |

Prevalence Index = B/A = _____

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

✓ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ 5 - Wetland Non-Vascular Plants[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes X No _____

Remarks:

1068

## SOIL

Sampling Point: DP-3

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth (inches) | Matrix Color (moist) | Matrix % | Redox Features Color (moist) | Redox Features % | Redox Features Type[1] | Redox Features Loc[2] | Texture | Remarks |
|---|---|---|---|---|---|---|---|---|
| 0-10 | 7.5YR 3/3 | 100 | | | | | silt loam | |
| >10 | | | | | | | rock/refusal | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

**Indicators for Problematic Hydric Soils[3]:**

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if present):**

Type: _____

Depth (inches): _____

**Hydric Soil Present? Yes _____ No ×**

Remarks:

## HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ✓ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

**Field Observations:**

Surface Water Present? Yes _____ No ✓ Depth (inches): _____

Water Table Present? Yes _____ No ✓ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ✓ No _____ Depth (inches): 10

**Wetland Hydrology Present? Yes × No _____**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

# WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: 22900 SW Murdock Road City/County: Sherwood / Washington Sampling Date: 11/10/2021

Applicant/Owner: JT Roth State: OR Sampling Point: DP-4

Investigator(s): Jack Dalton & Alex Sherman Section, Township, Range: S33 T2S R1W

Landform (hillslope, terrace, etc.): prairie Local relief (concave, convex, none): none Slope (%): <5

Subregion (LRR): A-Northwest Forests and Coasts Lat: 45.354211 Long: 122.822989 Datum: NAD 83

Soil Map Unit Name: Xerochrepts-Rock outcrop complex (47D) Rating=0 NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

| | | | |
|---|---|---|---|
| Hydrophytic Vegetation Present? | Yes X | No _____ | **Is the Sampled Area within a Wetland?** Yes _____ No X |
| Hydric Soil Present? | Yes _____ | No X | |
| Wetland Hydrology Present? | Yes _____ | No X | |

Remarks: Hydrology an soils do not meet criteria south of delin wetland.

## VEGETATION – Use scientific names of plants.

| Tree Stratum (Plot size: 30' diameter) | Absolute % Cover | Dominant Species? | Indicator Status |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| | = Total Cover | | |
| **Sapling/Shrub Stratum (Plot size: 30' diameter)** | | | |
| 1. Crataegus monogyna | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| | = Total Cover | | |
| **Herb Stratum (Plot size: 5' diameter)** | | | |
| 1. Festuca arundinacea | 30 | Y | FAC |
| 2. Agrostis sp. | 30 | Y | FAC |
| 3. Geranium dissectum | 5 | | NL |
| 4. Vicia americana | 5 | | FAC |
| 5. Poa annua | 30 | Y | FAC |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| | 100 = Total Cover | | |
| **Woody Vine Stratum (Plot size: 30' diameter)** | | | |
| 1. | | | |
| 2. | | | |
| | 0 = Total Cover | | |

% Bare Ground in Herb Stratum _____

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

**Prevalence Index worksheet:**

| Total % Cover of: | Multiply by: |
|---|---|
| OBL species _____ | x 1 = _____ |
| FACW species _____ | x 2 = _____ |
| FAC species _____ | x 3 = _____ |
| FACU species _____ | x 4 = _____ |
| UPL species _____ | x 5 = _____ |
| Column Totals: _____ (A) | _____ (B) |

Prevalence Index = B/A = _____

**Hydrophytic Vegetation Indicators:**

___ 1 - Rapid Test for Hydrophytic Vegetation

✓ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is ≤3.0[1]

___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ 5 - Wetland Non-Vascular Plants[1]

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes X No _____

Remarks:

1070

## SOIL

Sampling Point: DP-4

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

| Depth (inches) | Matrix Color (moist) | Matrix % | Redox Features Color (moist) | Redox Features % | Redox Features Type[1] | Redox Features Loc[2] | Texture | Remarks |
|---|---|---|---|---|---|---|---|---|
| 0-11 | 5YR 3/2 | 100 | | | | | silt loam | |
| 11-14 | 5YR 3/3 | 100 | | | | | silt loam | |
| 14-16 | 5YR 3/3 | 99 | 7.5YR 4/4 | 1 | C | M | silt loam | |
| 16-20 | 5YR 3/3 | 99 | 7.5YR 4/4 | 1 | C | M | silt loam | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

**Indicators for Problematic Hydric Soils[3]:**

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if present):**

Type: _____

Depth (inches): _____

**Hydric Soil Present? Yes _____ No X**

Remarks: Not enough REDOX to meet hydric soil indicators

## HYDROLOGY

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

**Field Observations:**

Surface Water Present? Yes _____ No ✓ Depth (inches): _____

Water Table Present? Yes _____ No ✓ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No ✓ Depth (inches): _____

**Wetland Hydrology Present? Yes _____ No X**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

## APPENDIX D: VEGETATED CORRIDOR DATA FORMS

## VEGETATED CORRIDOR DATA SHEET

| Client/Project Name: JT Roth/Murdock | Site Address: 22900 SW Murdock Road, Sherwood, OR | Plot ID: VC-1 |
|---|---|---|
| Township/Range/Section: T2S R1W S33 | | |
| Tax Map: 2S133BC | Lot(s): 01700 | |
| Brief Description of Plot Location: VC of lone wetland in project area | | |
| Site Investigator Name: Jack Dalton, Alex Sherman | Date of Investigation: 11/10/21 | |
| Plant Community Type: Upland herbaceous | | |

| Herbaceous Stratum | Percent Aerial Cover | Percent Relative Cover | Native? (1) | | Noxious?( 2) | | Invasive? (3) | |
|---|---|---|---|---|---|---|---|---|
| | | | Yes | No | Yes | No | Yes | No |
| 1 *Festuca arundinacea* | 35 | 30 | | x | | x | x | |
| 2 *Agrostis stolonifera* | 15 | 13 | | x | | x | x | |
| 3 *Geranium dissectum* | 20 | 17 | | x | | x | x | |
| 4 *Vicia americana* | 15 | 13 | x | | | x | | x |
| 5 *Poa annua* | 20 | 17 | | x | | x | x | |
| 6 | | 0 | | | | | | |
| 7 | | 0 | | | | | | |
| 8 | | 0 | | | | | | |
| 9 | | 0 | | | | | | |
| 10 | | 0 | | | | | | |
| **Shrub Stratum** | | 0 | | | | | | |
| 1 *Rosa pisocarpa* | 10 | 9 | x | | | x | | x |
| 2 | | 0 | | | | | | |
| 3 | | 0 | | | | | | |
| 4 | | 0 | | | | | | |
| 5 | | 0 | | | | | | |
| 6 | | 0 | | | | | | |
| 7 | | 0 | | | | | | |
| 8 | | 0 | | | | | | |
| 9 | | 0 | | | | | | |
| 10 | | 0 | | | | | | |
| **Tree Stratum** | | 0 | | | | | | |
| 1 | | 0 | | | | | | |
| 2 | | 0 | | | | | | |
| 3 | | 0 | | | | | | |
| 4 | | 0 | | | | | | |
| 5 | | 0 | | | | | | |
| 6 | | 0 | | | | | | |
| 7 | | 0 | | | | | | |
| 8 | | 0 | | | | | | |
| 9 | | 0 | | | | | | |
| Total | 115 | 100 | | | | | | |

| | |
|---|---|
| Total percent relative native species cover | 22% |
| Total percent aerial cover of tree canopy | 0% |
| Total percent relative cover of non-native, noxious, and invasive species | 78% |

| | |
|---|---|
| | Good Condition (native species >80% of the community and tree canopy >50% aerial cover) |
| | Marginal Condition (native species 50-80% of the community and tree canopy 26-50% aerial cover) |
| X | Degraded Condition (native species <50% of the community and tree canopy <25% aerial coverage) |

**Comments: This VC, upon observation, is in poor condition due to its expanisve cover of non-native grasses and a complete lack of tree canopy cover. Shrub species presence is minimal as well.**

(1) Portland Plant List, 2011.
(2) Noxious Weed List, ODA.
(3) R 07-20, Clean Water Services, June, 2007.

## VEGETATED CORRIDOR DATA SHEET

| Client/Project Name: JT Roth/Murdock | Site Address: 22900 SW Murdock Road, Sherwood, OR | Plot ID: VC-2 |
|---|---|---|
| Township/Range/Section: T2S R1W S33 | | |
| Tax Map: 2S133BC | Lot(s): 01700 | |
| Brief Description of Plot Location: VC of riparian forest off of Rock Creek floodplain | | |
| Site Investigator Name: Jack Dalton, Alex Sherman | Date of Investigation: 11/10/21 | |
| Plant Community Type: Slope forest (mixed) | | |

| Herbaceous Stratum | Percent Aerial Cover | Percent Relative Cover | Native? (1) Yes | Native? (1) No | Noxious?( 2) Yes | Noxious?( 2) No | Invasive? (3) Yes | Invasive? (3) No |
|---|---|---|---|---|---|---|---|---|
| 1 *Polystichum munitum* | 10 | 8 | x | | | x | | x |
| 2 *Rubus armeniacus* | 15 | 12 | | x | x | | x | |
| 3 *Polypodium glycyrrhiza* | 3 | 2 | x | | | x | | x |
| 4 *Rubus ursinus* | 5 | 4 | x | | | x | | x |
| 5 | | 0 | | | | | | |
| 6 | | 0 | | | | | | |
| 7 | | 0 | | | | | | |
| 8 | | 0 | | | | | | |
| 9 | | 0 | | | | | | |
| 10 | | 0 | | | | | | |
| **Shrub Stratum** | | 0 | | | | | | |
| 1 *Symphoricarpus albus* | 10 | 8 | x | | | x | | x |
| 2 *Corylus cornuta* | 20 | 16 | x | | | x | | x |
| 3 *Cytisus scoparius* | 3 | 2 | | x | x | | x | |
| 4 | | 0 | | | | | | |
| 5 | | 0 | | | | | | |
| 6 | | 0 | | | | | | |
| 7 | | 0 | | | | | | |
| 8 | | 0 | | | | | | |
| 9 | | 0 | | | | | | |
| 10 | | 0 | | | | | | |
| **Tree Stratum** | | 0 | | | | | | |
| 1 *Acer macrophyllum* | 35 | 28 | x | | | x | | x |
| 2 *Pseudotsuga menziesii* | 15 | 12 | x | | | x | | x |
| 3 *Quercus garryana* | 3 | 2 | x | | | x | | x |
| 4 *Thuja plicata* | 5 | 4 | | | | | | |
| 5 | | 0 | | | | | | |
| 6 | | 0 | | | | | | |
| 7 | | 0 | | | | | | |
| 8 | | 0 | | | | | | |
| 9 | | 0 | | | | | | |
| Total | 124 | 100 | | | | | | |

| | |
|---|---|
| Total percent relative native species cover | 81% |
| Total percent aerial cover of tree canopy | 58% |
| Total percent relative cover of non-native, noxious, and invasive species | 15% |

| | |
|---|---|
| x | Good Condition (native species >80% of the community and tree canopy >50% aerial cover) |
| | Marginal Condition (native species 50-80% of the community and tree canopy 26-50% aerial cover) |
| | Degraded Condition (native species <50% of the community and tree canopy <25% aerial coverage) |

**Comments: This riparian slope forest is considered to be in good condition as it contains a mix of deciduous and confier tree species, although the cover is dominated by bigleaf maple. Invasive species are mostly found on the edge of the forest, adjacent to an old logging road. There is an understody of plants typically found on the forest floor (have an affinity for shade) including native hazelnut, ferns, and a substantial amount of trailing blackberry. There are also snags and downed woody debris which contribute to its habitat utility for wildlife.**

(1) Portland Plant List, 2011.
(2) Noxious Weed List, ODA.
(3) R 07-20, Clean Water Services, June, 2007.

April 18, 2022

JT Roth VIA EMAIL
Attn: Tim Roth
12600 SW 72nd Avenue, Ste. 200
Portland, OR 97223

RE: 22900 SW Murdock Road - MBTA Impact BMPs and Guidelines
(TL: 2S133BC01700)

Dear Tim:

As requested, I am providing an outline of Best Management Practices (BMPs) for avoiding impacts to native migratory birds protected under the Federal Migratory Bird Treaty Act (MBTA). Migratory birds may be present within the existing tree stands on site and along the eastern edge of site along the off-site Rock Creek riparian forest. These BMPs are meant to be used as a guide to avoid impacts to nests and nestlings within the project disturbance area. These guidelines are not intended to provide procedures for avoiding all potential bird species on site, but rather to avoid impacts to individual birds and nests of larger species that may not be as tolerant of human disturbances.

***Site Conditions***

The site has an existing residential building and ancillary structures in the western end of site with a gravel driveway entering the site from SW Murdock Road. The northwest quadrant of the project area is a weedy field. Trees have been largely removed from this end of site, but there are a few Pacific madrone trees (*Arbutus menziesii*) scattered throughout.

The eastmost two-thirds of the property is characterized by steeper slopes, with large patches of Himalayan blackberry creating a mosaic with open grassy areas. This portion of the site was logged sometime after 2006. Scattered clusters of Pacific madrone trees are found throughout this part of the property. The southeastern portion of the property with its meandering logging roads, hosts bigleaf maple and Pacific madrone intermixed in large patches of invasive blackberry.

The most likely location for nesting birds is along the north and eastern edges of site within mature trees along the property boundary. An extensive riparian forest borders the eastern edge of the site and extends east down to the Rock Creek floodplain. The off-site riparian forest is the most likely habitat for nesting birds. No impacts to native birds or nests will occur in the offsite forest, which will remain protected as open space.

***Nesting Survey and Site Visits***

The project site was investigated multiple times with the first site investigation and resource mapping in November 2021. A more recent site visit was conducted on April 15, 2022, to survey existing remaining trees on site for nests within the primary nesting season. The remaining trees in the interior of site will be impacted by the proposed early grading. The investigation included a pedestrian survey of the entire site, with particular attention focused on the riparian corridor along the eastern edge of site.

No active nests for large avian species that would return annually to a nesting site (i.e., bald eagle, hawks, great blue heron, owls, etc.) were observed during site field investigation within the site or immediately adjacent to site.

***Bird Nesting Behavior and Habitats***

Bird nesting begins in the Portland Metro area for early nesting species between February 1 and April 15. Primary nesting for most species occurs between April 15 and July 31. Nesting can occur in trees and shrubs commonly but, depending on the species, can also occur in cavities of standing snags or on the ground. A few species will nest in the sides of stream banks.

***Work Window and BMPs***

- August 1 – January 31 Best time for tree removal
- February 1 – April 15 Survey Area, note any nest structures
- April 15 – July 31 Avoid Disturbance if possible; conduct nest survey if nests are present or suspected -

**Site Work Guidelines**

If site work resulting in tree and shrub removal or site grading cannot be avoided during early or primary nesting season, contractors should follow the guidance for survey, monitoring and protecting bird nests. Contractor should coordinate completion of this work with a biologist familiar with bird species and active nest determination procedures.

This guidance is taken from City of Portland Bureau of Environmental Services guidance document: *Protecting Nesting Birds – Best Management Practices for Vegetation and Construction Projects (*2017 City of Portland).

If a nest is found or suspected within a disturbance area, the contractor should do the following:

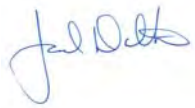
1. Conduct a pedestrian survey prior to work of the disturbance area and determine if any noticeable nest material is present in work disturbance

area. This might include a stick cluster in the trees or shrubs, other nest materials in trees at the base of branches or material hanging down from branches, or regular bird activity around a standing snag or other structure.

2. If a nest is discovered, stop work and flag the tree/shrub/area and contact a Biologist to complete a nest survey
3. If a nest is determined by biologist to be active, placement of a protective buffer should be established around the nest. Buffer size is dependent on the bird species, but for riparian or upland forest species generally are 30 to 60 feet.
4. Biologist will monitor the nest to determine when nestlings hatch and determine when the nestlings fledge or leave the nest. Generally, a timeframe can be provided by the biologist of when the fledglings will leave nest depending on the species.
5. Once the fledglings have left the nest, birds will move out of area and will no longer be susceptible to harm. The buffer protection can then be removed, and tree removal or disturbance can be resumed

Please let me know if I can provide any clarification to these guidelines. I would be happy to assist with additional site investigation with the contractor prior to site grading.

Sincerely,



Jack Dalton
Environmental Science & Assessment, LLC

Cc: Steve Miller Emerio Design.

# Land Use Compatibility Statement

| Section 1 – To be completed by the applicant | |
|---|---|
| 1A. Applicant Name: J.T. Roth Construction Inc | 1B. Project Name: Mosier Subdivision |
| Contact Name: Tim Roth | Physical Address: 22900 SW Murdock Rd |
| Mailing Address: 12000 SW 72nd Ave #200 | City, State, Zip: Sherwood, OR 97140 |
| City, State, Zip: Tigard, OR 97223 | Tax Lot #: 1700 |
| Telephone: 503-639-2639 | Township: 2S Range: 1W Section: 33BC |
| Tax Account #: | Latitude: 45.352 |
| | Longitude: -122.823 |

1C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):

Early grading permit need in order to move dirt from the neighboring project to the south on to this site. The site will be a 32 lot subdivision in the future.

1D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.

- ☐ Air Quality Notice of Construction
- ☐ Air Contaminant Discharge Permit
- ☐ Air Quality Title V Permit
- ☐ Air Quality Indirect Source Permit
- ☐ Parking/Traffic Circulation Plan
- ☐ Solid Waste Land Disposal Site Permit
- ☐ Solid Waste Treatment Facility Permit
- ☐ Solid Waste Composting Facility Permit (includes Anaerobic Digester)
- ☐ Conversion Technology Facility Permit
- ☐ Solid Waste Letter Authorization Permit
- ☐ Solid Waste Material Recovery Facility Permit
- ☐ Solid Waste Energy Recovery Facility Permit
- ☐ Solid Waste Transfer Station Permit
- ☐ Waste Tire Storage Site Permit
- ☐ Pollution Control Bond Request
- ☐ Hazardous Waste Treatment, Storage or Disposal Permit
- ☐ Clean Water State Revolving Fund Loan Request
- ☐ Wastewater/Sewer Construction Plan/ Specifications (includes review of plan changes that require use of new land)
- ☐ Water Quality NPDES Individual Permit
- ☐ Water Quality WPCF Individual Permit (for onsite construction-installation permits use the DEQ Onsite LUCS form)
- ☒ Water Quality NPDES Stormwater General Permit (1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z)
- ☐ Water Quality General Permit (all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile)
- ☐ Water Quality 401 Certification for federal permit or license

This application is for: ☐ Permit Renewal ☒ New Permit ☐ Permit Modification ☐ Other:

**Section 2 – To be completed by city or county planning official**

Applicant name: J.T. Roth Construction, LLC

Project name: Mosier Subdivision

Instructions: Written findings of fact for all local decisions are required; written findings from previous actions are acceptable. For uses allowed outright by the acknowledged comprehensive plan, DEQ will accept written findings in the form of a reference to the specific plan policies, criteria, or standards that were relied upon in rendering the decision with an indication of why the decision is justified based on the plan policies, criteria, or standards.

2A. The project proposal is located: ☒ Inside city limits ☐ Inside UGB ☐ Outside UGB

2B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use): City of Sherwood

2C. ☐ This project is not within the jurisdiction of any other land use, zoning, or planning entity
☐ This project is also within the jurisdiction of the following land use, zoning, or planning entity _____

2D. Is the activity allowed under Measure 49 (2007)? ☒ No, Measure 49 is not applicable ☐ Yes, if yes, then check one:

☐ Express; approved by DLCD order #:

☐ Conditional; approved by DLCD order #:

☐ Vested; approved by local government decision or court judgment docket or order #:

2E. Is the activity a composting facility?
☒ No ☐ Yes; Senate Bill 462 (2013) notification requirements have been met.

2F. Is the activity or use compatible with your acknowledged comprehensive plan as required by OAR 660-031? Please complete this form to address the activity or use for which the applicant is seeking approval (see 1.C on the previous page). If the activity or use is to occur in multiple phases, please ensure that your approval addresses the phases described in 1C. For example, if the applicant's project is described in 1C. as a subdivision and the LUCS indicates that only clearing and grading are allowed outright but does not indicate whether the subdivision is approved, DEQ will delay permit issuance until approval for the subdivision is obtained from the local planning official.

☐ The activity or use is specifically exempt by the acknowledged comprehensive plan; explain:

☐ Yes, the activity or use is pre-existing nonconforming use allowed outright by (provide reference for local ordinance):

☐ Yes, the activity or use is allowed outright by (provide reference for local ordinance):

☐ Yes, the activity or use received preliminary approval that includes requirements to fully comply with local requirements; findings are attached.

☐ Yes, the activity or use is allowed; findings are attached.

☐ No, see 2D. above, activity or use allowed under Measure 49; findings are attached.

☒ No, (complete below or attach findings for noncompliance and identify requirements the applicant must comply with before compatibility can be determined):
Relevant specific plan policies, criteria, or standards: See attached sheet

Provide the reasons for the decision:

Additional comments (attach additional information as needed):

Planning Official Signature: ERIKA PALMER, PLANNING MANAGER Title:

Print Name: ERIKA PALMER Telephone #: 503.625.4208 Date: 6.9.2022

If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:

Planning Official Signature: Title:

Print Name: Telephone #: Date:

## 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.

City of Sherwood
Oregon
Home of the Tualatin River National Wildlife Refuge

City of Sherwood
22560 SW Pine St.
Sherwood, OR 97140
Tel 503-625-5522
Fax 503-625-5524
www.sherwoodoregon.gov

**Mayor**
Keith Mays

**Council President**
Tim Rosener

**Councilors**
Renee Brouse
Sean Garland
Russell Griffin
Doug Scott
Kim Young

**City Manager**
Keith Campbell

June 9, 2022

RE: DEQ LUCS Statement

To Whom It May Concern:

The applicant must have an approved site plan grading permit in order to proceed with this project. The applicant has submitted a land-use application for site plan grading approval. The Planning Director will render a decision on the application (LU-2022-010-SP Mosier Grading) after June 24, 2022.

Sincerely,

Erika Palmer

Erika Palmer
Planning Manager
City of Sherwood

Phone: 503-625-4208
Email: PalmerE@SherwoodOregon.gov

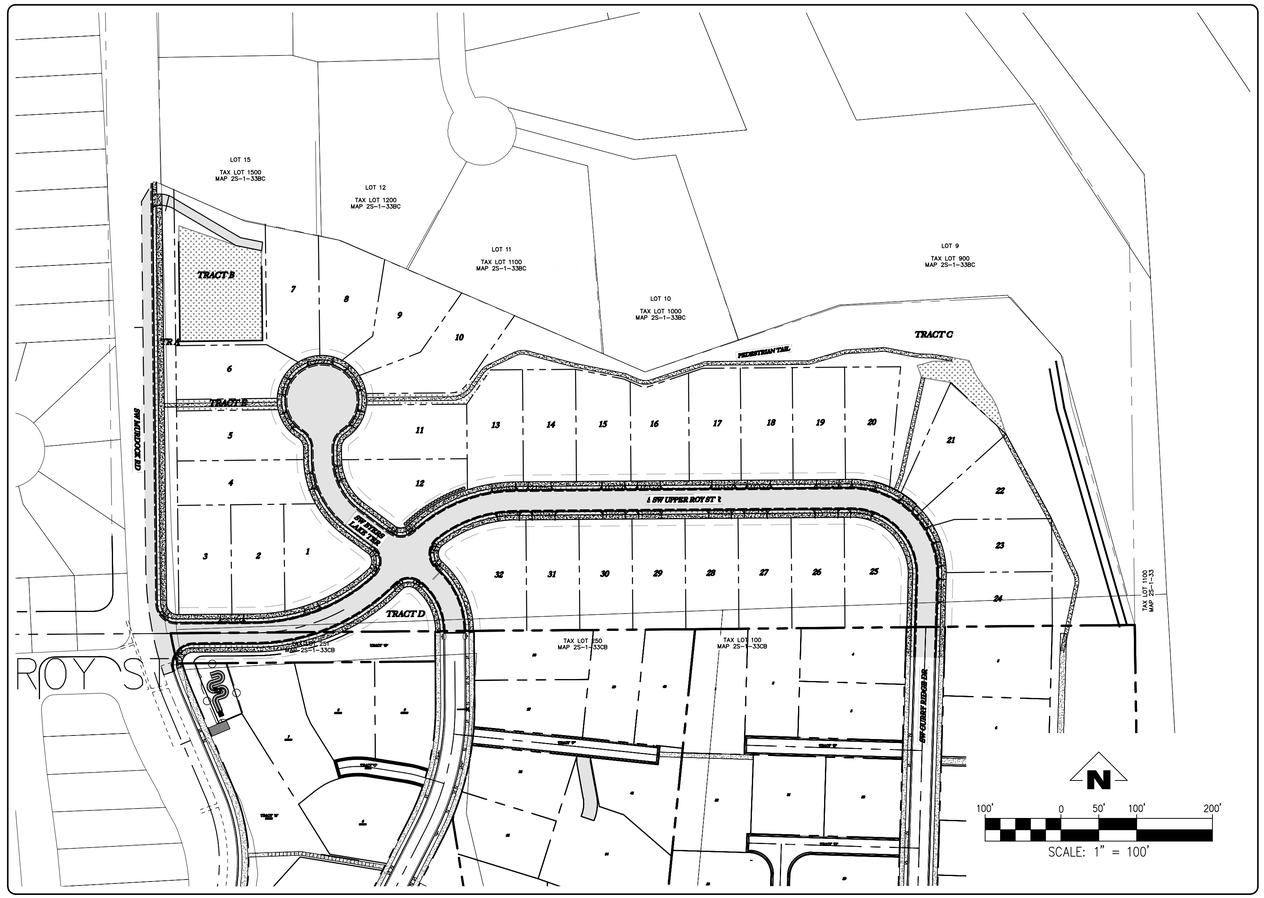
**Updated Preliminary Plans**

# MOSER PASS AT DELANI

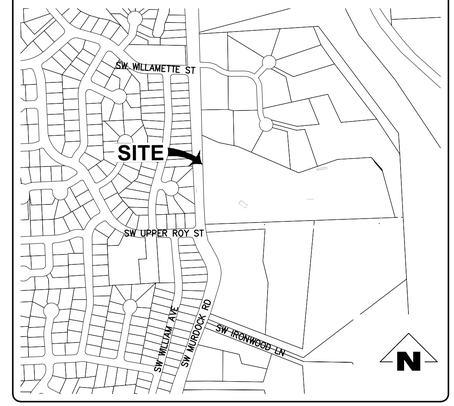
## LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 33, T.2S., R.1E., W.M. SHERWOOD, OREGON

### DRAWING INDEX


| SH | TITLE |
|---|---|
| 01 | COVER SHEET |
| 02 | EXISTING CONDITIONS PLAN |
| 03 | TREE REMOVAL & PROTECTION PLAN |
| 04 | PRELIMINARY PLAT |
| 05 | GRADING & EROSION CONTROL PLAN |
| 06 | SW CURRY RIDGE DR STA 29+50 TO 34+75 PLAN & PROFILE |
| 07 | SW CURRY RIDGE DR STA 25+25 TO 29+50 PLAN & PROFILE |
| 08 | SW CURRY RIDGE DR STA 22+00 TO 25+25 PLAN & PROFILE |
| 09 | SW BYERS LAKE TER PLAN & PROFILE |
| 10 | SW MURDOCK RD STA 7+75 TO 11+25 PLAN & PROFILE |
| 11 | SW MURDOCK RD STA 4+25 TO 7+75 PLAN & PROFILE |
| 12 | WATER QUALITY POND PLAN |
| 13 | PRELIMINARY UTILITY PLAN |
| 14 | AERIAL & NEIGHBORHOOD CIRCULATION MAP |
| -- | LANDSCAPING & STREET TREE PLAN (BY OTHERS) |


### VICINITY MAP




### LEGEND

| EXISTING | DESCRIPTION | PROPOSED |
|---|---|---|
| ▣ | MAILBOX | N/A |
| N/A | CLEANOUT | ● |
| Ⓢ | SEWER MANHOLE | Ⓢ |
| Ⓢ | STORM MANHOLE | Ⓢ |
| ▣ | STORM CATCH BASIN | ▣ |
| ⊸ | SIGN | ⊸ |
| ← | GUY ANCHOR | N/A |
| ∅ | UTILITY POWER POLE | N/A |
| ▭ | POWER TRANSFORMER | N/A |
| ☼ | STREET LIGHT | ☼ |
| ⋇ | FIRE HYDRANT | ⋇ |
| ◢ | BLOWOFF ASSEMBLY | ◢ |
| ⊗ | WATER VALVE | ⊗ |
| N/A | WATER BEND | ⊀ |
| N/A | WATER TEE | ⊥ |
| W | WATER METER | ▬ |
| ▭ | TELEPHONE VAULT | N/A |
| ▭ | TELEPHONE | N/A |
| ▭ | UNDERGROUND POWER | N/A |
| ——XOH—— | OVERHEAD POWER | N/A |
| ——X—— | FENCE | N/A |
| N/A | TREE PROTECTION FENCE | —□— |
| ——XSS—— | SANITARY SEWER | ——SS—— |
| ——XSD—— | STORM DRAINAGE | ▬▬ |
| ——XG—— | GAS | N/A |
| ——XW—— | UNDERGROUND WATER | ——W—— |
| ▨ | GRAVEL | N/A |
| ▨ | CONCRETE | ▨ |
| ▨ | ASPHALT | ▨ |

ISSUANCE OF GRADING PERMIT DOES NOT CONVEY ACCEPTANCE OF PUBLIC IMPROVEMENTS-GRADING MAY CHANGE BASED UPON FINAL CITY APPROVED PUBLIC IMPROVEMENT PLANS

### NOTICE TO EXCAVATORS:

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1987).

POTENTIAL UNDERGROUND FACILITY OWNERS

Dig Safely.

Call the Oregon One-Call Center

DIAL 811 or 1-800-332-2344

EMERGENCY TELEPHONE NUMBERS

| | |
|---|---|
| NW NATURAL GAS | |
| M-F 7am-6pm | 503-226-4211 Ext.4313 |
| AFTER HOURS | 503-226-4211 |
| PGE | 503-464-7777 |
| QWEST | 1-800-573-1311 |
| VERIZON | 1-800-483-1000 |
| COMCAST | 1-888-824-8264 |
| CLEANWATER SERVICES | 503-681-3600 |
| CITY OF SHERWOOD | 503-925-2309 |
| CITY OF SHERWOOD WATER DEPARTMENT | 503-925-2319 |

### PROJECT CONTACTS


**OWNER:**
JT ROTH CONSTRUCTION, INC
12600 SW 72ND, #200
PORTLAND, OREGON 97223
CONTACT: TIM ROTH
(503) 639-2639

**CIVIL ENGINEER:**
EMERIO DESIGN, LLC
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
ENGINEERING CONTACT: ROY HANKINS
(503) 746-8812

**APPLICANT:**
EMERIO DESIGN, LLC
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
ENGINEERING CONTACT: STEVE MILLER
(541) 318-7487


### ENGINEER'S NOTE TO CONTRACTOR:

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS.

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.

THIS DESIGN COMPLIES WITH ORS 92.044 (7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN ONE (1) FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAT. NO DESIGN EXCEPTIONS NOT FINAL FIELD LOCATION CHANGES SHALL BE PERMITTED IF THAT CHANGE WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN THE PROHIBITED AREA.

### SITE INFORMATION

| | |
|---|---|
| SITE AREA: | 12.36 AC |
| ZONING: | VLDR |
| TAX MAP: | 2S133CB |
| TAX LOT: | 1700 |
| ADDRESS OF LOTS: | 2290 SW MURDOCK RD |

### BENCHMARK INFORMATION

THE DATUM FOR THIS SURVEY IS BASED UPON WASHINGTON COUNTY BENCHMARK NO 111. ELEVATION=213.55 NGVD29 DATUM.

### UTILITY INFORMATION

POTHOLE AND VERIFY LOCATION, SIZE AND VERTICAL CLEARANCE OF EXISTING UTILITIES, REPORT DISCREPANCIES OR CONFLICTS TO ENGINEER IMMEDIATELY.

*THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.*

MOSER PASS AT DENALI
TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

COVER SHEET

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |


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www.emeriodesign.com


REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 12, 1989
ROY R. HANKINS
RENEWAL: 12-31-2023

NOT FOR CONSTRUCTION

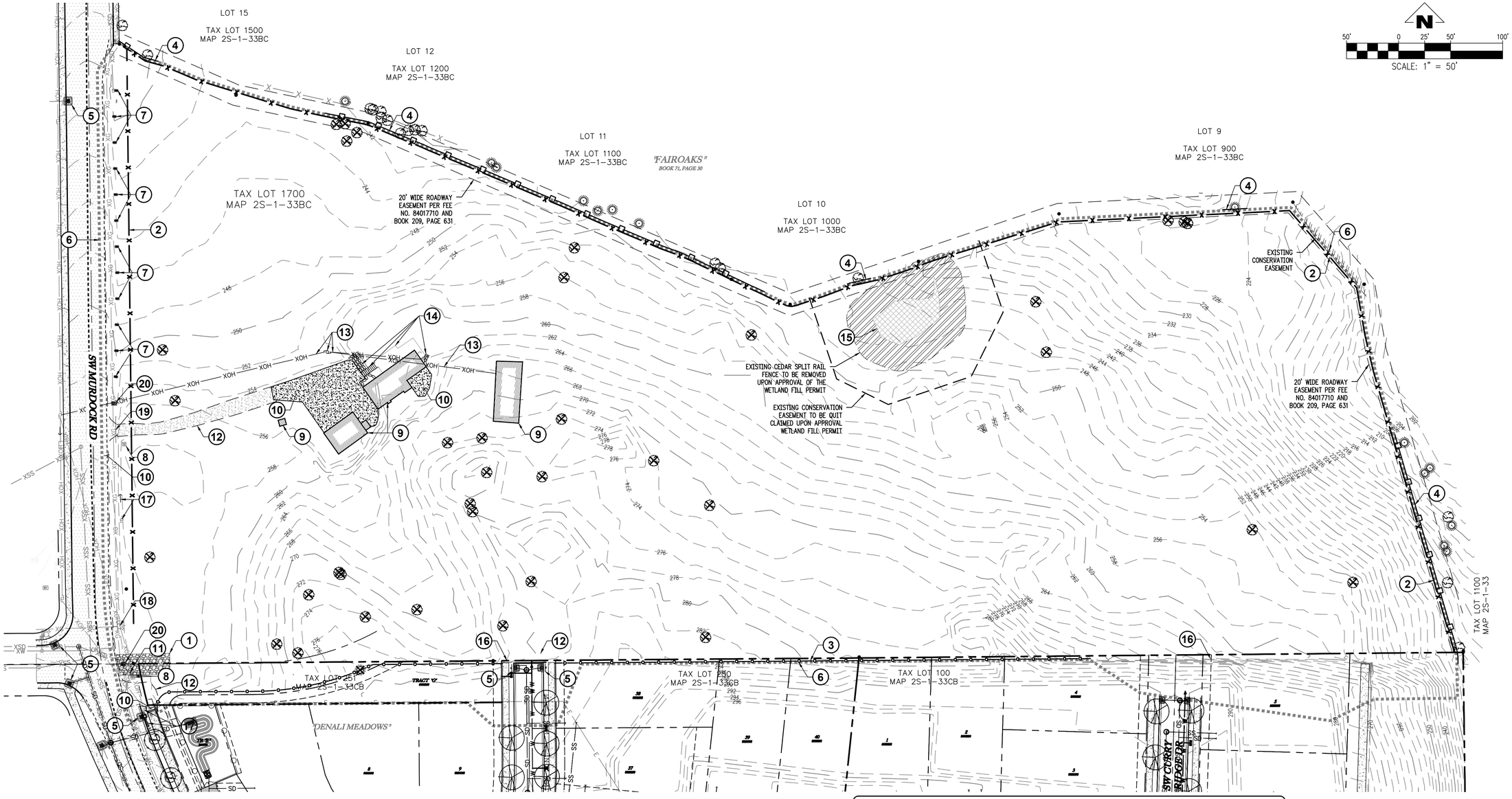
EXPIRES: 6-30-2024

SHEET 01 OF 14

1082

FILE: C:\Projects\2200-016 Moser Subdivision Sherwood\dwg\plan\2200-016_01cvr, Layout: 01 COVER SHEET, Plot Date: 11/7/2022 1:37 PM, by: Pat Tortora

Exhibit A17




## DEMOLITION LEGEND:

- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- PROPOSED 2' CONTOUR
- PROPOSED 10' CONTOUR
- GRAVEL CONSTRUCTION ENTRANCE (1)
- SEDIMENT FENCE (2)
- ORANGE CONSTRUCTION FENCE (LIMITS OF DISTURBANCE) (3)
- TREE PROTECTION FENCE (4)
- INLET PROTECTION (5)
- LIMITS OF CONSTRUCTION (6)
- BIOFILTER BAG CHECK DAM (7)

## DEMOLITION NOTES:

1. INSTALL GRAVEL CONSTRUCTION ENTRANCE
2. INSTALL SEDIMENT FENCE
3. INSTALL ORANGE CONSTRUCTION FENCE (LIMITS OF DISTURBANCE)
4. INSTALL TREE PROTECTION FENCE (TYP)
5. INSTALL INLET PROTECTION
6. LIMITS OF CONSTRUCTION
7. INSTALL BIOFILTER BAG CHECK DAM (25' OC)
8. EXISTING WATER METER TO BE REMOVED
9. EXISTING STRUCTURE TO BE REMOVED
10. EXISTING PAVING/CONCRETE TO BE REMOVED
11. EXISTING FIRE HYDRANT TO BE REMOVED
12. EXISTING GRAVEL TO BE REMOVED
13. EXISTING OVERHEAD POWER LINE/POLE TO BE REMOVED
14. EXISTING DECK/STAIRS/WALL TO BE REMOVED
15. EXISTING WETLAND TO BE REMOVED UPON APPROVAL OF WETLAND FILL PERMIT
16. EXISTING WALL TO BE REMOVED
17. EXISTING POLE & GUY WIRE TO REMAIN & BE PROTECTED
18. EXISTING FIRE HYDRANT TO BE RELOCATED/REPLACED
19. EXISTING STORM LINE TO BE REMOVED
20. EXISTING MAILBOX TO BE REMOVED

## NOTE TO CONTRACTOR

EXISTING WELLS & SEPTIC SYSTEM TO BE ABANDONED/REMOVED IN COMPLIANCE WITH ALL REGULATIONS.

## TREE PRESERVATION

CONTRACTOR TO FLAG TREES TO REMAIN PRIOR TO BEGINNING TREE REMOVAL.

## BENCHMARK INFORMATION

THE DATUM FOR THIS SURVEY IS BASED UPON WASHINGTON COUNTY BENCHMARK NO 111. ELEVATION=213.55 NGVD29 DATUM.

*THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.*

**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

# EXISTING CONDITIONS PLAN

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|


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REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 12, 1994
PATRICK RENO TORTORA

NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

SHEET 02 OF 14

1083

FILE: C:\Projects\0200-016 Moser Subdivision Sherwood\dwg\plan\0200-016_02xcon, Layout: 2 TREE REMOVAL & TREE PROTECTION PLAN, Plot Date: 11/7/2022 1:38 PM, by: Pat Tortora

LOT 15

TAX LOT 1500
MAP 2S-1-33BC

LOT 12

TAX LOT 1200
MAP 2S-1-33BC

LOT 11

TAX LOT 1100
MAP 2S-1-33BC

"FAIROAKS"
BOOK 71, PAGE 30

LOT 10

TAX LOT 1000
MAP 2S-1-33BC

LOT 9

TAX LOT 900
MAP 2S-1-33BC

TAX LOT 1700
MAP 2S-1-33BC

SW MURDOCK RD

TAX LOT 1100
MAP 2S-1-33

TAX LOT 251
MAP 2S-1-33CB

"DENALI MEADOWS"

EXISTING
STREET TREE

TAX LOT 250
MAP 2S-1-33CB

TAX LOT 100
MAP 2S-1-33CB

SW CURRY
RIDGE DR

EXISTING
STREET TREE(S)

N

SCALE: 1" = 50'

## TREE PRESERVATION

CONTRACTOR TO FLAG TREES TO REMAIN PRIOR TO BEGINNING TREE REMOVAL.

## DEMOLITION NOTES:

1. LIMITS OF CONSTRUCTION
2. REMOVE EXISTING VEGETATION/TREE (INCLUDING STUMP)
3. INSTALL TREE PROTECTION FENCE

## DEMOLITION LEGEND:

- 458 — EXISTING 2' CONTOUR
- 460 — EXISTING 10' CONTOUR
- LIMITS OF CONSTRUCTION (1)
- EXISTING TREE (TO BE REMOVED) (2)
- TREE PROTECTION FENCE (3)

*THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.*

**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

# TREE REMOVAL & PROTECTION PLAN

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |

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REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 12, 1989
PAT RENO TORTORA

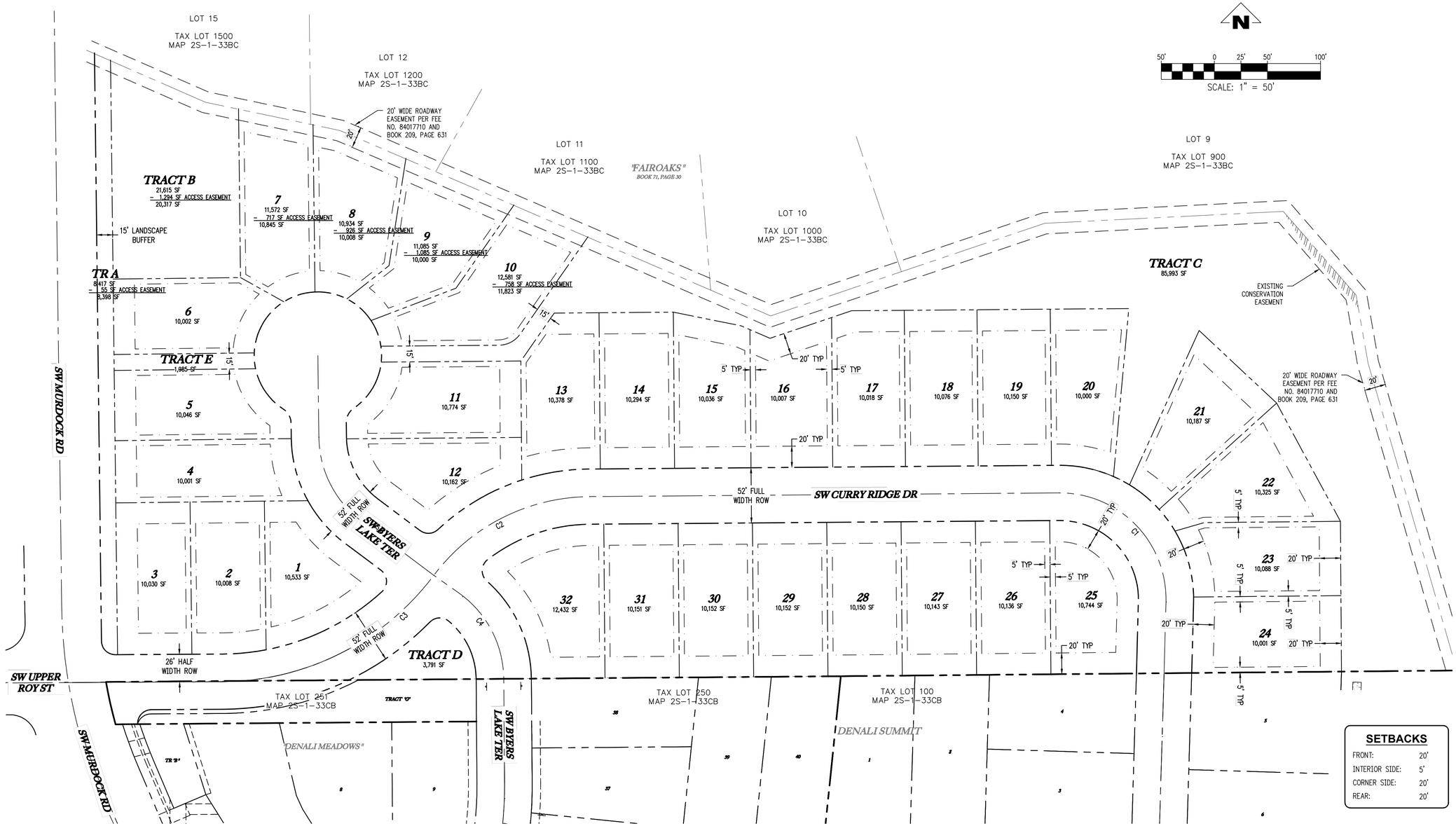
NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

SHEET 03 OF 14

1084

FILE: C:\Projects\0200-016 Moser Subdivision Sherwood\dwg\plan\0200-016_03tree, Layout: 2 TREE REMOVAL & PROTECTION PLAN, Plot Date: 11/7/2022 1:38 PM, by: Pat Tortora




## GROSS & NET AREAS:

| LOT | AREA |
|---|---|
| 1 | 10,533 SF |
| 2 | 10,008 SF |
| 3 | 10,030 SF |
| 4 | 10,001 SF |
| 5 | 10,046 SF |
| 6 | 10,002 SF |
| 7 | 10,845 SF |
| 8 | 10,008 SF |
| 9 | 10,000 SF |
| 10 | 11,823 SF |
| 11 | 10,774 SF |
| 12 | 10,162 SF |
| 13 | 10,378 SF |
| 14 | 10,294 SF |
| 15 | 10,036 SF |
| 16 | 10,007 SF |
| 17 | 10,018 SF |
| 18 | 10,076 SF |
| 19 | 10,150 SF |
| 20 | 10,000 SF |
| 21 | 10,187 SF |
| 22 | 10,325 SF |
| 23 | 10,088 SF |
| 24 | 10,001 SF |
| 25 | 10,744 SF |
| 26 | 10,136 SF |
| 27 | 10,143 SF |
| 28 | 10,150 SF |
| 29 | 10,152 SF |
| 30 | 10,152 SF |
| 31 | 10,151 SF |
| 32 | 12,432 SF |
| TR A | 8,398 SF |
| TR B | 20,317 SF |
| TR C | 85,993 SF |
| TR D | 3,791 SF |
| TR E | 1,985 SF |
| MURDOCK ROW | 3,976 SF |
| PUBLIC STEET ROW | 81,917 SF |
| ACCESS EASEMENT | 5,023 SF |
| GROSS SF | 541,245 SF |
| REQ'D 15% OPEN SPACE | 81,188 SF |

DEDUCTIONS FROM SQUARE FOOTAGE

| | |
|---|---|
| MURDOCK ROW | 3,976 SF |
| PUBLIC STEET ROW | 81,917 SF |
| TR B | 20,317 SF |
| TOTAL DEDUCTIONS | 106,210 SF |
| GROSS SF | 541,245 SF |
| DEDUCTIONS | 106,210 SF |
| NET SF | 435,035 SF |

## SETBACKS

| | |
|---|---|
| FRONT: | 20' |
| INTERIOR SIDE: | 5' |
| CORNER SIDE: | 20' |
| REAR: | 20' |

CURVE TABLE

| CURVE | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD LENGTH |
|---|---|---|---|---|---|
| C1 | 160.56 | 100.00 | 91.9955 | N44° 27' 16"W | 143.86 |
| C2 | 170.25 | 185.00 | 52.7262 | S63° 11' 04"W | 164.30 |
| C3 | 230.57 | 250.00 | 52.8421 | S63° 14' 33"W | 222.48 |
| C4 | 94.83 | 100.00 | 54.3329 | N27° 36' 45"W | 91.32 |

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

# MOSER PASS AT DENALI

TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

PRELIMINARY PLAT

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|

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REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 12, 1994
PATRICK RENO TORTORA

NOT FOR CONSTRUCTION

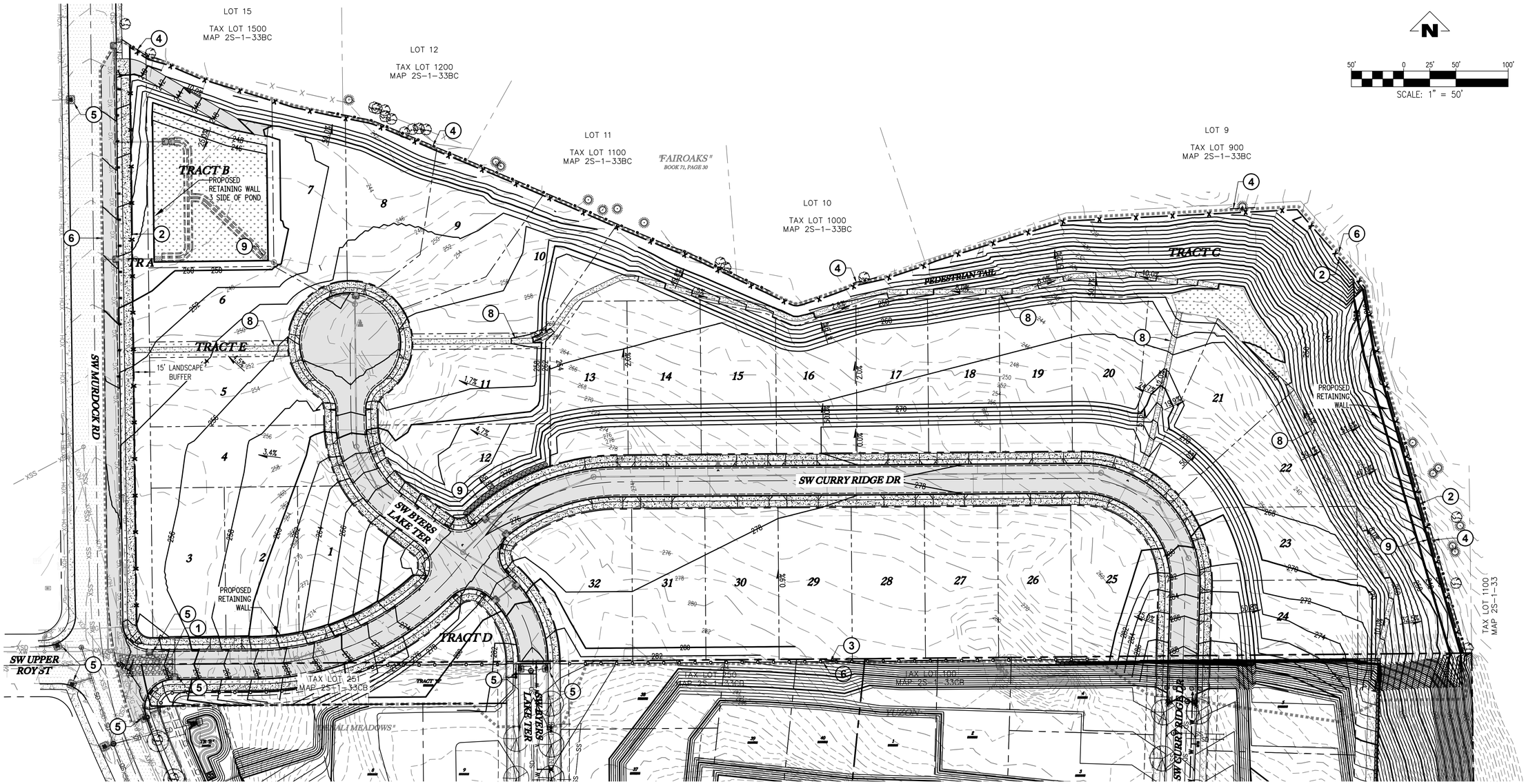
EXPIRES: 6-30-2024

SHEET 04 OF 14

1085

FILE: C:\Projects\0200-016 Moster Subdivision Sherwood\dwg\plan\0200-016_04plat, Layout: 04 PRELIMINARY PLAT, Plot Date: 11/7/2022 1:38 PM, by: Pat Tortora

Exhibit A17




## EROSION CONTROL NOTES:

1. INSTALL GRAVEL CONSTRUCTION ENTRANCE
2. INSTALL SEDIMENT FENCE
3. INSTALL ORANGE CONSTRUCTION FENCE (LIMITS OF DISTURBANCE)
4. INSTALL TREE PROTECTION FENCE (TYP)
5. INSTALL INLET PROTECTION
6. LIMITS OF CONSTRUCTION
7. INSTALL BIOFILTER BAG CHECK DAM (25' OC)
8. INSTALL NATURE PATH
9. INSTALL RETAINING WALL PER STRUCTURAL DESIGN

## EROSION CONTROL LEGEND:

- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- PROPOSED 2' CONTOUR
- PROPOSED 10' CONTOUR
- GRAVEL CONSTRUCTION ENTRANCE (1)
- SEDIMENT FENCE (2)
- ORANGE CONSTRUCTION FENCE (LIMITS OF DISTURBANCE) (3)
- TREE PROTECTION FENCE (4)
- INLET PROTECTION (5)
- LIMITS OF CONSTRUCTION (6)
- BIOFILTER BAG CHECK DAM (7)
- NATURE PATH (8)

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

# MOSER PASS AT DENALI

TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

# GRADING & EROSION CONTROL PLAN

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |


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JULY 15, 1999
PATRICK RENO TORTORA

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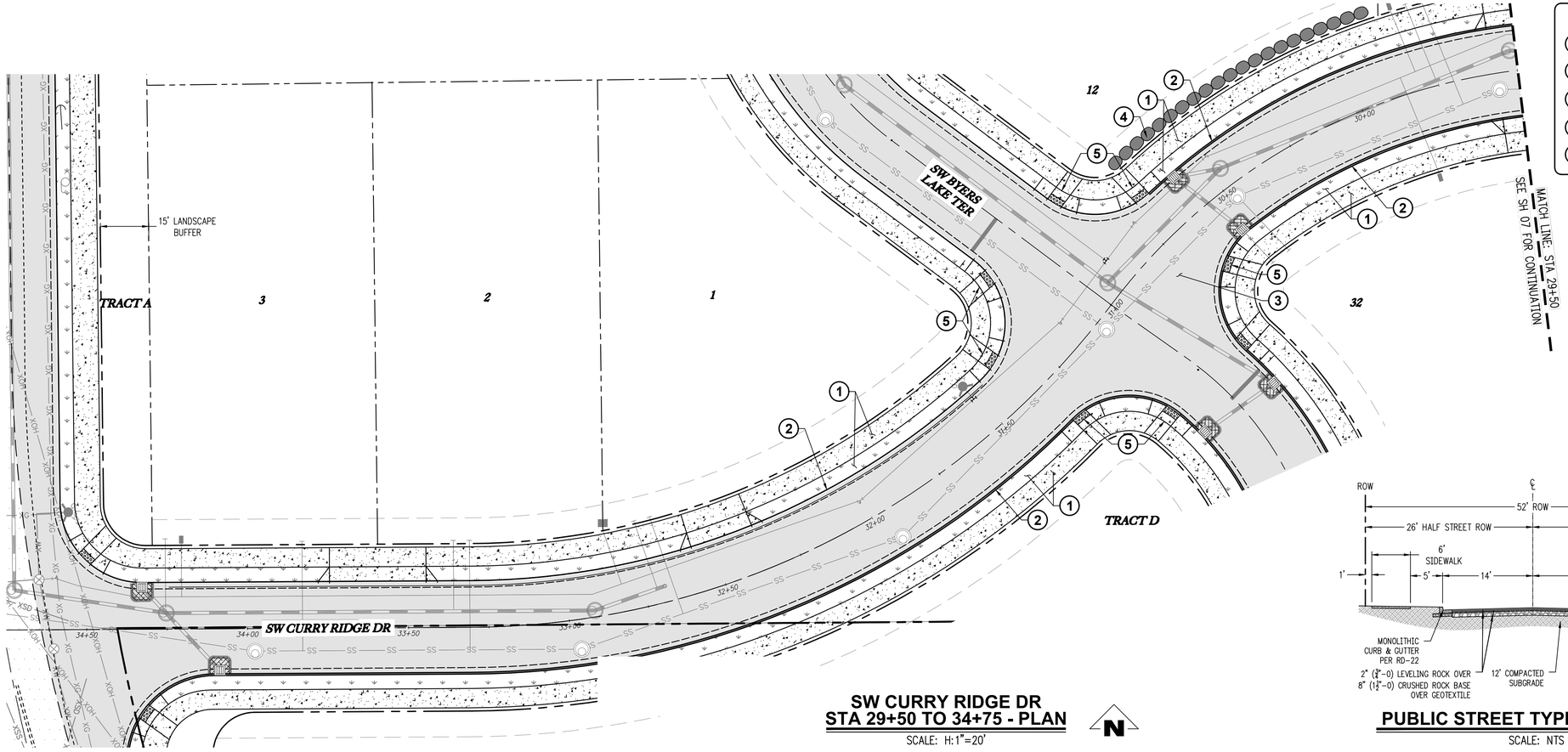
EXPIRES: 6-30-2024

SHEET 05 OF 14

1086

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Exhibit A17

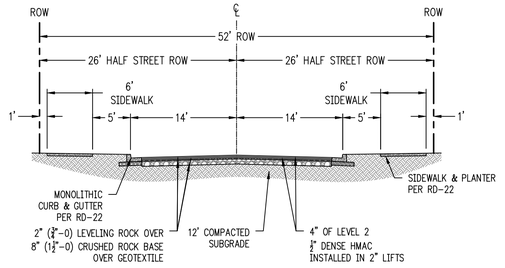



## CONSTRUCTION NOTES:

1. PROPOSED SIDEWALK & PLANTER PER COS DETAIL RD-22
2. PROPOSED MONOLITHIC CURB & GUTTER PER COS DETAIL RD-26
3. PROPOSED AC PAVEMET
4. PROPOSED 4' TALL RETAINING WALL
5. PROPOSED ADA RAMP

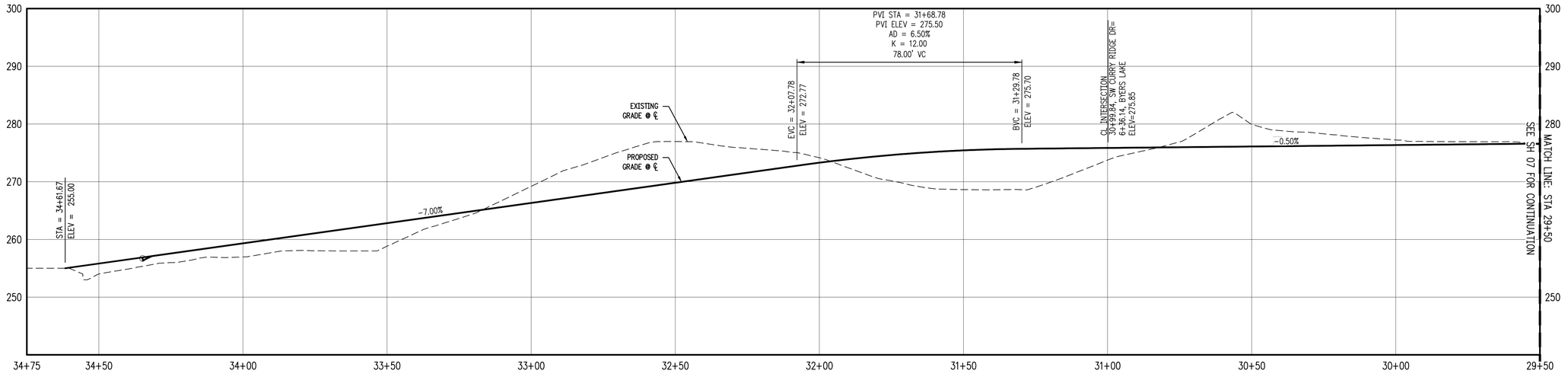
## SW CURRY RIDGE DR
## STA 29+50 TO 34+75 - PLAN

SCALE: H:1"=20'




## PUBLIC STREET TYPICAL SECTION

SCALE: NTS




## SW CURRY RIDGE DR
## STA 29+50 TO 34+75 - PROFILE

SCALE: H:1"=20' V:1"=10'

*THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.*

**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

# SW CURRY RIDGE DR
# STA 29+50 TO 34+75
# PLAN & PROFILE

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |


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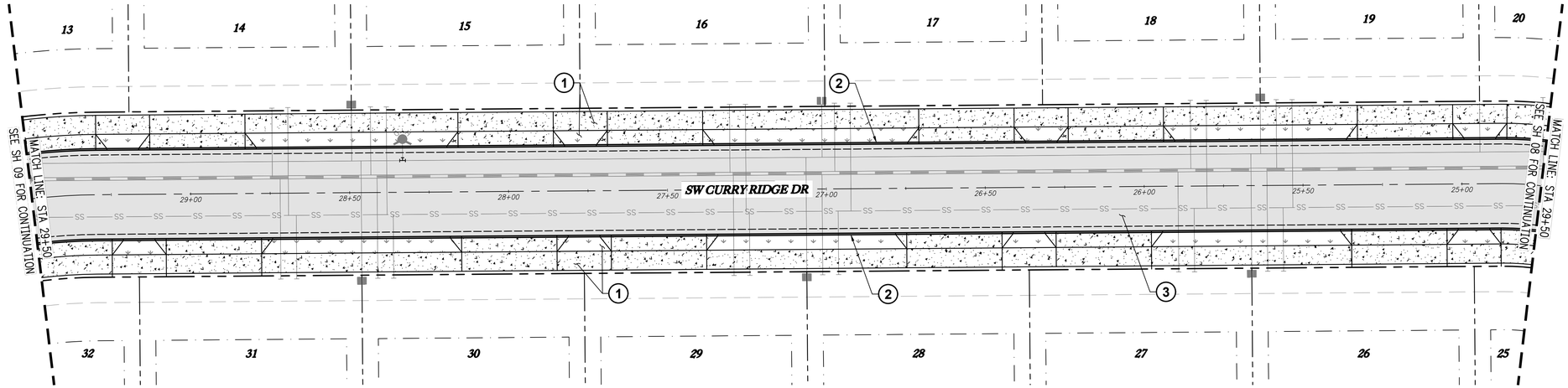

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OREGON
JULY 12, 1999
RENO TORTORA
NOT FOR CONSTRUCTION
EXPIRES: 6-30-2024

SHEET 06 OF 14

1087

FILE: C:\Projects\22000-016 Moser Subdivision Sherwood\dwg\plan\22000-016_06st01, Layout: 06 UPPER ROY ST STA 29+50 TO 34+75 PLAN & PROFILE, Plot Date: 11/7/2022 1:39 PM, by: Pat Tortora

Exhibit A17



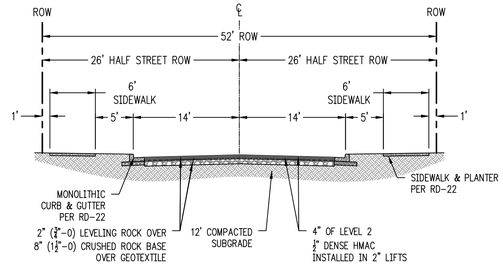

## SW CURRY RIDGE DR
## STA 25+25 TO 29+50 - PLAN

SCALE: H:1"=20'

N

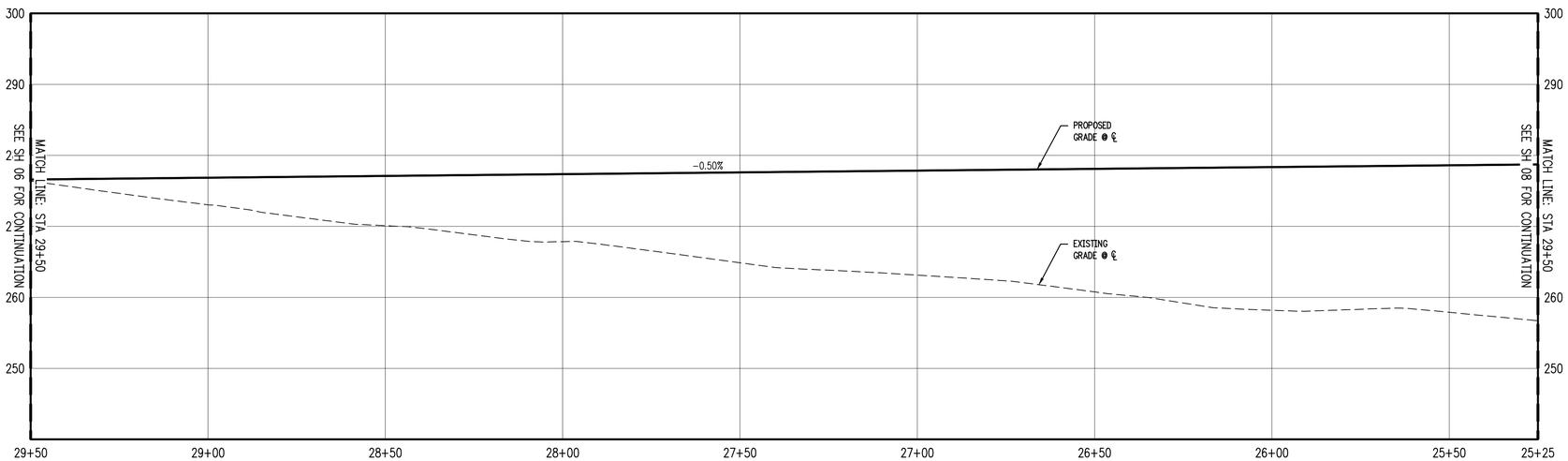
**CONSTRUCTION NOTES:**

1. PROPOSED SIDEWALK & PLANTER PER COS DETAIL RD-22
2. PROPOSED MONOLITHIC CURB & GUTTER PER COS DETAIL RD-26
3. PROPOSED AC PAVEMENT




## PUBLIC STREET TYPICAL SECTION

SCALE: NTS




## SW CURRY RIDGE DR
## STA 25+25 TO 29+50 - PROFILE

SCALE: H:1"=20' V:1"=10'

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**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

**SW CURRY RIDGE DR**
**STA 25+25 TO 29+50**
**PLAN & PROFILE**

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |


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OREGON
JULY 12, 1989
PATRICK RENO TORTORA
NOT FOR CONSTRUCTION
EXPIRES: 6-30-2024

SHEET 07 OF 14

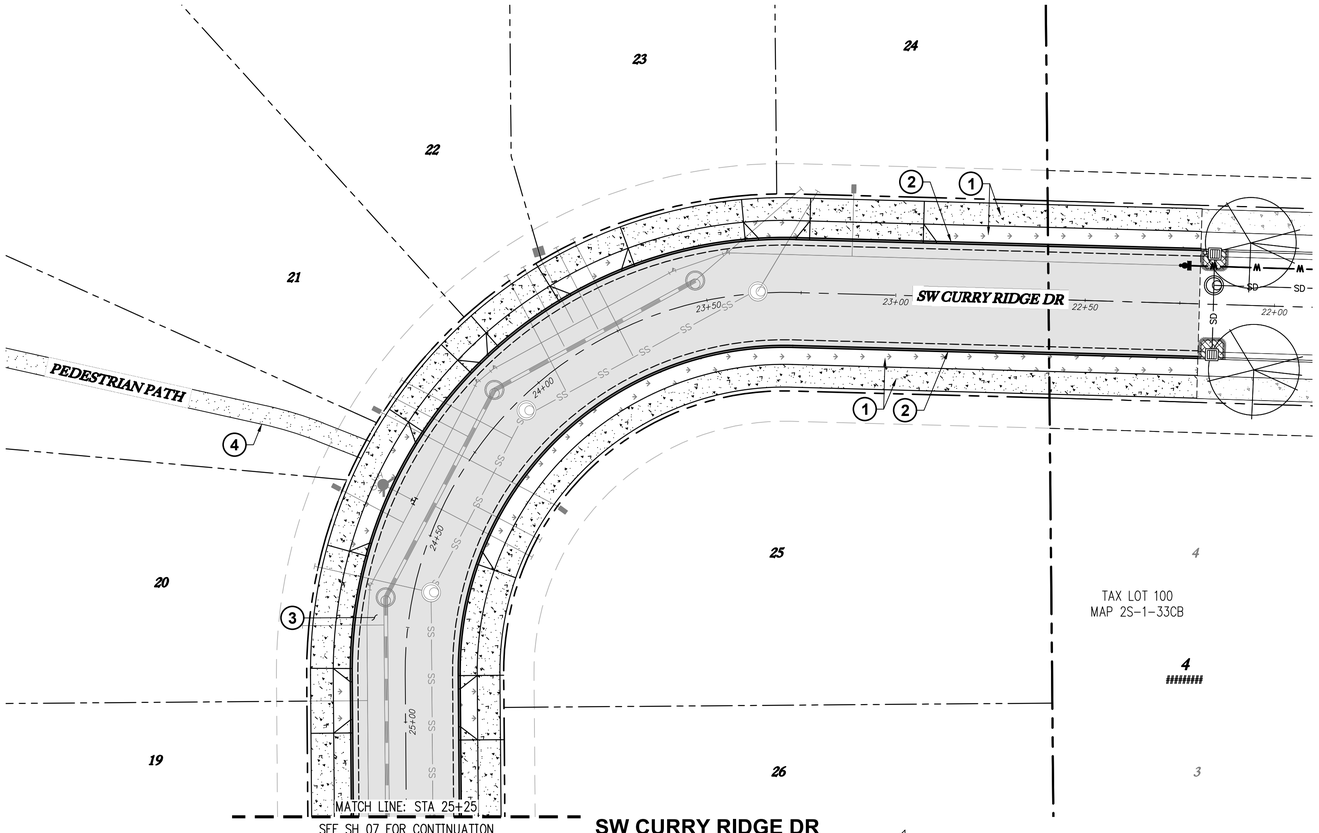
1088

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Exhibit A17

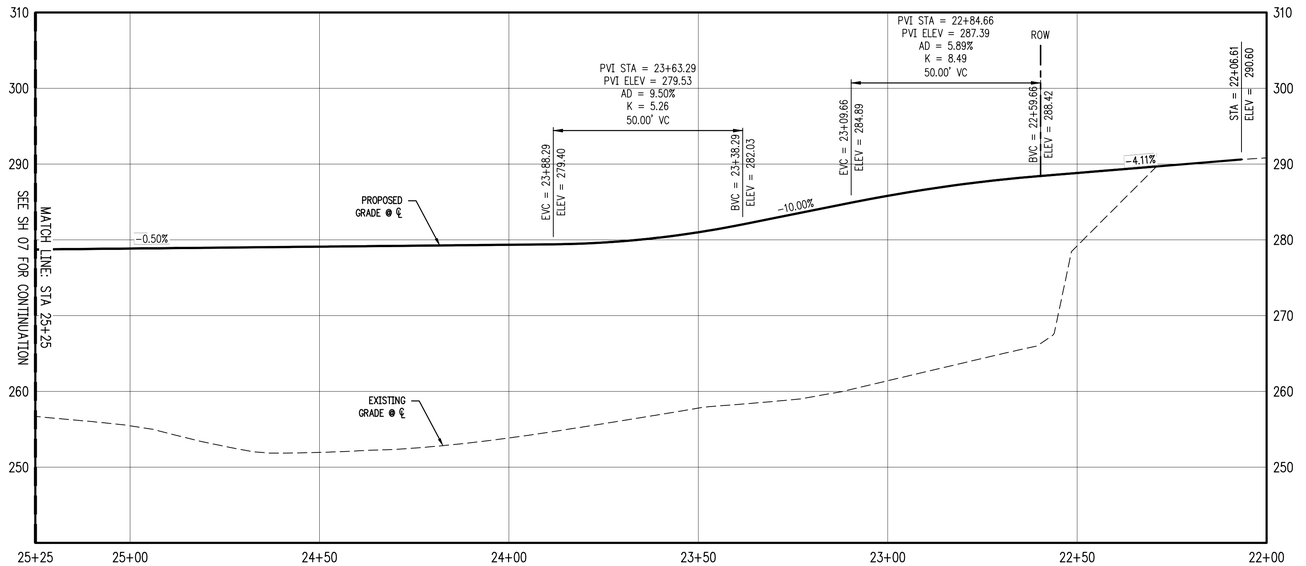
## CONSTRUCTION NOTES:

1. PROPOSED SIDEWALK & PLANTER PER COS DETAIL RD-22
2. PROPOSED MONOLITHIC CURB & GUTTER PER COS DETAIL RD-26
3. PROPOSED AC PAVEMET
4. PROPOSED NATURE PATH



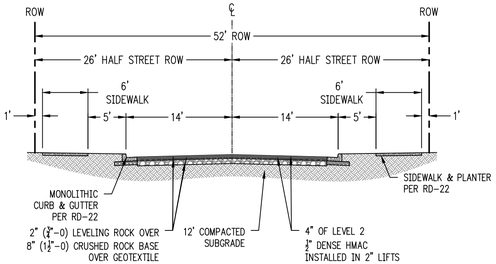

## SW CURRY RIDGE DR
## STA 22+00 TO 25+25 - PLAN

SCALE: H:1"=20'




## SW CURRY RIDGE DR
## STA 22+00 TO 25+25 - PROFILE

SCALE: H:1"=20' V:1"=10'




## PUBLIC STREET TYPICAL SECTION

SCALE: NTS

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

**SW CURRY RIDGE DR**
**STA 22+00 TO 25+25**
**PLAN & PROFILE**

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |

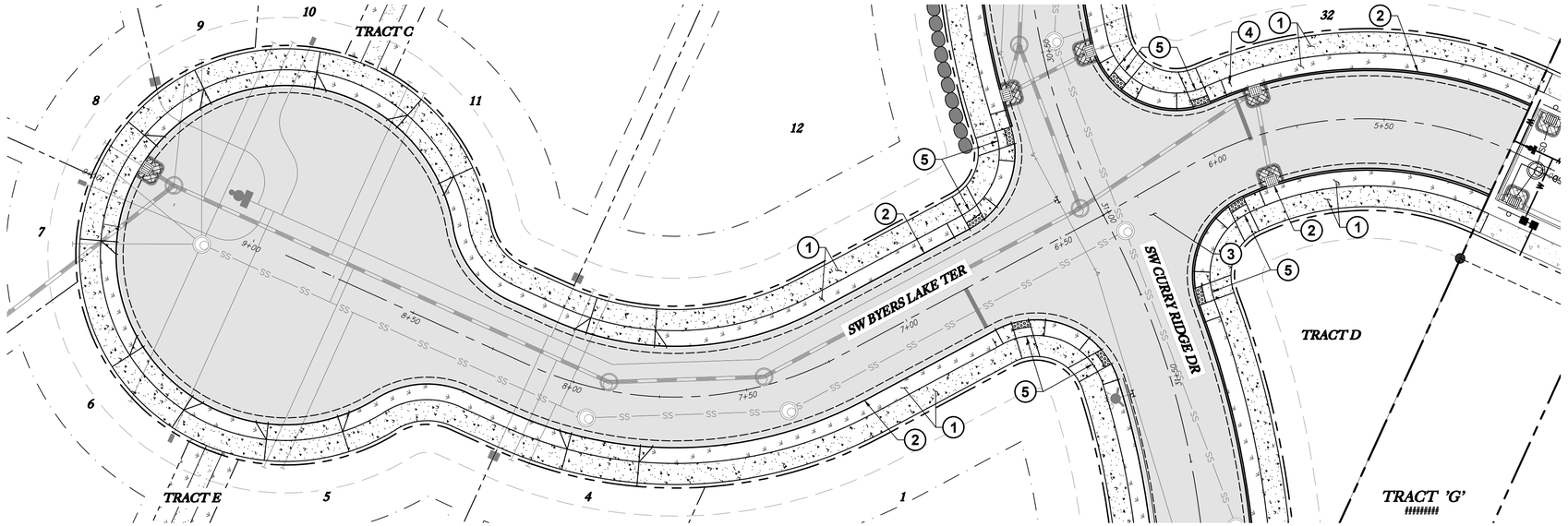

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JULY 12, 1999
PATRICK RENO TORTORA
NOT FOR CONSTRUCTION
EXPIRES: 6-30-2024

SHEET 08 OF 14

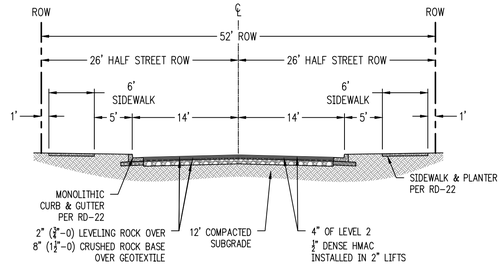
1089

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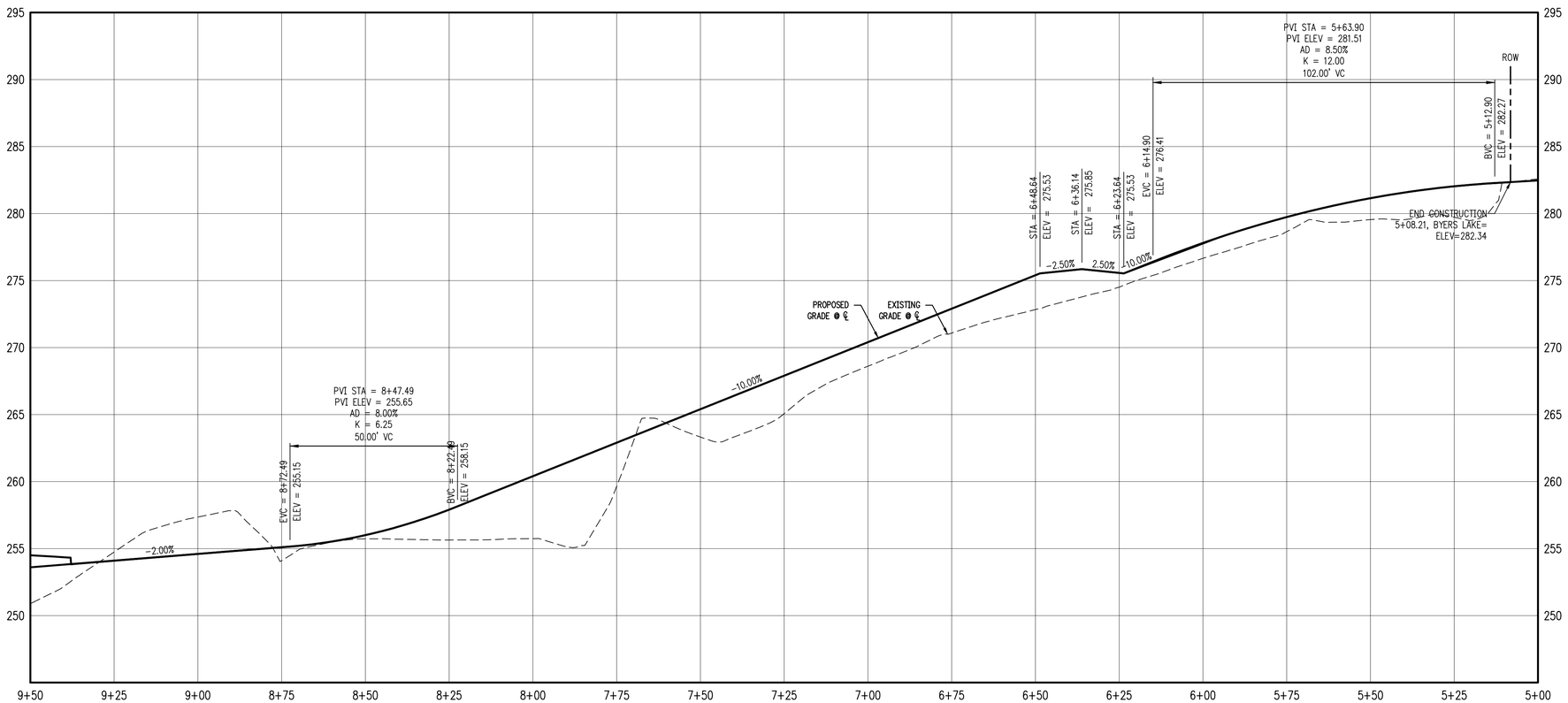

## SW BYERS LAKE TER
## STA 5+00 TO 9+50 - PLAN

SCALE: H:1"=20'




## PUBLIC STREET TYPICAL SECTION

SCALE: NTS




## SW BYERS LAKE TER
## STA 5+00 TO 9+50 - PROFILE

SCALE: H:1"=20' V:1"=10'

### CONSTRUCTION NOTES:

1. PROPOSED SIDEWALK & PLANTER PER COS DETAIL RD-22
2. PROPOSED MONOLITHIC CURB & GUTTER PER COS DETAIL RD-26
3. PROPOSED AC PAVEMET
4. PROPOSED "STOP" SIGN
5. PROPOSED ADA RAMP

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

MOSER PASS AT DENALI

TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

SW BYERS LAKE TER
PLAN & PROFILE

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |

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REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 12, 1999
PATRICK RENO TORTORA

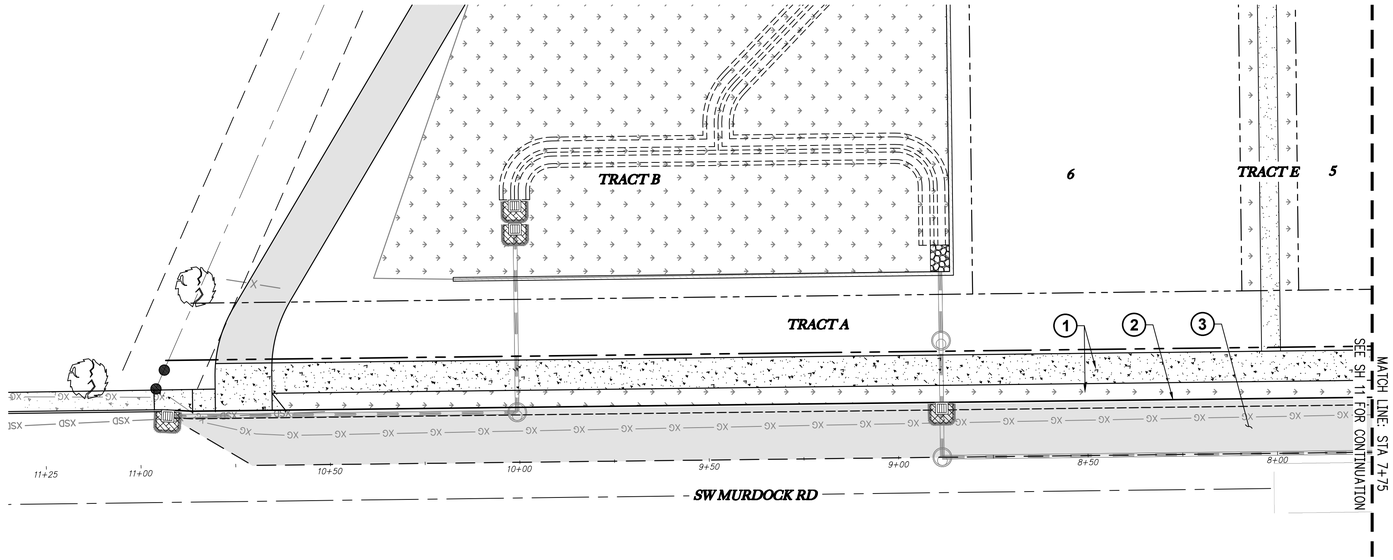
NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

SHEET 09 OF 14

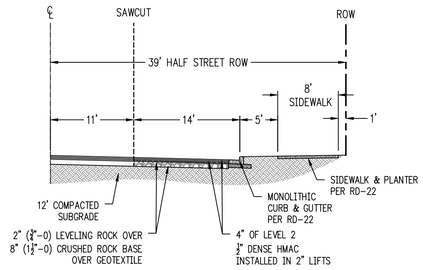
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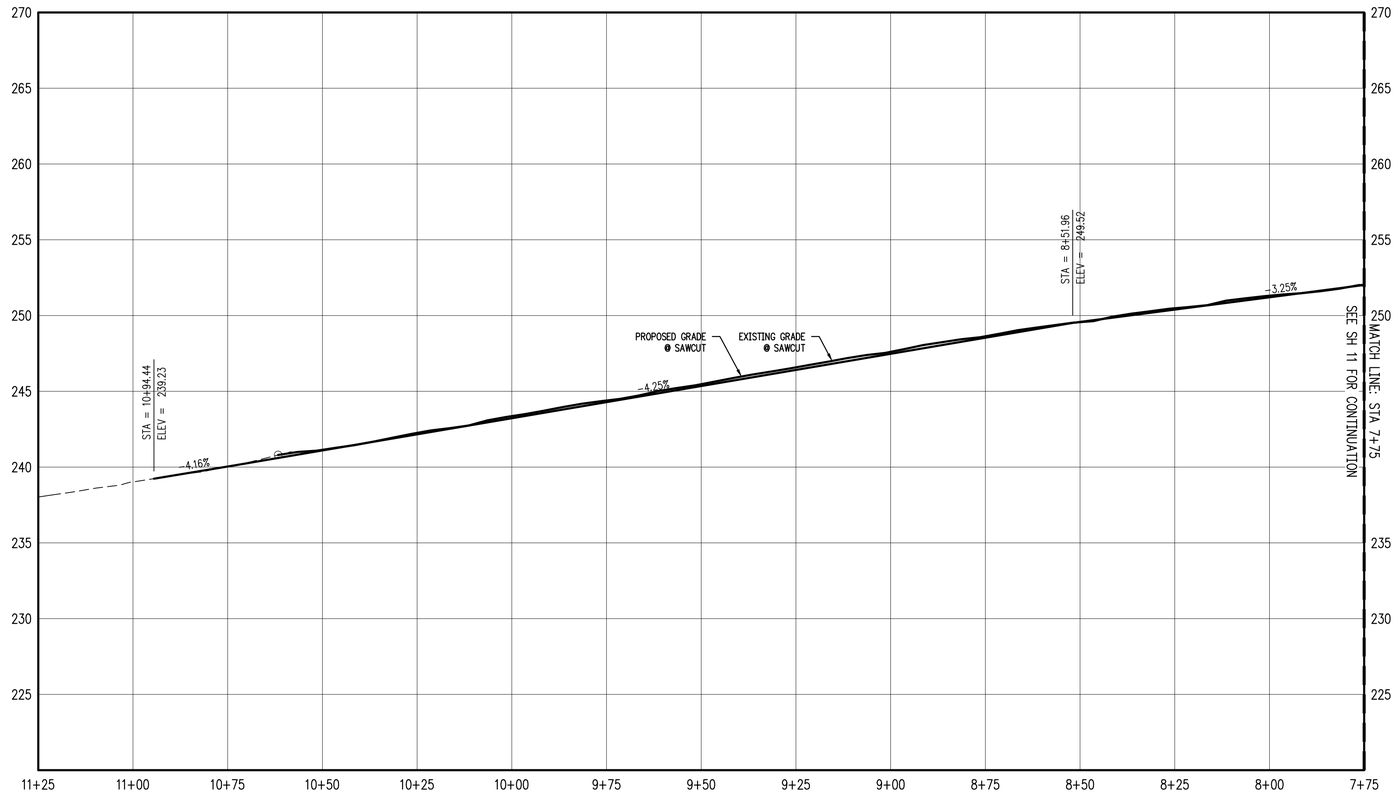

## SW MURDOCK RD
## STA 7+75 TO 11+25 - PLAN

SCALE: H:1"=20'




## SW MURDOCK RD
## TYPICAL SECTION

SCALE: NTS




## SW MURDOCK RD
## STA 7+75 TO 11+25 - PROFILE

SCALE: H:1"=20' V:1"=10'

### CONSTRUCTION NOTES:

1. PROPOSED SIDEWALK & PLANTER PER COS DETAIL RD-22
2. PROPOSED MONOLITHIC CURB & GUTTER PER COS DETAIL RD-26
3. PROPOSED AC PAVEMET

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

**SW MURDOCK RD**
**STA 7+75 TO 11+25**
**PLAN & PROFILE**

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
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JULY 12, 1994
PATRICK RENO TORTORA

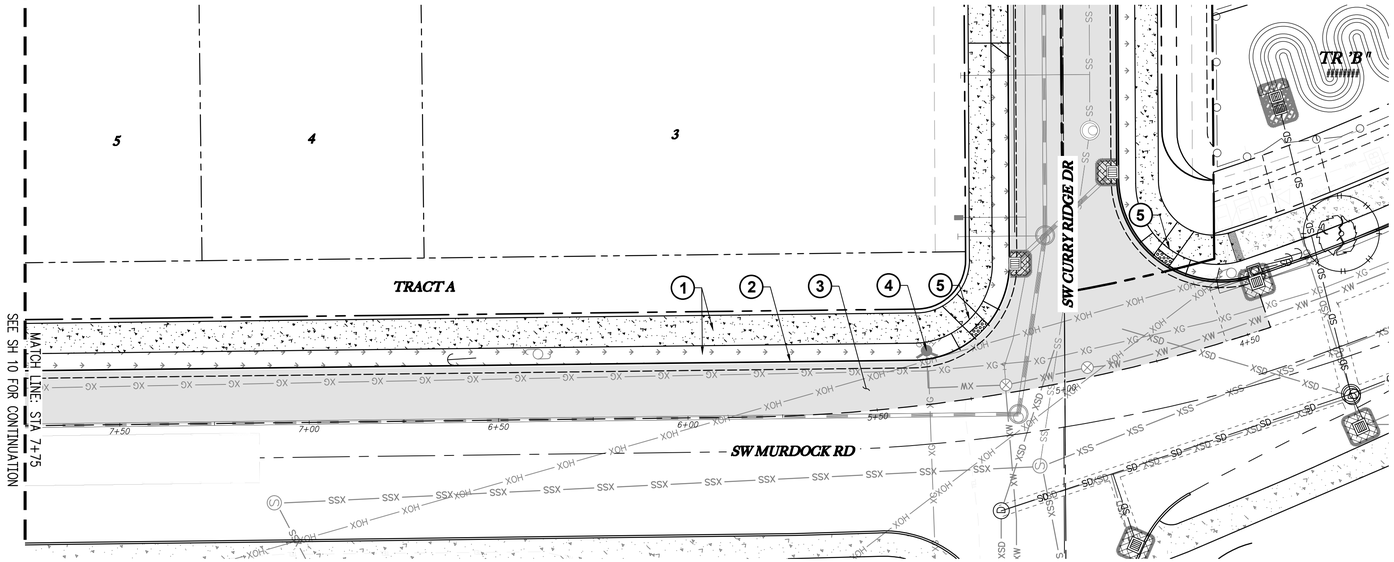
NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

SHEET 10 OF 14

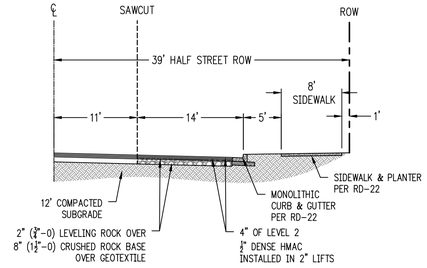
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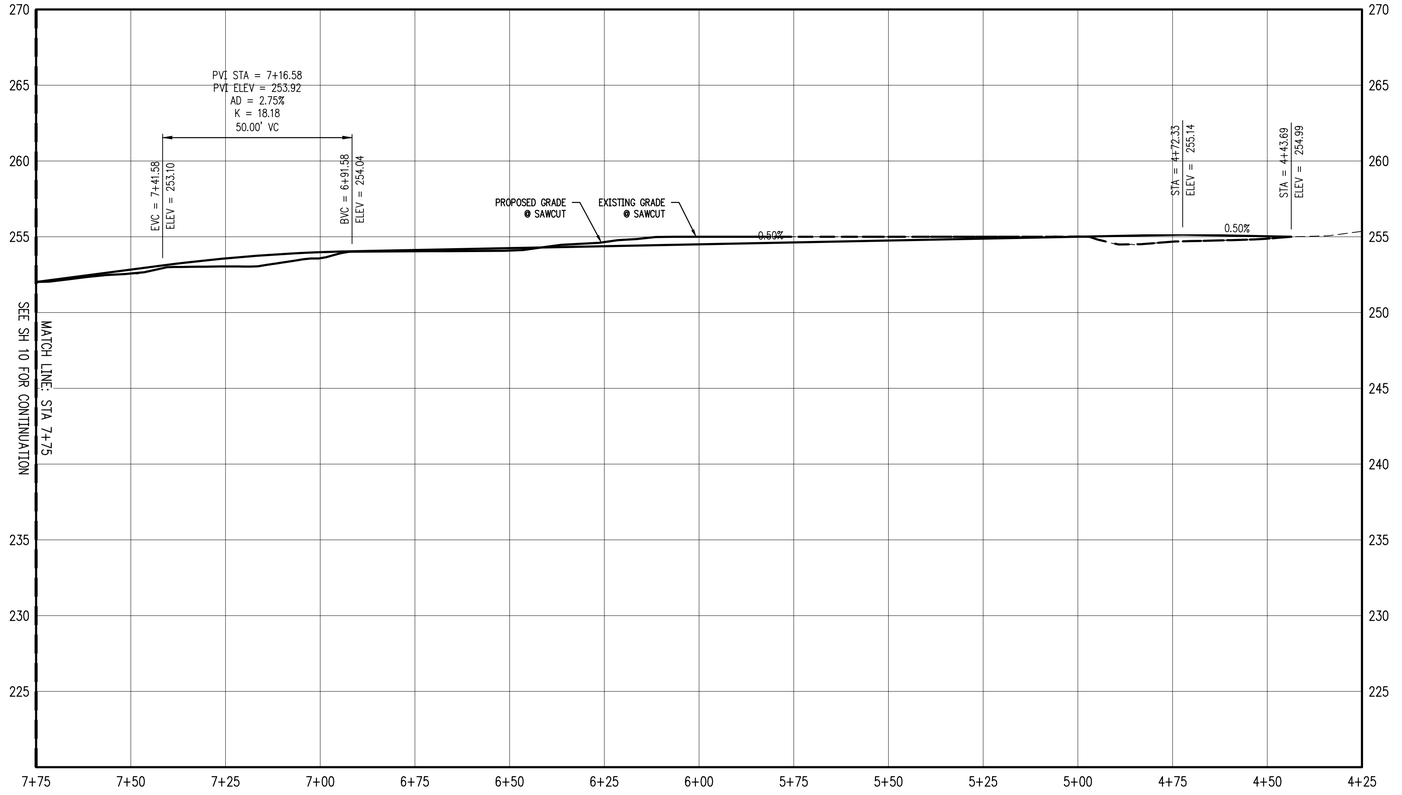

## SW MURDOCK RD
## STA 4+25 TO 7+75 - PLAN

SCALE: H:1"=20'




## SW MURDOCK RD
## TYPICAL SECTION

SCALE: NTS




## SW MURDOCK RD
## STA 4+25 TO 7+75 - PROFILE

SCALE: H:1"=20' V:1"=10'

### CONSTRUCTION NOTES:

1. PROPOSED SIDEWALK & PLANTER PER COS DETAIL RD-22
2. PROPOSED MONOLITHIC CURB & GUTTER PER COS DETAIL RD-26
3. PROPOSED AC PAVEMET
4. PROPOSED FIRE HYDRANT PER COS DETAIL W-21
5. PROPOSED ADA RAMP

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

**SW MURDOCK RD**
**STA 4+25 TO 7+75**
**PLAN & PROFILE**

REVISIONS

| NO. | DATE | DESCRIPTION |
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JANUARY 12, 1999
PATRICK RENO TORTORA

NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

SHEET 11 OF 14

1092

FILE: C:\Projects\0200-016 Moser Subdivision Sherwood\dwg\plan\0200-016_11x106, Layout: 11 MURDOCK RD PLAN & PROFILE, Plot Date: 11/7/2022 1:43 PM, by: Pat Tortora

## WATER QUALITY POND

SCALE: H:1"=20'

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

**WATER QUALITY POND PLAN**

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |

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JULY 12, 1989
PATRICK RENO TORTORA

NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

SHEET 12 OF 14

1093

FILE:C:\Projects\0200-016 Moser Subdivision Sherwood\dwg\plan\0200-016_12wp01, Layout: 10 WATER QUALITY POND, Plot Date: 11/7/2022 1:43 PM, by: Pat Tortora

Exhibit A17

LOT 15
TAX LOT 1500
MAP 2S-1-33BC

LOT 12
TAX LOT 1200
MAP 2S-1-33BC

LOT 11
TAX LOT 1100
MAP 2S-1-33BC

"FAIROAKS"
BOOK 71, PAGE 30

LOT 10
TAX LOT 1000
MAP 2S-1-33BC

LOT 9
TAX LOT 900
MAP 2S-1-33BC

N

50' 0 25' 50' 100'
SCALE: 1" = 50'

POND OUTLET STRUCTURE

TRACT B

15' LANDSCAPE BUFFER

TRACT A

TRACT C

TRACT E

SW MURDOCK RD

SW BYERS LAKE TER

TRACT D

SW UPPER ROY ST

TAX LOT 251
MAP 2S-1-33CB

TRACT V

"DENALI MEADOWS"

TAX LOT 250
MAP 2S-1-33CB

TAX LOT 100
MAP 2S-1-33CB

"YUZON"

SW CORALTREE TER

TAX LOT 1100
MAP 2S-1-33

## UTILITY NOTES:

1. PROPOSED STORMWATER DETENTION POND AND WATER QUALITY SWALE
2. PROPOSED STORM LINE
3. PROPOSED STORM MANHOLE
4. PROPOSED POLLUTION CONTROL MANHOLE
5. PROPOSED CC-2 CATCH BASIN
6. PROPOSED STORM LATERAL
7. PROPOSED SANITARY LINE
8. PROPOSED SANITARY MANHOLE
9. PROPOSED CONNECTION TO EXISTING SANITARY MANHOLE
10. PROPOSED SANITARY LATERAL
11. PROPOSED CONNECTION TO EXISTING WATERLINE
12. PROPOSED FIRE HYDRANT
13. REMOVE EXISTING BLOWOFF AND CONNECT TO EXISTING WATER LINE
14. PROPOSED SINGLE WATER METER
15. PROPOSED DOUBLE WATER METER
16. PROPOSED WATER LINE
17. PROPOSED FIRE HYDRANT
18. PROPOSED CATCH BASIN TO BE INSTALLED ON EXISTING STORM PIPE

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

# MOSER PASS AT DENALI

TAX MAP 2S133BC
TAX LOT 1700
SHERWOOD, OREGON

# PRELIMINARY UTILITY PLAN

REVISIONS

| NO. | DATE | DESCRIPTION |
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JULY 12, 1999
RENO TORTORA

NOT FOR CONSTRUCTION

EXPIRES: 6-30-2024

SHEET 13 OF 14

1094

FILE: C:\Projects\0200-016 Master Subdivision Sherwood\dwg\plan\0200-016_13pull, Layout: 13 PRELIMINARY UTILITY PLAN, Plot Date: 11/7/2022 1:44 PM, by: Pat Tortora

Exhibit A17




THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

**MOSER PASS AT DENALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

# AERIAL & NEIGHBORHOOD CIRCULATION MAP

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |


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OREGON
JULY 12, 1998
PATRICK RENO TORTORA
NOT FOR CONSTRUCTION
EXPIRES: 6-30-2024

SHEET 14 OF 14

1095

FILE: C:\Projects\0200-016 Moser Subdivision Sherwood\dwg\plan\0200-016_14aero, Layout: 11 AERIAL & NEIGHBORHOOD CIRCULATION MAP, Plot Date: 11/7/2022 1:44 PM, by: Pat Tortora

**Landscape Plan**

**(Showing Open Space & Trail Improvements/Surface)**

Exhibit A17

GROUND ROOTS
Landscape Design

# MOSER PASS

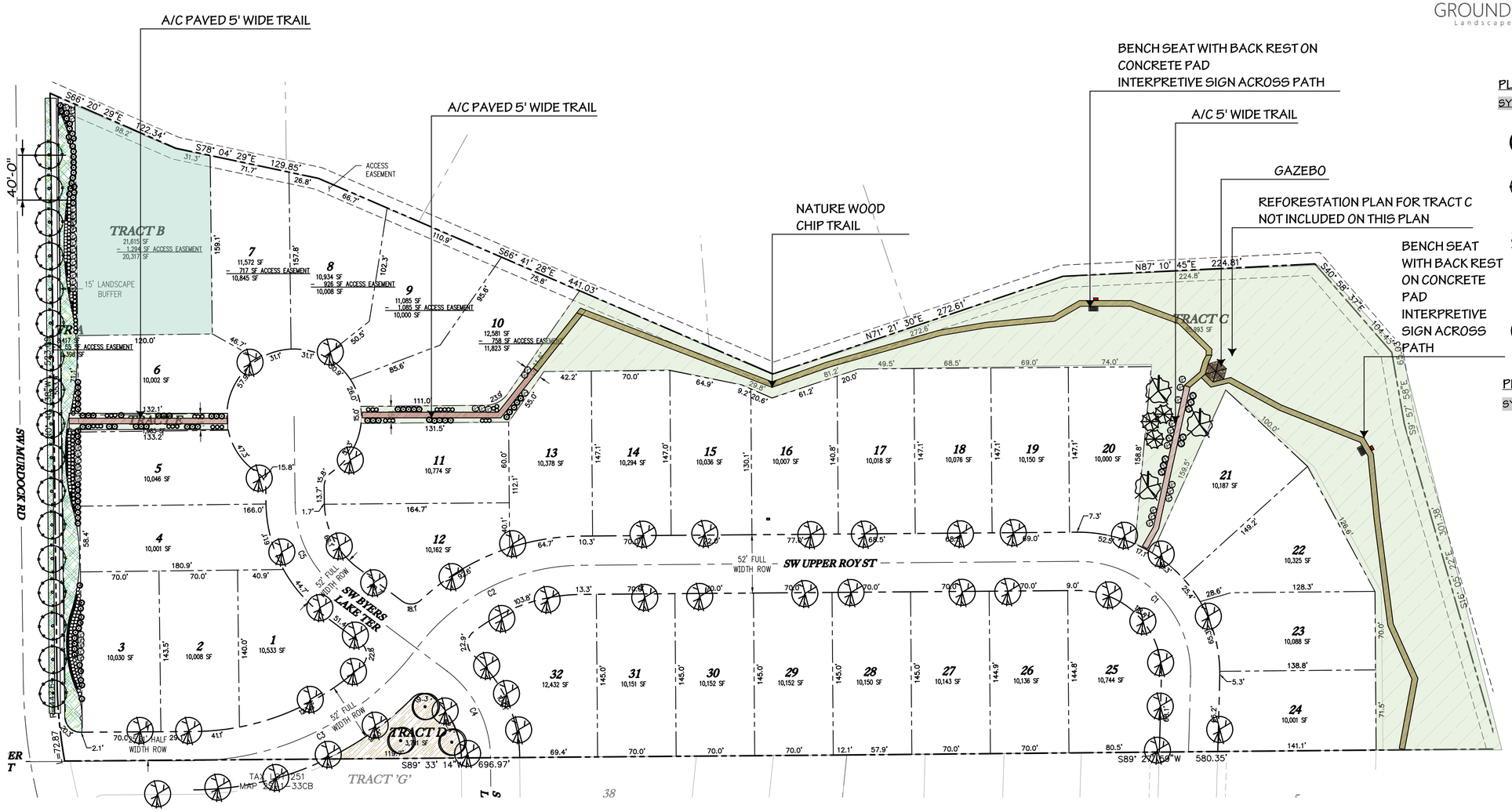
| PROJECT | |
|---|---|
| | 22012 |

TAX LOT 1700 SHERWOOD, OR

| DESIGNER | DATE | VERSION |
|---|---|---|
| GROUND ROOTS LD - JANE ELRICK | 9/7/2022 | 4 |

## LANDSCAPE PLAN

1/1




## PLANT LIST - TREES

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 3 | ACER RUBRUM 'FRANKS RED'<br>Red Sunset Maple | 2" cal | AS SHOWN |
| | 13 | CARPINUS BELTULUS PYRAMIDALIS<br>European Hornbeam | 2" cal | AS SHOWN |
| | 3 | GINKGO BILOBA 'GOLDSPIRE'<br>Goldspire Ginkgo | 6-8' ht. | AS SHOWN |
| | 3 | PINUS FLEXIUS 'VANDERWOLF PINE'<br>Limber Pine | 5' ht | AS SHOWN |
| | 48 | ZELKOVA SERRATA 'VILLAGE GREEN'<br>Village Green Zelkova | 2" cal | AS SHOWN |

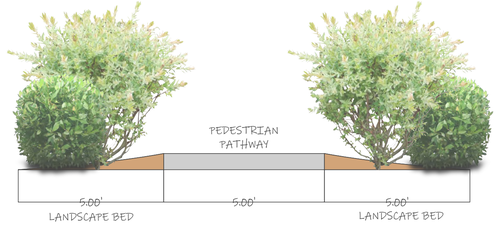
## PLANT LIST - SHRUBS & GROUND COVER

| SYMBOL | QTY | SUGGESTED PLANT MATERIAL | SIZE | SPACING |
|---|---|---|---|---|
| | 9 | MYRICA CALIFORNICA<br>Pacific Wax Myrtle | 5 gal | 6' oc |
| | 45 | VACCINIUM OVATUM<br>Evergreen Huckleberry | 2 gal | 4' oc |
| | 87 | CARYOPTERIS X CLANDONENSIS<br>Blue Mist Bluebeard | 2 gal | 4' oc |
| | 88 | ILEX GLABRA 'SHAMROCK'<br>Shamrock Inkberry | 2 gal | 4' oc |
| | 97 | PENNISETUM ALOPECURIOIDS 'HAMELN'<br>Hameln Dwarf Fountain Grass | 1 gal | 3' oc |
| | 96 | VIBURNUM TINUS 'COMPACTUM'<br>Spring Bouquet Laurustinus | 2 gal | 4' oc |

## SEEDED AREAS

| | | | |
|---|---|---|---|
| | PT LAWN SEED<br>PT 769 R & R ECO-TURF MIX | SEED | 5-7 lbs / 1000 sqft |
| | PT 705 XERISCAPE LAWN ALTERNATIVE | SEED | 2 lbs / 1000 sqft |
| | (2) 6' BENCH WITH BACK REST ON CONCRETE PAD | | |
| | INTERPRETIVE SIGN | | |

# PEDESTRIAN WALKWAY CROSS-SECTION




## TREE DENSITY CALCULATIONS*

*DOES NOT INCLUDE REFORESTATION OF TRACT C

| TREE NAME | QTY | MATURE SPREAD | CANOPY AREA (SF) | CANOPY COVERAGE (SF) |
|---|---|---|---|---|
| **PROPOSED NEW TREES:** | | | | |
| ACER RUBRUM 'FRANKSRED' | 3 | 40 | 1257 | 3771 |
| CARPINUS BETULUS PYRAMIDALIS | 13 | 35 | 962 | 12506 |
| GINKGO BILOBA 'GOLDSPIRE' | 3 | 6 | 28 | 84 |
| PINUS FLEXILIS VANDERWOLF PYRAMID' | 3 | 30 | 707 | 2121 |
| ZELKOVA SERRATA 'VILLAGE GREEN' | 48 | 36 | 1018 | 48864 |
| | | **TOTAL CANOPY COVERAGE** | | 67346 |
| | | **TOTAL SITE AREA** | | 335,896 |
| | | **PERCENT CANOPY COVER** | | 20% |

0 100 200 300 FT

SCALE: 1" = 50'




EXISTING PLANTS-LOCATION APPROXIMATE
UNLESS SPECIFIED, ALL PLANT SYMBOLS ARE PLACEHOLDERS TBD BASED ON AVAILABILITY

NOTE:

THE EXISTING PROPERTY CONDITIONS, INCLUDING PROPERTY LINE LOCATIONS SHOWN ON THE PLAN, ARE APPROXIMATE AND DO NOT REPRESENT A FIELD-SURVEYED CONDITION. OWNER SHALL VERIFY ALL PROPERTY LINES, DIMENSIONS, EASEMENTS, AND EXISTING UNDERGROUND UTILITY AND IRRIGATION LOCATIONS PRIOR TO ANY CONSTRUCTION. SERVICES AND ADVICE ARE LIMITED TO PLANNING AND CONCEPTUAL DESIGN OF EXTERIOR SPACES AND HORTICULTURE CONSULTATION AND DO NOT INCLUDE ANY ENGINEERING SERVICES, STRUCTURAL ANALYSIS, OR CONSTRUCTION DETAILS WHICH MAY REQUIRE THE SERVICE OF A LICENSED PROFESSIONAL AS REQUIRED BY LAW. CONSTRUCTION DETAILS GIVEN ARE CONCEPTUAL IN NATURE AND SHOULD BE CONFIRMED BY A LICENSED ARCHITECT OR CONTRACTOR. IMAGES SHOWN ARE FOR INSPIRATION AND SOME REFERENCES MAY NOT BE THE WORK OF GROUND ROOTS LANDSCAPE DESIGN. SOURCES AVAILABLE UPON REQUEST.

**Updated Land Use Narrative**

**DATE:** 7-22-2022

**DATE UPDATED:** 11/7/2022

**PROPERTY OWNERS/ DEVLOPER:**
J.T. Roth Construction, Inc.
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:** 32-Lot residential subdivision in the VLDR Planned Unit Development (PUD) Zone. The proposed **"Moser Pass PUD"** will be developed pursuant to the City of Sherwood Land Use and Development Code requirements.

**SITE LOCATION:** 22900 SW Murdock Road

**ZONING:** VLDR, Very Low Density Residential

**TOTAL SITE SIZE:** 12.36 Acres / 538,401.6 Square Feet

**LEGAL DESCRIPTION:** Tax Map 2S133BC, Tax Lots 1700

## I. INTRODUCTION

Background Information: The subject site consists of one (1) tax lot totaling approximately 12.36 acres in size. The site area is irregular in shape with a 10-foot access easement located along the northern and eastern property boundary for access to the property to the southeast of the subject property. The site is currently developed with a single-family dwelling, as well as a couple accessory structures. 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 32-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 (4) 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. The Applicant is requesting that the front yard setback be 15-feet for the house and 20 feet for the garage.

---

## 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(except middle housing types pursuant to 16.12.010.F).*

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. Middle housing is not being proposed as part of the PUD.

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 – 10,533 square feet; Lot 2 – 10,008 square feet; Lot 3 – 10,030 square feet; Lot 4 – 10,001 square feet; Lot 5 – 10,046 square feet; Lot 6 – 10,002 square feet; Lot 7 – 10,845 square feet; Lot 8 – 10,008 square feet; Lot 9 – 10,000 square feet; Lot 10 – 11,823 square feet; Lot 11 – 10,774 square feet; Lot 12 – 10,162 square feet; Lot 13 – 10,378 square feet; Lot 14 10,294 square feet; Lot 15 10,036 square feet; Lot 16 10, 007 square feet; Lot 17 10,018 square feet; Lot 18 10,076 square feet; Lot 19 10,150 square feet; Lot 20 10,000 square feet; Lot 21 10,187 square feet, Lot 22 10,325 square feet; Lot 23 10,088 square feet; Lot 24 10,001 square feet; Lot 25 10,744 square feet; Lot 26 10,136 square feet; Lot 27 10,143 square feet; Lot 28 10,150 square feet; Lot 29 10,152 square feet; Lot 30 10,152 square feet; Lot 31 10,151 square feet; Lot 32 12,432 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 northwest corner and landscaped usable open space along the north and east (i.e. Tract C) of the subject site all acts as buffer to adjacent developed properties to the north.

*(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 C and D will provide usable and passive open space areas for the PUD and will be dedicated as Tracts C and D usable open space on the final plat. Tract C has been located to abut with the Denali Summit open space tract to the south to help facilitate pedestrian connectivity to the north and west as intended in the SE Sherwood Master Plan.

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).




Since the grove of trees identified as open space on the Alternative B/C have been removed from the Moser property, the Applicant would like to restore the grove of trees to the maximum extent practicable as part of this PUD proposal. To accomplish this goal, the developer has worked closely with Ash Creek Forest Management, LLC to develop a reforestation plan. A letter from Ash Creek Forest Management, LLC has been submitted as part of the overall application materials detailing the reforestation plan and the benefits associated with replanting the Moser property.

In addition to reforesting Tract C, the developer has also proposed extending the pedestrian trail in the Denali Summit PUD north and west through the Moser Pass PUD. There will also be a pedestrian viewing platform within Tract C to provide wildlife viewing opportunities within the adjacent Rock Creek natural aera and views of Mt. Hood.

*(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. The existing PUD developments to the south (Denali, Denali Meadows, and Denali Summit) have been developed by the owner of the subject property and the proposed PUD (Moser Pass at Denali) is a continuation of the Denali PUD developments. Developments to the west of SW Murdock Rd. are more densely

developed than proposed PUD, while lands to the north are comprised of larger lots with detached single-family homes.

The proposed Moser Pass at Denali PUD will extend SW Curry Ridge Drive north from Denali Summit through the subject property to connect with SW Murdock Rd. In addition, SW Byers Lake Terrace will be extended north into the subject property and terminate into a cul-de-sac. By extending the existing stubbed streets within the Denali PUD's into the subject property, it will allow for a pedestrian-friendly transportation system that links the development with the surrounding residential developments, as well as with the greater Sherwood transportation street system.

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 east side of SW Murdock Rd., as well as along both sides of the proposed streets running north/south and east/west through the site. With the construction of these features, pedestrian connectivity will be provided throughout the site and beyond.

*(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 did contain unique environmental opportunities in the form of a large grove of trees in the northeast corner of the property. However, as noted above, those unique environmental opportunities identified in the SE Sherwood Master Plan for the Moser property have since been cleared from the property.

In the spirit of the SE Sherwood Master Plan B/C alternative, the Applicant is proposing to reforest the NE corner of the property to the extent practicable as part of the PUD. To achieve the reforestation of the northeast corner of the property that was identified on the Alternative B/C in the SE Sherwood Master Plan, the proposed PUD sets aside Tract C as open space. Tract C will be 85,993 square feet is size. As noted in the submitted letter from Ash Creek Forest Management, LLC, the plan is to provide habitat improvement plans along the open space, tract C, in association with the construction of Moser Pass at Denali development. Given the regional habitat depletion and the site's natural tendency towards Oak Woodland/Oak Forest habitat, the actions recommended by Ash Creek Forest Management, LLC within the open space are to promote improvement of the existing habitat conditions.

The subject property also contains unique constraints in the form of rock outcroppings. Even though the rock outcroppings are not constraints identified in the SE Sherwood

Master Plan for the site, they do present unique constraints to developing the property. The rock outcroppings on-site will be graded as part of the development proposal and the rocks will be crushed on-site to provide a road base for the future roads.

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 reforestation plan within Tract C will have a positive impact on the future redevelopment of the Moser property.

*(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 house designs, as discussed in the submitted PUD Architectural Pattern Book, will range from a Contemporary to Transitional to Modern to Traditional to Early American and Modern Farmhouse styles that will complement the surrounding community. The proposed housing styles are similar and compatible with the existing houses in the adjacent PUD subdivisions.

*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*

*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 | VLDR | LDR | MDRL | MDRH | HDR |
|---|---|---|---|---|---|
| RESIDENTIAL | | | | | |
| • Single Family Detached Dwellings | P | P | P | P | P |

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 above 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 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*

1. *Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.*

2. *Creation of new lots or parcels as part of a townhome or cottage cluster developments are subject to the applicable land division or Planned Unit Development approval process.*

3. *Sufficient Infrastructure. Prior to obtaining a residential building permit for construction of any new middle housing structure or division of an existing structure into middle housing, the applicant must submit a request for verification of Sufficient Infrastructure, together with any documentation requested by the City Engineer or designee, and receive approval from the City Engineer or designee.*

*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 Thirty-two (32) 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. As depicted on Sheet 4 of the submitted plans, all proposed lots exceed the minimum lot width requirement of the VLDR-PUD code.

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 | 20 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 | 20 feet for all corner lots |
| Rear yard: | 20 feet | 20 feet |

All setbacks will be reviewed for compliance during the building permit process.

As part of this planned unit development, the applicant is not requesting any modifications to the VLDR zone setbacks.

No middle housing is being proposed as part of the planned unit development proposal.

*16.12.040 – Community Design*

*A. Residential garages shall meet the minimum design standards listed on the table below:*

| | Minimum Width | Minimum Depth | Minimum Garage Door Width |
|---|---|---|---|
| One (1) Car Garage | 12 ft. | 20 ft. | 8 ft. |
| Two (2) Car Garage | 18 ft. | 20 ft. | 16 ft. |
| Three (3) Car Garage | 26 ft. | 20 ft. | Single Door – 8 ft.<br>Double Door – 16 ft. |

B. *The vehicle parking area(s) shall be functional based on the minimum design standards listed on the table above, 16.12.040.A. Furnaces, stairs, etc. shall not be located within the garage designated parking areas.*

C. *Residential Front-Yard Landscaping – the front-yard area of a lot shall be fully landscaped excluding paved off-street parking areas, paved pedestrian paths, and utility areas. Landscaping materials shall meet standards identified in Section 16.92.020 Landscaping Materials.*

D. *For additional standards relating to off-street parking and loading, energy conservation, historic resources, environmental resources, landscaping, access and egress, signs, parks and open space, on-site storage, and site design, see Divisions V, VIII, IX.*

RESPONSE: The future homes that will be developed in the proposed PUD will be custom homes with two (2) to three (3) garages. At this time detailed housing plans for the homes have been finalized. As required by the above criteria, the garages will be functional based on the minimum design standards and furnaces, stairs, etc. will not be located within the garage designated parking areas. All future homes will be reviewed for compliance with the residential garages minimum design standards during the building permit process.

Except for the hard surface driveway areas providing off-street parking, as well as any necessary utility areas, all front yard areas will be fully landscaped to satisfy the standards identified in Section 16.92.020 Landscape Materials. The landscape material standards identified in Section 16.92.020 will be reviewed for compliance during the building permit review process.

All relevant sections of Divisions V, VIII and IX are addressed in this narrative and application package.

*Chapter 16.14 - RESIDENTIAL BUILDING DESIGN*

*16.14.010 – Residential Building Design Standards for all housing types except for Multi-family housing that is subject to the provisions of Chapter 16.90 Site Planning.*

*A. Purpose*

*The following standards are intended to create walkable residential neighborhoods that are visually interesting, compatible with existing development, and avoid monotony in design.*

*The standards in this section are intended to be clear and objective to allow a streamlined review process per the Residential Design Checklist provisions of Chapter 16.89. Each standard has an associated guideline that provides flexibility for discretionary Design Review by the Planning Commission per Chapter 16.89, Residential Design Review if necessary or desired by the applicant. Adjustments or variances to the standards below can be requested through one of the review processes described in B below.*

*B. Review Process. The following review processes can be used to review those housing types that are subject to these standards per 16.14.010.C and 16.89.020.A through D. The applicable review process depends on the level of compliance with the clear and objective standards in this section.*

*1. If all applicable standards from this section are met, Residential Design Checklist review is applied per Chapter 16.89.*

*2. If any standards of Table 16.14-1 - A, B or C are not met outright, a Type I Adjustment or Type II Class B Variance is required, in addition to the Residential Design Checklist, per Chapter 16.89. The Detailed Design standards of Table 16.14-1.D cannot be adjusted.*

*3. If the applicant chooses to meet the design guidelines instead of the design standards, a Type IV Design Review is required, per Chapter 16.89.*

RESPONSE: The applicant understands that 16.14.010 applies to this application. The developer is choosing to use the streamlined review process per the Residential Design Checklist provisions of Chapter 16.89 to satisfy the above criteria. In addition, the developer has included a copy of the Residential Design Checklist provisions of Chapter 16.89 into the Architectural Pattern Book to further assure compliance with the provisions. Compliance with the clear and objective provisions of the Residential Design Checklist will be reviewed for compliance during the building permit review process.

*C. Applicability*

*1. The standards in this section apply to all new residential development, unless otherwise indicated per the subsections below or per applicable overlay zones.*

*Manufactured home parks and manufactured homes on individual residential lots are subject to the provisions of Chapter 16.46 Manufactured Homes. Additional standards are located in 16.14.020, 16.14.030, and 16.14.040. Multi-family development is subject to the provisions of Chapter 16.90 Site Planning.*

2. *Expansions and conversions of residential structures in Chapter 16.14. The standards in this section apply to expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhome that add more than 50 percent of area to any building elevation(s) adjacent to a public right-of-way or public accessway, as follows:*

   a. *The expansion or conversion shall include design elements from Table 16.14-1 below that bring the overall building elevation(s) adjacent to a public right-of-way or public accessway closer to conformance with applicable standards; and*

   b. *The expansion or conversion shall not bring the overall building elevation(s) adjacent to a public right-of-way or public accessway further out of conformance with applicable standards. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently out of conformance shall not be made more non-conforming. Elements of the existing building elevation(s) adjacent to a public right-of-way or public accessway that are currently in conformance shall not be made non-conforming.*

RESPONSE: The above criteria do not apply to the Applicant's proposal because the proposed PUD lots will ultimately be developed with new single-family detached dwellings. As such, there will be no expansions of existing residential structures or conversions of existing single detached dwellings into a duplex, triplex, quadplex or townhomes as part of the proposed PUD. Additionally, this application does not propose a manufactured home park or manufactured homes on individual proposed residential lots.

*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 the review and approval in accordance with Chapter 16.72. PUDs may be considered only:*

1. *On sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of:*

   a. *Natural features such as floodplains, wetlands, and extreme topography, or*

   b. *Man-made features, such as parcel configuration and surrounding development, but not including man-made features on or resulting from other parcels owned by any owner of the property subject to the PUD application;*

2. *On parcels of land within an Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or*

3. *For a cottage cluster development that is unable to meet the standards of Section 16.14.040; or*

4. *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 due to the natural features on site such as a small seasonal wetland, the extreme rocky topography, eastern property boundary abutting the Rock Creek natural area, as well as the man-made features, such as the surrounding developments to the north. By developing the subject property to align with the vision of the SE Sherwood Master Plan, it will bring greater public benefit to the surrounding area than developing to the strict adherence to the code. It will also allow for 85,993square feet of the site to be preserved in Tract C and reforested, which will be a significant benefit to SE Sherwood.

There is further public benefit with the development in this site as it implements the street system envisioned in the Sherwood Transportation System Plan and the SE Sherwood Master Plan for this region of the city. The number of lots proposed makes it feasible to develop the property considering the undulating topography, rock outcroppings and infrastructure costs, thereby ensuring that the vehicular and pedestrian connectivity and circulation patterns are provided.

A cottage cluster development is not being proposed as part of the PUD.

Lastly, no variations are being sought to the required VLDR setbacks.

*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, flo**odplain, 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 4 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 cr**iteria 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 existing wetland and extreme topography. Even though the Applicant is proposing to fill the existing wetland, it comes with great expense. To fill we documented wetland, the developer needs to obtain a joint permit from the Army Corps of Engineers and the Division of State Lands (DSL), which requires the help of an Environmental Specialist, as well as paying mitigation fees to DSL. In addition, the subject property has significant rock outcroppings that need to be removed to accommodate the extension of S.W. Curry Ridge Dr. through the site to intersect with S.W. Murdock Rd. as contemplated in the S.E. Sherwood Master Plan.

There is great public benefit to facilitating the completion of the SE Sherwood Master Plan, as well as the proposed improvements along the east side of SW Murdock Rd. and the extension of the proposed streets 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 net buildable area of the site is 435,035 square feet and 15% of the net buildable area is 65,255 square feet. Tracts C, D, and E have been designated as usable and passive open space tracts comprising 91,769 square feet. Thus, the proposed open space exceeds the 15% requirement by 26,514 square feet. As the sole developer of the SE Sherwood Master Plan area, the Applicant's PUD proposals for all the properties within the master plan boundary exceeds the 15% open space requirement for the SE Sherwood Master Plan area by 36,901 square feet.

Tract C will run along the east side of the site and provide for pedestrian connectivity between the proposed PUD and the Denali Summit PUD. Tract C contains 85,993 square feet of open-space and will provide expanded open-space as contemplated in the SE Sherwood Master Plan. Tract C will also be reforested to align with the goals of the SE Sherwood Master Plan and have a viewing platform with two (2) benches. A pedestrian trail will also be extended from the Denali Summit PUD through Tract C to connect with SW Murdock Rd. as envisioned by the SE Sherwood Master Plan.

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. Specifically, the Applicant is requesting the following: Front yard setback: 15-feet front yard setback for the house and 20-feet for the garage.

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, vernacular, 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 house designs ranging from a Contemporary to Transitional to Modern to Traditional to Early American and Modern Farmhouse styles that will complement the surrounding community. Proposed houses will meet the minimum side and rear setbacks 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 and E, will be dedicated to the homeowners' association for maintenance, preservation and management. These tracts will be developed as open space 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 mitigating the existing wetland and earth work needed to remove the rock outcroppings, 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 (4) dwelling units per net acre which will facilitate complete mitigation of seasonal wetland and removal of the rock outcroppings to allow the extension of S.W. Curry Ridge Dr. through the site. Without SE Sherwood Master Plan PUD approval, complete development of the site may be left undone. Additionally, the proposed development will extend a sidewalk along the sites SW Murdock Rd. frontage, underground any existing overhead utility lines along SW Murdock Rd., and provide for connectivity opportunities with the greater Sherwood Transportation System by connecting S.W. Curry Ridge Dr. with S.W. Murdock Road.

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 (1) 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 east/west and north/south public streets. All lots will also take access from the new public streets as well.

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 12.36 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.

*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 (4) dwelling units per net buildable acre. The effect of the special density allowance, using the SE Sherwood Master Plan, grants four (4) units per acre rather than the underlying zoning density of up to one (1) unit per acre.

The gross and net square footages are shown below.

| | |
|---|---|
| LOT 1 | 10,533 Sq. Ft. |
| LOT 2 | 10,008 Sq. Ft. |
| LOT 3 | 10,030 Sq. Ft. |
| LOT 4 | 10,001 Sq. Ft. |
| LOT 5 | 10,046 Sq. Ft. |
| LOT 6 | 10,002 Sq. Ft. |
| LOT 7 | 10,845 Sq. Ft. |
| LOT 8 | 10,008 Sq. Ft. |
| LOT 9 | 10,000 Sq. Ft. |
| LOT 10 | 11,823 Sq. Ft. |
| LOT 11 | 10,774 Sq. Ft. |
| LOT 12 | 10,162 Sq. Ft. |
| LOT 13 | 10,378 Sq. Ft. |
| LOT 14 | 10,294 Sq. Ft. |
| LOT 15 | 10,036 Sq. Ft. |
| LOT 16 | 10, 007 Sq. Ft. |
| LOT 17 | 10,018 Sq. Ft. |
| LOT 18 | 10,076 Sq. Ft. |
| LOT 19 | 10,150 Sq. Ft. |
| LOT 20 | 10,000 Sq. Ft. |
| LOT 21 | 10,187 Sq. Ft. |
| LOT 22 | 10,325 Sq. Ft. |
| LOT 23 | 10,088 Sq. Ft. |

| | |
|---|---|
| LOT 24 | 10,001 Sq. Ft. |
| LOT 25 | 10,744 Sq. Ft. |
| LOT 26 | 10,136 Sq. Ft. |
| LOT 27 | 10,143 Sq. Ft. |
| LOT 28 | 10,150 Sq. Ft. |
| LOT 29 | 10,152 Sq. Ft. |
| LOT 30 | 10,152 Sq. Ft. |
| LOT 31 | 10,151 Sq. Ft. |
| LOT 32 | 12,432 Sq. Ft. |
| SW Murdock Rd. ROW dedication | 3,976 Sq. Ft. |
| Public Street ROW dedication | 81,917 Sq. Ft. |
| Cul-de-sac Street right-of-way | 4,411 Sq. Ft. |
| Access Easement along Lots 7 – 10 and Tract B | 5,023 Sq. Ft. |
| Tract A usable open space | 8,398 Sq. Ft. |
| Tract B water quality | 20,317 Sq. Ft. |
| Tract C usable open space | 85,993 Sq. Ft. |
| Tract D usable open space | 3,791 Sq. Ft. |
| Tract E usable open space | 1,985 Sq. Ft. |
| Gross Square Footage = | 541,245 Sq. Ft. |

| Deductions from Gross Square Footage: | | |
|---|---|---|
| SW Murdock Rd. ROW dedication = | 3,976 Sq. Ft. | |
| Public Street right-of-way = | 81,917 Sq. Ft. | |
| Water quality tract (Tract B) = | 20,317 Sq. Ft. | |
| Total = | 106,210 Sq. Ft in Deductions | |

| | |
|---|---|
| Gross Square Footage | 541,245 Sq. Ft. |
| -Deductions | 106,210 Sq. Ft |
| Net Square Footage = | 435,035 Sq. Ft. or 9.98 Net Acres |

In this case, there are 9.98 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 39 units (9.98 net acres x 4 units = 39.92). The Applicant's proposal is for a 32-Lot residential PUD. Tracts A, B, C, D and E 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 and Setbacks*

*The minimum lot size and setbacks shall be consistent with the provisions in the underlying zone with the exceptions listed below:*

*a) Where there are multiple zones within a single PUD, lot sizes and setbacks shall meet the following:*

*1) Lots on the perimeter boundary of the PUD shall be consistent with the underlying zone.*
*2) All remaining lots, not on the perimeter boundary of the PUD, may utilize the provision of average lot size of the underlying zones.*

RESPONSE: The minimum lot size of the underlying zoning district, which is VLDR, is 10,000 square feet when in a PUD. All proposed lot sizes are 10,000 square feet or greater in size. All setbacks for the future homes will be consistent with the VLDR zone provisions.

*Chapter 16.58 - VISION CLEARANCE AND FENCE STANDARDS*

*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.*

RESPONSE: The proposed PUD will have a total of three (3) corner lots (i.e. Lots 1, 12, and 32). In addition to the three (3) corner lots, the PUD will also have one (1) lot that will have rounded corners (i.e. Lot 25). Given the front yard setback is 20-feet in the VLDR zone, it should not be a problem for the three (3) corner lots and the one (1) rounded lot to meet the requirements of the clear vision areas. Regardless, the Applicant anticipates that the above criteria will be made an on-going condition of any final approval and they will ultimately be reviewed for compliance during the building permit review for the future homes.

*16.58.020 - Fences, Walls and Hedges.*

*A. Purpose:*

*The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of the property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.*

*B. Applicability:*

*The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. These standards do not apply to sound walls and landscape features that are not hedges.*

*C. Fences, Walls, and Hedges in Residential Zones:*

RESPONSE: At this time no fences or walls are being proposed as part of the PUD. Regardless, the Applicant anticipates that the above criteria will be made an on-going condition of any final approval and they will ultimately be reviewed for compliance during the building permit review for the future homes.

*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.*

RESPONSE: The above criterion does not apply to the Applicant's proposal because no through lots are being proposed as part of the PUD.

*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.*

RESPONSE: As noted previously in this narrative there will be a total of three (3) corner lots in the proposed PUD (i.e. Lots 1, 12, and 32). The front yard setback in the VLDR zone is 20-feet, which all future homes will be required to meet. The street side yard requirement in the VLDR zone is 20-feet, which is the same as the front yard setback requirement in the VLDR zone. All future corner lot homes will meet the above criteria, which will be future reviewed during the building permit process. All required setbacks are shown on Sheet 4.

*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.*

RESPONSE: No homes are being proposed at this time. As such, the Applicant anticipates that the above criteria will be made a condition of any final approval to be reviewed during the building permit process.

*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 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 for townhomes, and 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).*

RESPONSE: The above criteria do no apply to the Applicant's proposal because the subject property does not have an area or dimension which does not meet the requirements of the city's Code.

*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 October 28, 2021. The planning staff contacts at the meeting were Erika Palmer 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 November 1, 2021. 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, and three (3) 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.

*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 yard setback to 15-feet front yard setback for the house (20-feet for the garage as required by code), is being requested through the planned unit development process.

*Chapter 16.89 - RESIDENTIAL DESIGN CHECKLIST AND RESIDENTIAL DESIGN REVIEW*

*16.89.010 – Purpose and Intent*

*A. Purpose*

*The Residential Design Checklist Review and Residential Design Review are intended to provide an opportunity for the City of Sherwood to encourage development of a variety of housing types while providing for a review process that encourages traditional forms commonly found in Sherwood while providing for a variety of design and site-specific situations for these housing types.*

*This process is designed to provide a streamlined review process to encourage development of housing at a variety of types and scales. The Residential Design Checklist Review is a clear and objective review process and will be implemented at time of Residential Building Permit submittal. For projects seeking additional flexibility, the Residential Design Checklist Review may be paired with either a concurrent Type I Adjustment or Type II Class B Variance process referenced in Section 16.84.030.*

*For residential projects seeking the highest level of flexibility, the Residential Design Review is a Type IV discretionary review. Projects subject to Residential Design Review are to be reviewed against the design guidelines rather than against the degree of departure from the standard.*

RESPONSE: With the proposed PUD, the developer is electing to use the streamlined review process offered through the Residential Design Checklist Review process for the future single-family detached dwellings that will be constructed in the PUD.

*16.89.020 – Residential Design Checklist Review or Residential Design Review Required*

A. *When Required. Residential Design Checklist Review or Residential Design Review is required prior to new residential development, expansions or conversions that are subject to the design standards of 16.14, or any substantial change to a site or use and is required prior to issuance of building permits for a new residential dwelling, or for substantial alteration of an existing residential dwelling or use. Exemptions noted below.*

   *Either a Residential Design Checklist Review or a Residential Design Review is required for the following housing types (multi-family dwellings are subject to Section 16.90 review):*

   1. *Accessory Dwelling Unit*
   2. *Single detached dwelling*

RESPONSE: As noted above, the developer is electing to use the streamlined review process offered through the Residential Design Checklist Review process for the future single-family detached dwellings that will be constructed in the PUD. Compliance with the Residential Design Checklist will be reviewed for compliance during the building permit review 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 buildi**ng or structure…***

RESPONSE: This application is for approval of a new Subdivision/Planned Unit Development which will divide the existing site into thirty-two (32) 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 thirty-two (32) new residential building lots. Power and communications lines will also be extended from what is existing to the residential building lots. Sheet 11 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 4) illustrates the location of these areas, and the landscaping plan details concepts 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 adequa**te, 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, D and E 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 contain a natural feature in the form of a wetland. However, because the wetland is a seasonal wetland, the developer is working with the Army Corps of Engineers and the Division of State Lands to obtain a joint permit to fill the wetland as part of the proposed PUD development. With that being said, the applicating will be preserving, to the extend possible, existing pine trees and vegetation within Tract C. Existing vegetation and trees elsewhere on the subject site, outside of Tract 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 thirty-two (32) single-family residential building lots will not generate more than 400 average daily trips because, 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 part of the submitted application materials.

*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 "Sug****gested Plant Lists for Req****uired Landscaping Manual" or suitable for the Pacific Northwes****t 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: The submitted landscape plan shows all proposed landscaped area as being covered with a combination of trees, shrubs, grasses, and various groundcovers. Mulch is not being used as a substitute for ground cover. As noted on landscape plan, ground cover plants are either one to five-gallon pots or seed. The ground cover requirements have been met with the proposed plan. It has been show on the landscape plan 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: The submitted landscape plan 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 shown on the landscape plan 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: The submitted landscape plan 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 landscape plan.

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. Nevertheless, it may be possible to preserve some existing trees in Tract A with the landscaping required along the sites SW Murdock Road frontage. Any tree preservation within Tract A will be determined during construction based on the health of the tree. Most, if not all, of the existing trees and vegetation within the footprint of proposed Tract C has been previously disturbed and removed from the site. Any existing trees within the footprint of Tract C that Ash Creek Forest Management, LLC determines to be worthy of preservation as part of the reforestation effort will be retained.

*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. No impervious paving is being proposed within the landscaping areas. The proposed pedestrian trails within Tract C will be a soft surface trail likely covered with woodchips. A viewing area will be provided in Tract C that will include architectural features interspersed with planted areas, such as, benches, interpretive signage, masonry or stone walls, fences, rock groupings, and bark dust.

*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 compl**y with…***

RESPONSE: The homeowners' association will be responsible for maintenance and preservation of the landscaped areas contained within Tracts A, C, and D. 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*

*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; ADU standards are per OAR Division 46)*

| | Minimum Parking Standard | Maximum Permitted Parking Zone A [1] | Maximum Permitted Parking Zone B [2] |
|---|---|---|---|
| Accessory Dwelling Unit | None | None | None |
| Single Family detached and manufactured home on lot [3] | 1 per dwelling unit | None | None |

RESPONSE: The proposed development is for thirty-two (32) 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 east side of SW Murdock Road. In addition, a pedestrian connection will be made in Tract C to link with the open space in the Denali Summit subdivision to complete the pedestrian trail contemplated in the SE Sherwood Master Plan.

The proposed public street will be extended through the subject property as part of this development and intersect with SW Murdock Rd. at the western boundary of the site. 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*

*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.*

RESPONSE: As part of the proposed PUD two (2) existing public streets will be extended into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into a cul-de-sac. Both public streets will be created in accordance with the provisions of this Chapter. Additionally, as proposed, both streets will conform to the city's standards for their street classification, as shown on the TSP.

SW Murdock Rd. along the property's frontage will also be improved to conform to the city's standards and specifications for a minor arterial street.

*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.*

RESPONSE: As part of the proposed PUD two (2) existing public streets will be extended into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into a cul-de-sac.

Because SW Byers Lake Terrace will terminate into a cul-de-sac, it's likely that the cul-de-sac will need a new street name. The developer will work closely with city Staff to determine if a new street name is required for the cul-de-sac and, if necessary, will provide the new street name prior to submission of the final plat.

*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.*

RESPONSE: The site currently has frontage along SW Murdock Road. The proposed PUD has been designed to take access from SW Murdock Road. Required improvements will be made to SW Murdock Rd. along the site's frontages, which will improve pedestrian access and provide better visibility along the corridor. With the development of the subject property, 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 6 - 9 of the submitted plan set shows the proposed improvements to all existing and proposed streets within the PUD.

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.*

RESPONSE: The subject property abuts SW Murdock Rd., which is classified as a minor arterial street. Half street improvements will be made to SW Murdock Rd. and will comply with the city's standards and specifications for a minor arterial street.

In addition to SW Murdock Rd., the proposed PUD will also be extending two (2) existing public streets into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into a cul-de-sac. Both streets will be constructed to a full public street width and comply with the city's standards and specifications for local public streets.

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.*

RESPONSE: Right-of-way dedication is shown for all new streets proposed with this subdivision, as well as for the frontage of SW Murdock Road. The SE Murdock Road frontage improvements include a sidewalk, curb/gutter and 14 additional feet of pavement. The additional pavement could accommodate a shared use path as identified in the Transportation System Plan (TSP), but this area was not identified in the TSP for a future bike lane. No partial or future improvements are proposed.

*E. Transportation Facilities Modifications*

1. *A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.*
2. *A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8*

*in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:*

*a. Reduced sight distances.*
*b. Vertical alignment.*
*c. Horizontal alignment.*
*d. Geometric design (length, width, bulb radius, etc.).*
*e. Design speed.*
*f. Crossroads.*
*g. Access policy.*
*h. A proposed alternative design which provides a plan superior to these standards.*
*i. Low impact development.*
*j. Access Management Plans*

*3. Modification Procedure*
*a. A modification shall be proposed with the application for land use approval.*
*b. A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.*
*c. When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.*

*4. Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:*
*a. Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.*
*b. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.*
*c. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self- imposed hardships shall not be used as a reason to grant a modification request.*
*d. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.*
*e. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.*

RESPONSE: The applicant seeks transportation facility modifications with this application. A memorandum stamped by the project engineer provides further detail supporting the requests. The requested modifications include a request to lower the design speed allowing for a centerline radius of 100 feet, right-of-way width reduction from 60 feet to 52 feet, and for intersection spacing to be greater than 200 feet. The reasons for these modifications are due to significant topographical constraints, existing development adjacent to the subject property, roadway spacing constraints on SW Murdock Road, and solid rock at the ground surface. Approval of these requested modifications is necessary to address the appearance, cost of maintenance, and functionality of the proposed subdivision. The requested modifications are the minimum necessary to alleviate the hardship. 16.106.020.E.4(a-b) are met with this application.

*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.*

RESPONSE: All proposed streets and existing streets abutting the site have been designed based on their location, street designation, and grade of streets in their relation to existing and planned streets, topographical conditions, and proposed land uses. As proposed, the street system serving the PUD will provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves will be adequate for expected traffic volumes.

To the extent practicable, the street alignment is consistent with the solar access requirements and topographical considerations given the site's limited ability to design around these requirements.

*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).*

RESPONSE: Due to the surrounding development patterns and the Rock Creek natural area located on the east side of the property, the site does not allow for the proposed public streets to be continued beyond the boundaries of the site.

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.*

RESPONSE: The subject property is part of the SE Sherwood Master Plan, which provided a street connectivity plan for the area. The proposed streets within the PUD provide the level of local street connectivity contemplated in the in the SE Sherwood Master Plan. All proposed streets have been located in the general vicinity of the connection(s) shown on the SE Sherwood Master Plan map, except where such connection is not practicable due to topography or other physical constraints, then an alternate connection has been provided.

   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.*

RESPONSE: Except for the shared driveway serving Lots 2 and 3, which will be more than 24-feet in width, all other driveways will be no more that 24-feet in width. The shared driveway serving Lots 2 and 3 will align with the planned streets per the TSP.

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.*

RESPONSE: Due to the surrounding development patterns, existing natural areas, and zoning of surrounding properties, the block lengths within the proposed PUD have been predetermined.

As noted above, the subject property abuts SW Murdock Rd., which is classified as a minor arterial street. In addition to SW Murdock Rd., the proposed PUD will also be extending two (2) existing public streets into the site. The streets include SW Curry Ridge, which will be extended from the southeast corner of the site through the center of the PUD and intersect with SW Murdock Rd. The other street is SW Byers Lake Terrace, which will be extended north into the site and terminate into the proposed cul-de-sac. Since the proposed streets cannot be stubbed to the north or east to facilitate future development, and because the land to the south has been previously developed, the block lengths within the proposed PUD will exceed the block lengths noted above. As such, the applicant has provided an extensive pedestrian trail system within Tract C to help alleviate some out of distance pedestrian travel due to the longer block lengths.

Since the proposed PUD is not able to provide the block lengths required by the above criterion, the applicant is requesting a deviation to the block length standard as part of the PUD.

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.*

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.*

RESPONSE: The above criteria do not apply to the Applicant's proposal because no proposed streets must cross a water feature.

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.*

RESPONSE: Pedestrian and bicycle connectivity has been provided within the proposed public streets, and trail system within the proposed open space. Paved bike and pedestrian accessways consistent with the cross-section standards in Figure 8-6 of the TSP are provided on the public right- of-way. Where full street connections are not possible, public easements are provided on the multi-use paths within the open space.

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.

RESPONSE: All public and private utilities will be located underground, including sanitary sewers and storm water drains, and will be completed prior to surfacing the streets.

No stubs for service connections are required because there are not contiguous properties that can be redeveloped in the future.

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.

RESPONSE: The above criterion does not apply to the Applicant's proposal because no additional setbacks are required for the PUD.

*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.*

RESPONSE: The above criterion does not apply to the Applicant's proposal because no reserve strips are being proposed as part of the PUD.

*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.*

RESPONSE: All proposed streets meet the above criterion because the streets, as far as practicable, have been aligned with existing streets. There is no staggering of any proposed streets that would create at "T" intersection or dangerous condition.

*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."*

RESPONSE: The above section does not apply to the Applicant's proposal because it's not possible for the adjoining lands to be further subdivided.

*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.*

RESPONSE: The proposed PUD satisfies the above criterion because all proposed street will intersect as near to ninety (90) degree angles and practical.

*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 theEngineering 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.*

RESPONSE: A cul-de-sac is being proposed as part of the proposed PUD due to constraints posed by the existing development patterns in the area, which preclude a street extension and continuous circulation. The proposed cul-de-sac will be slightly more than two hundred (200) feet in length from the center line of SW Curry Ridge Rd. to the center of the cul-de-sac, but it will only provide access to nine (9) dwelling units.

Because the proposed cul-de-sac will be more than 200-feet in length, the Applicant is requesting a deviation to the cul-de-sac length as part of the proposed PUD.

*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: No private streets are being proposed as part of this PUD proposal, therefore, the above criteria to not apply to the Applicant's proposal.

*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.*

*3. 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.*

*4. 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.*

RESPONSE: Sidewalks will be provided on both sides of the proposed public streets. A sidewalk will also be provided on the east side of SW Murdock Rd. adjacent to the site.

*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.*

RESPONSE: SW Murdock Rd. is classified as a minor arterial street, so the sidewalk along SW Murdock will have a minimum of a six (6) foot wide sidewalk for residential areas.

The sidewalks along the local streets will have a minimum five (5) foot sidewalk and be located as required by this code. Handicapped ramps will be provided at all intersections.

*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.*

RESPONSE: Bicycle and pedestrian connections are provided within the right-of-way of the full street connections within the PUD. However, when spacing between connections is more than 330 feet because it is prevented by topography, existing development patterns, or environmental constraints such as rivers and streams, then public easements have been provided over the trail system within the open space to provide additional pedestrian connections within the PUD.

*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.*

RESPONSE: The Applicant's proposal satisfies the above criterion because a 5-foot bike lane will be added along the site's SW Murdock Rd. frontage.

*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.*

RESPONSE: During the required Pre-App. meeting, the Applicant was informed by city Staff that a TIA would not be required for the proposed PUD because it did not meet the threshold of the above code section to require one. As such, the above section does not apply to the Applicant's proposal.

*Chapter 16.110 SANITARY SEWERS*

RESPONSE: Sheet 11 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 Murdock Road. 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 Murdock Road adjacent to the western boundary 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 11 of the submitted plan set along with individual water meters to each of the new lots.

*Chapter 16.114 STORM WATER*

RESPONSE: Sheet 11 of the submitted plan set shows a proposed water quality facility (i.e. Tract B) along the northwestern 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: The developer will be working with TVF&R during the civil plan review on the installation of new fire hydrants to serve the proposed PUD. The future 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 11. 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 thirty-two 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 thirty-two lot PUD development. The subdivision/PUD is proposed to be developed in one phase.

*16.120.040 – 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 6 - 9 of the submitted plan set shows the street plan, profile and section for SW Murdock Rd. and the proposed new public streets, 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: No private streets are proposed as part of this application.

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 11 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 that is not being currently developed.

F. *Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.*

RESPONSE: There is no adjoining land that can either be developed independently or that can be provided access to allow development in accordance with this Code as all surrounding property is either currently developed or is preserved and natural lands.

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 C to the extent practicable 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 4 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 Murdock Rd. 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 ex***ceed...**
   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/west public street. The extension of the proposed public street from the south to the north and west will allow for it to connect with SW Murdock Rd. to the west as envisioned in the SE Sherwood Master Plan. Due to the existing development patterns in the surrounding area and the presence of the Tualatin River National Wildlife Refuge (i.e. Rock Creek) to the east of the site, the block lengths for the subject property have been predetermined.

With the proposed pedestrian connections in the open space (i.e. Tract C) and the existing pedestrian connections with the Denali Summit and Denali Meadows PUD's, the block lengths between these connections is minimized for pedestrians. The existing pedestrian connection created in the Denali Summit PUD between the private streets (i.e. Tracts E and F) is approximately 560 feet in length. By extending the street within the Denali Summit PUD north and west through the subject property, the block length created between SW Byers Lake Terrace and the existing pedestrian connection created in the Denali Summit PUD between the private streets (i.e. Tracts E and F) will exceed 530 feet in length.

Because the proposed block length exceeds the minimum block length of 530 feet, the Applicant is seeking approval of a Design Modification through the PUD process for the proposed block length. The increased block length is necessary due to the sites

undulating topography, existing surrounding development and natural areas, and the sites rocky terrain.

Sidewalks are being provided on both sides of the proposed public streets, as well as along the east side of SW Murdock Road. A soft trail (i.e. wood chip) will be provided in Tract C.

Lastly, Tract C will provide connectivity links for pedestrians to provide alternative pedestrian routes to minimize out of distance travel when traveling to the north and west from the Denali Summit PUD to the south. Specifically, Tract C will have a pedestrian trail that connects with the open space and trails in the recently approved Denali Summit PUD. This will allow pedestrians to have an alternative access to SW Murdock Road without having to walk down the public streets before being able to travel to the west. The existing pedestrian connections within the Denali Summit PUD also provide for a mid-block pedestrian connection to SW Murdock Road.

*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 tr**aversed by a watercourse…***

RESPONSE: The subject property contains a small seasonal wetland at the northcentral portion of the site. The existing wetland is depicted on Sheet 2 of the submitted plans. The developer is currently working with the Army Corps of Engineers and the Division of State Lands (DSL) to obtain a joint permit to fill the wetland as part of the development. A copy of the joint permit can be provided to the city prior to beginning any construction activity.

*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 contains one (1) short cul-de-sac street. There are no unusually long or oddly shaped blocks as part of the PUD. 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 develo****pment 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. All lots front the proposed public streets. 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.

*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*

*16.142.030 – All 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. Cottage cluster development is subject to the open space requirements of 16.14.40 and not to the requirements of this section. 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 C and D provide the required usable open space, neither of which are required sensitive areas or buffers. Tract A provides the required visual corridors along the sites SW Murdock Rd. frontage. 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 Mana**ger's designee with regard to…***
2. *By leasing or conveying title (including beneficial ownership) to a corporation, homeow**ners' association or other legal entity, with the City retai**ning 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 C and D 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.

*D. The density of a 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 | 10,533 Sq. Ft. |
| LOT 2 | 10,008 Sq. Ft. |
| LOT 3 | 10,030 Sq. Ft. |
| LOT 4 | 10,001 Sq. Ft. |
| LOT 5 | 10,046 Sq. Ft. |
| LOT 6 | 10,002 Sq. Ft. |
| LOT 7 | 10,845 Sq. Ft. |
| LOT 8 | 10,008 Sq. Ft. |

| | |
|---|---|
| LOT 9 | 10,000 Sq. Ft. |
| LOT 10 | 11,823 Sq. Ft. |
| LOT 11 | 10,774 Sq. Ft. |
| LOT 12 | 10,162 Sq. Ft. |
| LOT 13 | 10,378 Sq. Ft. |
| LOT 14 | 10,294 Sq. Ft. |
| LOT 15 | 10,036 Sq. Ft. |
| LOT 16 | 10, 007 Sq. Ft. |
| LOT 17 | 10,018 Sq. Ft. |
| LOT 18 | 10,076 Sq. Ft. |
| LOT 19 | 10,150 Sq. Ft. |
| LOT 20 | 10,000 Sq. Ft. |
| LOT 21 | 10,187 Sq. Ft. |
| LOT 22 | 10,325 Sq. Ft. |
| LOT 23 | 10,088 Sq. Ft. |
| LOT 24 | 10,001 Sq. Ft. |
| LOT 25 | 10,744 Sq. Ft. |
| LOT 26 | 10,136 Sq. Ft. |
| LOT 27 | 10,143 Sq. Ft. |
| LOT 28 | 10,150 Sq. Ft. |
| LOT 29 | 10,152 Sq. Ft. |
| LOT 30 | 10,152 Sq. Ft. |
| LOT 31 | 10,151 Sq. Ft. |
| LOT 32 | 12,432 Sq. Ft. |
| SW Murdock Rd. ROW dedication | 3,976 Sq. Ft. |
| Public Street ROW dedication | 81,917 Sq. Ft. |
| Cul-de-sac Street right-of-way | 4,411 Sq. Ft. |
| Access Easement along Lots 7 – 10 and Tract B | 5,023 Sq. Ft. |
| Tract A usable open space | 8,398 Sq. Ft. |
| Tract B water quality | 20,317 Sq. Ft. |
| Tract C usable open space | 85,993 Sq. Ft. |
| Tract D usable open space | 3,791 Sq. Ft. |
| Tract E usable open space | 1,985 Sq. Ft. |
| Gross Square Footage = | 541,245 Sq. Ft. |

| Deductions from Gross Square Footage: | |
|---|---|
| SW Murdock Rd. ROW dedication = | 3,976 Sq. Ft. |
| Public Street right-of-way = | 81,917 Sq. Ft. |
| Water quality tract (Tract B) = | 20,317 Sq. Ft. |
| Total = | 106,210 Sq. Ft in Deductions |

| | |
|---|---|
| Gross Square Footage | 541,245 Sq. Ft. |
| -Deductions | 106,210 Sq. Ft |
| Net Square Footage = | 435,035 Sq. Ft. or 9.98 Net Acres |

In this case, there are 9.98 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 39 units (9.98 net acres x 4 units = 39.92). Tracts A, B, C, D and E 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 PUD subdivision consisting of thirty-two 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 Recreation System Development Charges 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 a minor 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 and a 15-foot landscaped visual corridor will be provided as required by the City's development code since right-of-way will be dedicated. A detailed landscape plan has been submitted as part of the overall application materials showing how the 15-foot wide visual corridor will be landscaped.

*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 Murdock Rd. and the proposed new public streets within the development. The submitted landscape plan shows the location of 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 the submitted landscape plan 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: The submitted landscape plan shows the proposed planting of one (1) street tree, spaced every 40 feet, in the planter strips along both sides of the new public streets and along the east side of SW Murdock Rd.

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 establ**ish…***

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 12.36 acres (540,977 Sq. Ft.) which yields 4.96 acres (216,390 sq. ft.) of tree canopy. The project will be planting a wide range of tree species and street trees. A large number of pine trees will be located in Tract C to help reforest an area of the property that was previously forested. To achieve this the developer will be working closely with Aspen Creek Forest Management, LLC to reforest portions of Tract C in a strategic manner. Additionally, new landscaping will be provided within the in the open space areas consistent with the requirements for open space. A detailed landscape plan has been submitted demonstrating compliance with this criterion. The table below further shows how the site will comply with the 40% tree canopy requirement of this section.

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**Tract C' Tree Density Calculations**

| ***Scientific Name* / Common Name** | **QTY** | **Mature Spread** | **Canopy Area (SF)** | **Canopy Coverage (SF)** |
|---|---|---|---|---|
| *Acer macrophyllum* / Big Leaf Maple | 10 | 50 | 1963 | 19625 |
| *Amelanchier alnifolia* / Western Serviceberry | 500 | 10 | 79 | 39250 |
| *Calocedrus decurrens* / Incense Cedar | 250 | 15 | 177 | 44156 |
| *Pinus ponderosa* / Ponderosa Pine | 25 | 40 | 1256 | 31400 |
| *Quercus garryana* / Oregon White Oak | 40 | 60 | 2826 | 113040 |
| *Rhamnus purshiana* / Cascara | 250 | 15 | 177 | 44156 |
| | | **Total Canopy Coverage:** | | 291628 |
| | | **Total Site Area:** | | 335896 |
| | | **Percent Canopy Coverage:** | | 86.82% |

*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.*

2. *Required Tree Canopy – All Residential Developments subject to Type II-V land use review.*

   *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* $\pi r^2$ *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 detached and middle housing developments) subject to Residential Design Checklist or Type I review | Residential (single family detached and middle housing developments) subject to Type II-IV review | Old Town & Infill developments | Commercial, Industrial, Institutional Public and Multi-Family dwelling |
|---|---|---|---|---|
| Canopy Requirement | N/A | 40% | N/A | 30% |
| Counted Toward the Canopy Requirement | | | | |
| Street trees included in canopy requirement | N/A | Yes | N/A | No |
| Landscaping requirements included in canopy requirement | N/A | N/A | N/A | Yes |
| Existing trees onsite | N/A | Yes<br>x2 | N/A | Yes<br>x2 |
| Planting new trees onsite | N/A | Yes | N/A | Yes |
| Mature Canopy in Square Feet Equation $\pi r^2$ or (3.14159*radius $^2$) (This is the calculation to measure the square footage of a circle.<br>The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half. | | | | |
| Canopy Calculation Example: Pin Oak<br>Mature canopy = 35'<br>(3.14159* 17.5 $^2$) = 962 square feet | | | | |

RESPONSE: As noted above, the proposed PUD will be providing a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage in the

table below is based on the expected mature canopy of each proposed tree by using the equation πr 2 to calculate the expected square footage of canopy for each tree.

The canopy requirement will be achieved by planting new trees. If necessary, the required street trees will be used toward the total on site canopy 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 has provided the estimated tree canopy of the proposed trees in the table below.

**Tract C' Tree Density Calculations**

| ***Scientific Name*** **/ Common Name** | **QTY** | **Mature Spread** | **Canopy Area (SF)** | **Canopy Coverage (SF)** |
|---|---|---|---|---|
| *Acer macrophyllum* / Big Leaf Maple | 10 | 50 | 1963 | 19625 |
| *Amelanchier alnifolia* / Western Serviceberry | 500 | 10 | 79 | 39250 |
| *Calocedrus decurrens* / Incense Cedar | 250 | 15 | 177 | 44156 |
| *Pinus ponderosa* / Ponderosa Pine | 25 | 40 | 1256 | 31400 |
| *Quercus garryana* / Oregon White Oak | 40 | 60 | 2826 | 113040 |
| *Rhamnus purshiana* / Cascara | 250 | 15 | 177 | 44156 |
| | | **Total Canopy Coverage:** | | 291628 |
| | | **Total Site Area:** | | 335896 |
| | | **Percent Canopy Coverage:** | | 86.82% |

*Chapter 16.144 WETLAND, HABITAT AND NATURAL AREAS*

*16.144.020 - Standards*

*A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:*

*1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.*

*a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.*

b. *Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.*

c. *A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.*

2. *If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.*

B. *The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:*

1. *The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).*

2. *The facility will comply with applicable requirements of the zone.*

3. *The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.*

4. *The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.*

5. *Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 16.140.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.*

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:*

1. *Verifying boundaries of inventoried riparian habitat. Locating habitat and determining its riparian habitat class is a four-step process:*

   a. *Located the Water Feature that is the basis for identifying riparian habitat.*

      1. *Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.*

      2. *Locate all flood areas within 100 feet of the property.*

      3. *Locate all wetlands within 150 feet of the property based on the Local Wetland Inventory map and on the Metro 2002 Wetland Inventory map (available from the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232). Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers.*

   b. *Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas or are within 100 feet of flood areas. Vegetative cover status shall be as identified on the Metro Vegetative Cover map. In the event of a discrepancy between the Metro Vegetative Cover map and the existing site conditions, document the actual vegetative cover based on the following definitions along with a 2002 aerial photograph of the property;*

      1. *Low structure vegetation or open soils — Areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).*

2. *Woody vegetation — Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown-closure) located within 300 feet of a surface stream.*

3. *Forest canopy — Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.*

c. *Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% (using the Clean Water Services Vegetated Corridor methodology); and*

d. *Identify the riparian habitat classes applicable to all areas on the property using Table 8-1 below:*

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.*

RESPONSE: The subject site contains a small seasonal wetland as shown on Sheet 2 of the submitted plans. However, the small seasonal wetland does not show up on the City's Wetland Inventory, the Comprehensive Plan Natural Resource Inventory, and/or the Regionally Significant Fish and Wildlife Habitat Area map adopted by Metro because it was recently crated with the removal of the pine trees by the previous property owner. After the trees where cut down and the stumps were removed from the site, it created a small depression that has now become a seasonal wetland.

The site 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 (i.e. Rock Creek), 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. This is further supported by the CWS SPL letter the developer

obtained for the mass grading permit, and the letter dated April 25th, 2022, by Environmental Science & Assessment, LLC. 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.




In order to facilitate the proposed PUD development, the developer has hired Environmental Science & Assessment, LLC. to delineate the boundary of the wetland and to obtain the necessary joint permit from the Division of State Lands (DSL) and the Army Corps of Engineers to fill the wetland. In addition, Environmental Science & Assessment, LLC. has obtained a second required CWS SPL letter for the filling of the wetland as part of the PUD development. Copies of the approved wetland delineation and CWS SPL letter are provided as part of the submitted application materials.

All state and local required mitigation measures for filling the small seasonal wetland will be adhered to as part of the proposed development.

*Chapter 16.148* *VIBRATIONS*

*Chapter 16.150* *AIR QUALITY*

*Chapter 16.152* *ODORS*

RESPONSE: The proposal is for thirty-two (32) new single-family residential building lots for future detached 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 Murdock Rd., 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.

CONCLUSION:

As a needed housing application such as the Applicant's, ORS 197.307(4) requires local governments to "adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing." Needed housing means "all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those

terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a." ORS 197.303(a). Needed housing includes "[a]ttached and detached single-family housing and multiple family housing for both owner and renter occupancy." ORS 197.303(1)(a).

The subject Application falls under the definition of "needed housing" because (a) it is on land zoned for residential use that is within an urban growth boundary, and (b) it will consist of attached and/or detached single-family housing for owner and/or renter occupancy.

Procedures are clear and objective "if they do not impose 'subjective, value-laden analyses that are designed to balance or mitigate impacts.'" *Warren v. Washington County*, LUBA No. 2018-089, *Slip Op.* at p. 21 (Or LUBA 2018) (citing *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff'd* 158 Or App 1, 970 P.2d 685, *rev den* 328 Or 549 (1999)).

The applicant has demonstrated in this written narrative and through the submitted supporting application materials that the proposed 32-Lot residential subdivision satisfies the City's applicable clear and objective review criteria for a residential subdivision within the City of Sherwood. As such, the Applicant respectfully requesting approval of the proposed subdivision with any necessary clear and objective conditions of approval.

# Wetland Concurrence Materials

Oregon
Kate Brown, Governor

**Department of State Lands**
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregon.gov/dsl

**State Land Board**

Kate Brown
Governor

Shemia Fagan
Secretary of State

Tobias Read
State Treasurer

October 10, 2022

JT Roth Construction
Attn: Tim Roth
12600 SW 72nd Avenue, Ste 200
Portland, OR 97223

Re: WD # 2022-0424 **Approved**
Wetland Delineation Report for Murdock Road (Moser)
Washington County; T2S R1W S33BC TL1700

Dear Tim Roth:

The Department of State Lands has reviewed the wetland delineation report prepared by Environmental Science & Assessment for the site referenced above. Based upon the information presented in the report, we concur with the wetland boundaries as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland A, totaling approximately 0.05 acres) was identified. The wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact Chris Stevenson, PWS, the Jurisdiction Coordinator for Washington County at 503-986-5246.

Sincerely,



Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Alex Sherman, Environmental Science & Assessment
City of Sherwood Planning Department
Trey Fraley, Corps of Engineers
Michael De Blasi, DSL
Lindsey Obermiller, Clean Water Services

# WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Exhibit A18

A complete report and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

**Ways to submit report:**

- **Under 50MB** - A single unlocked PDF can be emailed to: wetland.delineation@dsl.oregon.gov.
- **50MB or larger** - A single unlocked PDF can be uploaded to DSL's Box.com website. After upload notify DSL by email at: wetland.delineation@dsl.oregon.gov.
- OR a hard copy of the unbound report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

**Ways to pay review fee:**

- By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- By check payable to the Oregon Department of State Lands attached to the unbound mailed hardcopy OR attached to the complete signed cover form if report submitted electronically.

## Contact and Authorization Information

☒ Applicant ☐ Owner Name, Firm and Address:
Tim Roth
JT Roth Construction
12600 SW 72nd Ave., Ste. 200
Portland, OR 97223

Business phone #
Mobile phone # (optional)
E-mail: timr@jtrothinc.com

☒ Authorized Legal Agent, Name and Address (if different):
Jack Dalton
Environmental Science & Assessment
4831 NE Fremont Street, Suite 2B
Portland, OR 97213

Business phone # (503) 478-0424
Mobile phone # (optional)
E-mail: jack@esapdx.com

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to th t.

Digitally signed by Jack Dalton
DN: cn=Jack Dalton, o=ES&A LLC, ou, email=jack@esapdx.com, c=US
Date: 2022.07.29 15:13:59 -07'00'

**Typed/Printed Name:** Jack Dalton **Signature:**
Date: 07/29/2022 Special instructions regarding site access:

## Project and Site Information

Project Name: Murdock Road (Moser)

Latitude: 45.353970 Longitude: -122.823362
**decimal degree** - centroid of site or start & end points of linear project

Proposed Use:
Residential Subdivision

Tax Map # 2S133BC
Tax Lot(s) 1700

Tax Map #
Tax Lot(s)

Project Street Address (or other descriptive location):
22900 SW Murdock Rd
Sherwood, Oregon, 97140

Township 2 S Range 1 W Section 33 QQ SW NW
Use separate sheet for additional tax and location information

City: Sherwood County: Washington

Waterway: N/A River Mile: N/A

## Wetland Delineation Information

Wetland Consultant Name, Firm and Address:
Alex Sherman
Environmental Science & Assessment
4831 NE Fremont Street, Suite 2B
Portland, OR 97213

Phone # (503) 478-0424
Mobile phone # (if applicable) (360) 979-8903
E-mail: alex@esapdx.com

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.
**Consultant Signature:** Alex Sherman Date: 07/29/2022

**Primary Contact** for report review and site access is ☒ Consultant ☐ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present? ☒ Yes ☐ No Study Area size: 12.36 acres Total Wetland Acreage: 0.0500

## Check Applicable Boxes Below

☐ R-F permit application submitted
☐ Mitigation bank site
☐ EFSC/ODOE Proj. Mgr:
☐ Wetland restoration/enhancement project (not mitigation)
☐ Previous delineation/application on parcel
If known, previous DSL #

☐ Fee payment submitted **$**
☐ Resubmittal of rejected report ($100)
☐ Request for Reissuance. See eligibility criteria. (no fee)
DSL # Expiration date
☐ LWI shows wetlands or waters on parcel
Wetland ID code

## For Office Use Only

DSL Reviewer: CS Fee Paid Date: / / DSL WD # 2022-0424

Date Delineation Received: 7 / 29 / 22 DSL App.#

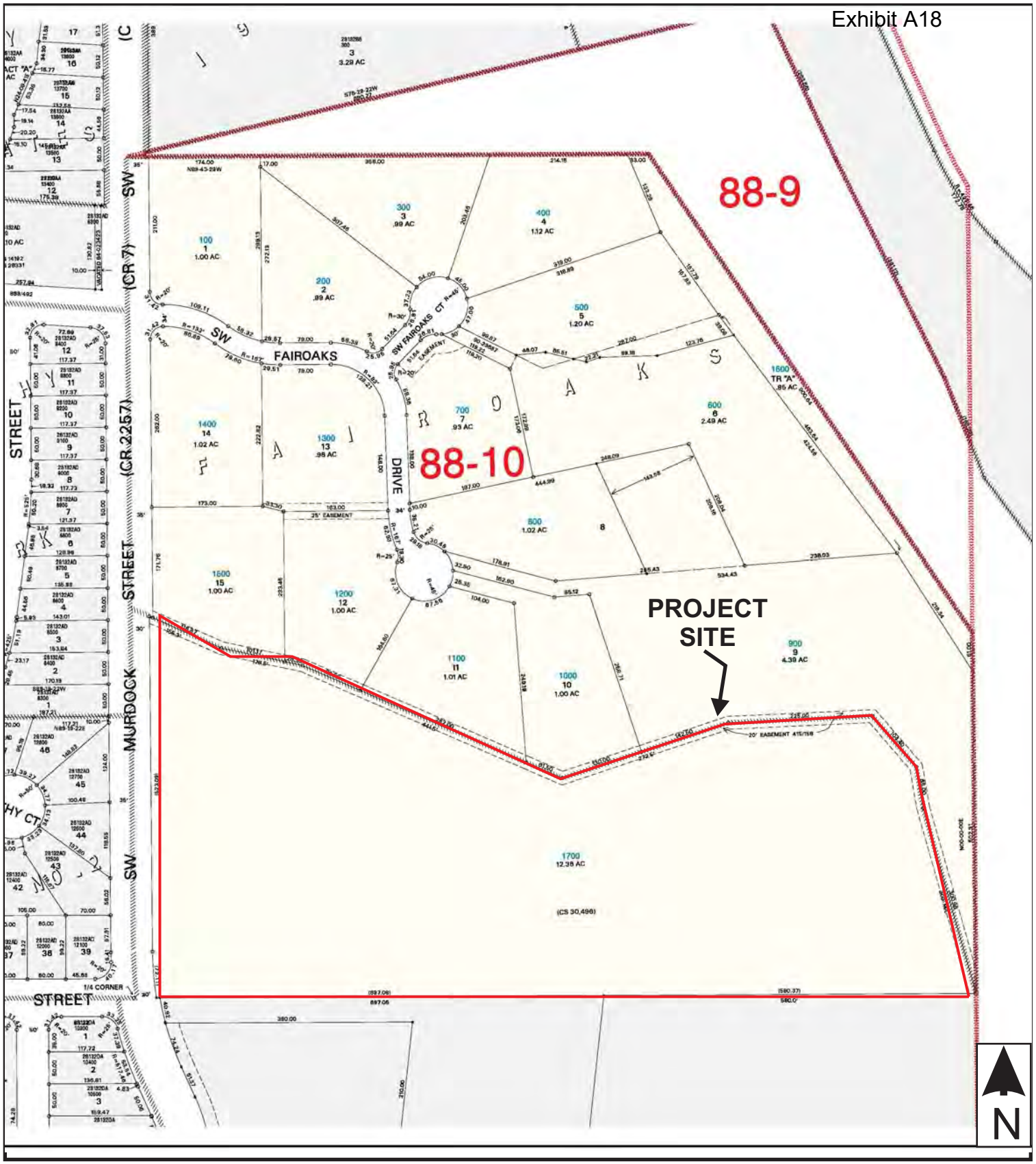
1172




Source: Metro Data Resource Center. http://gis.oregonmetro.gov/metromap/

| | | |
|---|---|---|
| Environmental Science & Assessment, LLC<br>esa | Vicinity Map<br>22900 SW Murdock Rd<br>Sherwood, Oregon | Figure 1<br>Approx. Scale: 1in.=3000 ft. |

Exhibit A18




Source: www.ormap.net

| | | |
|---|---|---|
| Environmental Science & Assessment, LLC | Tax Lot Map<br>22900 SW Murdock Rd<br>Sherwood, Oregon | Figure 2<br>Not to Scale |

Exhibit A18

DSL WD # 2022-0424
Approval Issued 10/10/2022
Approval Expires 10/10/2027

LOT 15
TAX LOT 1500
MAP 2S-1-33BC

LOT 12
TAX LOT 1200
MAP 2S-1-33BC

LOT 11
TAX LOT 1100
MAP 2S-1-33BC

"FAIROAKS"
BOOK 71, PAGE 30

LOT 10
TAX LOT 1000
MAP 2S-1-33BC

LOT 9
TAX LOT 900
MAP 2S-1-33BC

TAX LOT 1700
MAP 2S-1-33BC

20.00' WIDE ROADWAY EASEMENT

SW MURDOCK STREET (CO. 2257)

DP-1
DP-2
DP-3
DP-4
DP-5
DP-6
DP-7
DP-8

WETLAND A

18%

ROCK CREEK

200'

200' VEGETATED CORRIDOR EXTENDS ONTO SITE FROM OFFSITE RESOURCE, 545 SF, GOOD

TAX LOT 1100
MAP 2S-1-33

ROCK RETAINING WALL

WOOD DECK

CONCRETE STAIRS

HOUSE

BARN

GARAGE

PUMP HOUSE

GRAVEL DRIVEWAY

POLE WITH LIGHT AND DOWN DROP

POLE WITH LIGHT

SW UPPER ROY STREET

ROCK RETAINING WALL

GRAVEL

ROAD BARRICADE

TAX LOT 251
MAP 2S-1-33CB

TAX LOT 250
MAP 2S-1-33CB

TAX LOT 100
MAP 2S-1-33CB

TRACT B

LOT 7

LOT 8
"DENALI MEADOWS"

LOT 9

SW BYERS LAKE TERRACE

The wetland boundary and the data plot loctions were surveyed with a hand-held GPS unit with a ± ten centimeter accuracy. The base survey was professionally surveyed. Topography = 1 foot contours.

Wetland Data Plot

Photo Point

Sensitive Area: 2,276 SF


Environmental Science & Assessment, LLC

4831 NE Fremont St., Suite 2B
Portland, OR 97213
Phone: 503.478.0424
www.esapdx.com


# Existing Conditions Map
# 22900 SW Murdock Street
# Sherwood, Oregon

| | |
|---|---|
| Base Map Source: | Northwest Surveying, Inc. |
| Modified By: | KR |
| Date: | 2/22 |
| Rev: | 7/22 |
| Proj. # | 21055 |

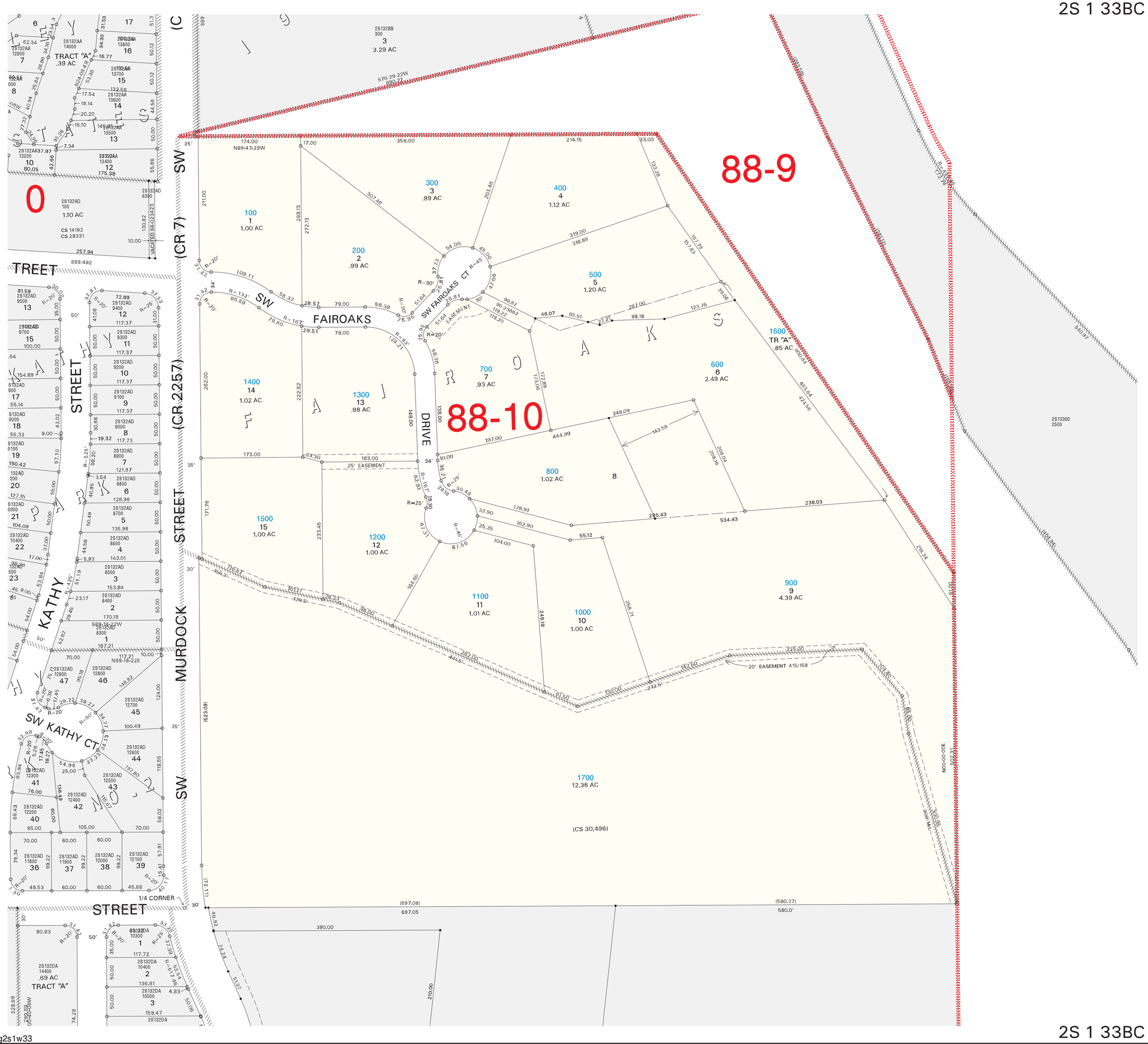
N

Figure 6

1"=100'

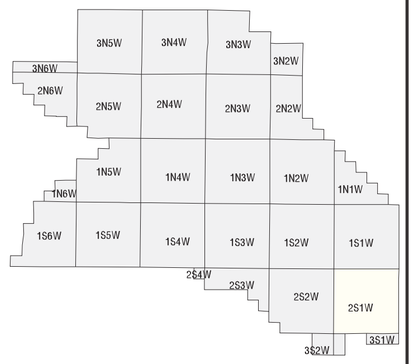
0 50 100

# Tax Map




2S 1 33BC





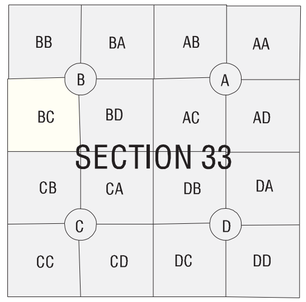

## WASHINGTON COUNTY OREGON

**SW1/4 NW1/4 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 |

***FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.washington.or.us***




SCALE 1" = 100'

0 50 100 200 300

Assessment
CARTOGRAPHY
Taxation

PLOT DATE: March 10, 2011

*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 1177

2S 1 33BC

dig2s1w33

# Moser Pass at Denali
# Vegetated Corridor Master Plan

## Background

Moser Pass at Denali is a new home development being proposed in Sherwood, Oregon. The site is located west of Rock Creek, east of Murdock Rd, and north of Ironwood Ln. The site was owned by the Moser family who logged the site years prior to the sale of it to J.T. Roth Construction (J.T. Roth). After logging, the site was left unplanted, resulting in natural recruitment of *Quercus garryana* (Oregon White Oak), *Arbutus menziesii* (Pacific Madrone), and *Acer macrophyllum* (Big Leaf Maple) in the canopy and *Mahonia aquifolium* (Tall Oregon Grape), *Holodiscus discolor* (Oceanspray), and *Lonicera hispidula* (Hairy Honeysuckle). Prior to European influence, this species mix occupied many Oak Woodland environments but has since been replaced with farms and *Pseudotsuga menziesii* (Douglas Fir) monocultures. In the Willamette Valley, there is less than 5% of Oak Woodland habitat remaining ("Oak Woodlands – Oregon Conservation Strategy"). Additionally, invasive *Crataegus monogyna* (English Hawthorn) has colonized sections of this site.

## Purpose

This plan is designed to recommend habitat improvement plans along the open space, tract c, in association with the construction of Moser Pass at Denali development. Given the regional habitat depletion and the site's natural tendency towards Oak

Woodland/Oak Forest habitat, it is recommended that all actions taken within the open space are to promote improvement of the existing habitat conditions. This site sits along a trail system already established by J.T. Roth. Expansion of the nature trail along the open space with interpretive signage allows for community education as well as outdoor public benefit spaces.

According to the report compiled by SavATree Consulting Group, LLC (SavATree), the majority of the Pacific Madrone show signs of Madrone canker caused by Fusicoccum aesculi, and could result in the death of nearly all Madrone on site (van Oss 3). As such, this plan will also address increasing some diversity to the tree canopy cover while still maintaining the integrity of the Oak Forest ecosystem. Oak Forests typically have greater than 40 young trees per acre (Altman and Stephens 9).

**Opportunity Areas**

This plan will focus on the nearly 2 acre open space that will sit in the northwest corner of the development, behind lots 13 to 24. It directly borders a neighboring tax lot which currently contains many healthy Oregon White Oak and Big Leaf Maples, as well as some less healthy Douglas Fir (see map 1).

**Implementation Plan**

With construction on the site removing the majority of the vegetation, the primary objectives will be to quickly establish canopy, remove unwanted invasive species, establish healthy understory, and create an educational pollinator pathway which meanders along the outer edge of the site giving community members a chance to be immersed in wildlife while leaving the core natural area intact with little human interaction. It will take a minimum of three years from site prep through maintenance to fully push the site into passive stewardship as it will take time to restore the canopy and understory which will be necessary to prevent colonization of invasive species by nearby seed sources.

Site Preparation:

Prior to construction breaking ground, crews should harvest as many Big Leaf Maple and Oregon White Oak, that are between 2'-8' tall and no greater than 2.5" dbh, as possible to be replanted back on site. Due to the importing of nearly 8' of soil, there is minimal invasive species site prep which will be needed on site. However, if it rains prior to any native plant establishment, it is likely that invasive species either brought in through the soil importation process or by local seed sources will begin to colonize the bare site. It is essential to tackle these species early as it will minimize the long term maintenance treatments needed. With a mixture of 2% Garlon 3a, 2% Rodeo, and 1% Competitor, use backpack sprayers to treat all invasive species on site at least two weeks prior to seeding.

Planting:

After the site has been graded, hydroseed across all graded areas in order to prevent erosion (see Seed Table 1) and to establish a healthy herbaceous understory. Incorporate collected Pacific Madrone into seed mix to help with additional stabilization.

Between October 15th and November 30th, plant all harvested large trees back on site and plant established tree containers across site (see Container Table 1). Space all trees a minimum of 20' apart. Between January 1st and April 15th, plant bare-root native understory plants across the site (see Bare-Root Table 1). Pocket plant to create dense woody pollinator hedgerows and allow for large grassy understory which is preferred for wildlife grazing. Along the pathway, plant a native pollinator hedgerow with visual breaks to make passive habitat viewing areas.

Monitor site after year 1 assess survival. If tree survival dips below 40 stems per acre, add additional plants to meet this metric. The understory should remain largely dominated by grasses and forbs, however, should the pollinator hedgerow drop below 60% survival, interplant with native container plants to establish the trail and natural habitat area buffer.

Maintenance:

In the two years following planting, seasonal maintenance should take place in order to promote healthy native species establishment without disruption from invasive species. Herbicide applications should take place in Spring and Fall. Mowing and/or hand pulling should take place during the Summer and Winter months. It is recommended that after the maintenance period, twice a year treatments take place until the canopy is fully established. Should any invasive tree species return, it will be necessary to stump-cut them in order to kill off all root systems.

Container Table 1

| **Rescued Plants / Containerized Trees** | | | | |
|---|---|---|---|---|
| **Scientific Name** | **Common Name** | **Type** | **Number** | **Notes** |
| Acer macrophyllum | Big Leaf Maple | Rescued / Ball and Burlap | 10 | Rescue from site or purchase from rescued plant nursery |
| Pinus ponderosa | Ponderosa Pine | 5-10 Gallon Container | 25 | |
| Quercus garryana | Oregon White Oak | 5-10 Gallon Container | 25 | |
| Quercus garryana | Oregon White Oak | Rescued / Ball and Burlap | 15 | Rescue from site or purchase from rescued plant nursery |

Bare-Root Table 1

| **Bare-Root Plants** | | | | |
|---|---|---|---|---|
| **Scientific Name** | **Common Name** | **Type** | **Number** | **Notes** |
| *Amelanchier alnifolia* | Western Serviceberry | Bare-Root | 500 | |
| *Calocedrus decurrens* | Incense Cedar | Bare-Root | 250 | |
| *Ceanothus sanguineus* | Red Stem Ceanothus | Bare-Root | 500 | |
| *Holodiscus discolor* | Oceanspray | Bare-Root | 500 | |
| *Mahonia aquifolium* | Tall Oregon Grape | Bare-Root | 500 | |
| *Philadelphus lewisii* | Mock Orange | Bare-Root | 500 | |

| | | | | |
|---|---|---|---|---|
| *Rhamnus purshiana* | Cascara | Bare-Root | 250 | |
| *Ribes sanguinium* | Red Flowering Currant | Bare-Root | 500 | |
| *Symphoricarpos albus* | Snowberry | Bare-Root | 500 | |

Seed Table 1

| **Seed Mix** | | | | |
|---|---|---|---|---|
| **Scientific Name** | **Common Name** | **Type** | **Percent** | **Notes** |
| Achillea millefolium | Western Yarrow | Seed | 5% | |
| Aquilegia formosa | Western Columbine | Seed | 2% | |
| Arbutus menziesii | Pacific Madrone | Seed | 1% | |
| Bromus sitchensis | Sitka Brome | Seed | 25% | |
| Camassia quamash | Common Camas | Seed | 1% | |
| Clarkia amoena | Farewell to Spring | Seed | 1% | |
| Elymus glaucus | Blue Wildrye | Seed | 25% | |
| Eriophullum lanatum | Oregon Sunshine | Seed | 2% | |
| Fetsuca roemeri | Roamer's Fescue | Seed | 25% | |
| Geum macrophyllum | Large-leaved Avens | Seed | 1% | |
| Grindelia integrifolia | Gumweed | Seed | 2% | |
| Lupinus latifolius | Broadleaf Lupine | Seed | 5% | |
| Sidalcea virgata | Rose Checkermallow | Seed | 5% | |

**Terms / Definitions**

Bare-Root Plant
A plant used for planting that is generally harvested in winter after dormancy where the root system has been separated from the soil. Plants may be herbaceous or woody. General planting of bare-roots occurs between January and April.

Broadcast Spray
Application of herbicide sprayed across site using either backpack spray or UTV. Generally used in foliar applications when vegetation exists on the ground. Spray is generally more general than a spot spray with greater coverage.

Buck / Bucking
Cutting already downed wood into smaller pieces in order to make it more manageable or to encourage quicker decomposition.

Bulb
A modified stem that is the resting state of a seed which can be harvested and planted.

Chip / Chipping
Using a machine to produce bark chips from wood.

Container Plant
A plant that is contained in some form of container. These plants are generally measured by the size of the container in gallons. Containers are to be removed prior to planting. General planting seasons for container plants are February through May and September through November.

Fascine Bundle
A bundle of living plant cuttings tied together with compostable twine. Often used in erosion control. These fascines are to be planted horizontally with as much of 50% buried into the dirt.


(Fascine Bundle recently planted)

Fell / Felling
To bring down a tree or large shrub.

Maintenance
The period of time on a restoration site between planting and stewardship. This period is marked by regular site entries in order to ensure long term desired outcomes are met.

Mow / Mowing / Cut / Cutting
Using machinery like a hedgetrimmer, brushcutter, or billygoat mower to cut down herbaceous plants and small shrubs. Can be used to reduce fire risk, promote growth, or remove unwanted plants.

Plug Plant
A small containerized plant that is contained in a cell no greater than 2”x9”. General cell size is 1”x6”.

Pole Cutting
Similar to a Stake Cutting, but larger, a living section of tree or shrub with its branches removed which can be planted. Pole cutting should be between 5’-10’. When planted, pole cuttings must be placed a minimum of 3’ in the ground. General Pole Cutting and Planting season is from January to May and October to December.


(Pole Cutting after 6 months growth)

Site Preparation
The first phase of a restoration project where the goal is to prepare the ground for future planting. This phase generally involves removing invasive species and/or other obstacles which could be a detriment to future ecological function and plant growth.

Spot Spray
Application of herbicide using a backpack sprayer on select species. Generally used in foliar applications.

Stake Cutting
A section of living plant material between 1’-5’ long which can be planted and form a viable plant. When planted, stake cuttings must be placed a minimum of ½ of total cutting length in the ground. General Stake Cutting and Planting season is from January to May and October to December.

Stewardship
The final phase of a restoration project, when general ecological function has been restored. This period involves monitoring sites and reacting to changes as necessary.

Stump-Cut
Felling a tree or shrub and then applying a concentrated herbicide on the cut in order to prevent root suckers and/or regrowth from occurring.

## Maps




All work in this plan refers to “Tract C”.

## Moser Pass at Denali




7/18/2022

Moser Pass at Delani - Field Notes (Points)
- Viewing Platform
- Interpretive Signs

Moser Pass at Delani - Field Notes (Lines)
- Approximate Trail

Moser Pass at Delani - Field Notes (Areas)
- Approximate Site Boundaries

World Imagery

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

Esri Community Maps Contributors, Oregon Metro, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

References

Altman, Bob, and Jaime L. Stephens. “Bird Habitat and Populations in Oak Ecosystems of the Pacific Northwest.” https://abcbirds.org/wp-content/uploads/2015/05/QuercusGuidePart1.pdf. Accessed 13 July 2022.

“Oak Woodlands – Oregon Conservation Strategy.” *Oregon Conservation Strategy*, https://oregonconservationstrategy.org/strategy-habitat/oak-woodlands/. Accessed 12 July 2022.

van Oss, Peter. *Tree Plan for J.T Roth Construction*. For Service At 22900 SW Murdock Street, Sherwood, OR. 4 April 2022.

# Easement Materials

FORM No. 1—WARRANTY DEED.

631

5220

*KNOW ALL MEN BY THESE PRESENTS, That*
Howard Croy and Lenora T. Croy, husband and wife

*in consideration of* Ten *Dollars,*

*to us paid by* Frank Reisch

*do hereby grant, bargain, sell and convey unto said* Frank Reisch

his *heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of* Washington *and State of Oregon, bounded and described as follows, to-wit:*

All that portion of the southwest quarter of the northwest quarter of Section 33, T. 2 S. R. 1 W. W. M., which lies south of the center line of a 20-foot roadway and which center line is described as follows: Beginning at an iron pipe, which is in the center of a county road and which pipe is 703 feet, more or less, south of the northwest corner of the southwest quarter of the northwest quarter of Section 33, T. 2 S. R. 1 W. W. M.; running thence south 65° 31' east a distance of 135.5 feet; thence south 77° 23' east a distance of 129.5 feet; thence south 65° 55' east a distance of 441.5 feet; thence north 72° 07' east a distance of 272.5 feet; thence north 87° 57' east a distance of [illegible] feet; thence south 40° 13' east a distance of 104.4 feet; thence south 9° 09' east a distance of 85.0 feet; thence in a straight line a distance of 600 feet, more or less, to the southeast corner of the southwest quarter of the northwest quarter of said Section 33, T. 2 S. R. 1 W. W. M.; containing [illegible] acres, more or less. The aforesaid 20-foot road is hereby reserved for the purposes of travel thereon by the owners of land in the [illegible] said Section 33, T. 2 S. R. 1 W. W. M., and their [illegible] and assigns forever.

Reserving, however, unto the said Howard Croy and Lenora T. Croy, the right of the public in and to all legal roads and county roads and ways heretofore existing and pertaining thereto, or to any part thereof.

*To Have and to Hold, the above described and granted premises unto the said* Frank Reisch

*And* the grantors *for* themselves *and* their *heirs, executors and administrators, do covenant to and with the above named grantee* his *heirs and assigns that* they *are* lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances [illegible] and that [illegible] will warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

*In Witness Whereof,* the grantors *have* hereunto set their hands and seals this 21st day of July, 1942.

*Executed in the Presence of—*

Howard Croy (SEAL)

Lenora T. Croy (SEAL)

(SEAL)

(SEAL)

632

STATE OF OREGON,
County of Washington } ss.

BE IT REMEMBERED, That on this 21st day of July A. D. 19 42
before me, the undersigned, a notary public
in and for said County and State, personally appeared the within named
Howard Croy and Lenora T. Croy, husband and wife,
who are known
to me to be the identical individuals described in and who executed the within instrument and
acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
official seal the day and year last above written.

Notary Public for Oregon.

My Commission expires

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES DEC 2 1944

WARRANTY DEED

STATE OF OREGON,
County of Washington } ss.
I certify that the within instrument
was received for record on the 22
day of July
A. D. 1942, at 11:15 o'clock
A. M., and recorded in book 229
on page Record of
Deeds of said County.
WITNESS my hand and seal of
County affixed.
W. A. Tupper
County Clerk.
By Edna Manning Deputy.

Return to
Frank Rauch
Rt 3, Box 10
Hillsboro

# Neighborhood Meeting Materials

# Affidavit of Mailing

DATE:

STATE OF OREGON )
)
Washington County )

I, Steve Miller, representative for the Moser PUD proposed development project do hereby certify that the attached notice to adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject project, was placed in a U.S. Postal receptacle on 11/1/2021.

Representatives Name: Steve Miller
Name of the Organization: Emerio Design, LLC

| OwnerNameLabelFormat | SiteAddr | SiteCity |
|---|---|---|
| Duncan Living Trust | 22678 SW Upper Roy St | Sherwood |
| Corey & Kelly Sanders | 22690 SW Upper Roy St | Sherwood |
| Makoto Esaki | 22785 SW Cochran Dr | Sherwood |
| Kenneth Riley | 22778 SW Cochran Dr | Sherwood |
| Martin & Esther Ruehl | 22790 SW Cochran Dr | Sherwood |
| Jeffery & Kelly Sinclair | 22798 SW Cochran Dr | Sherwood |
| Michael Crosby | 22848 SW Upper Roy St | Sherwood |
| Shelly Tautfest | 14675 SW May Ct | Sherwood |
| Walter Roach & Laurie Rogers-Roach | 14647 SW May Ct | Sherwood |
| Brian & Sheila Gray | 14631 SW May Ct | Sherwood |
| Thomas Ferland Jr & Brittany Ferland | 14619 SW May Ct | Sherwood |
| Terri Stieg | 14605 SW May Ct | Sherwood |
| Joey & Chandra Bettis | | Sherwood |
| Jordan & Emily Kelsch | 14624 SW May Ct | Sherwood |
| Slorra White & Rey Hernandez | 14638 SW May Ct | Sherwood |
| Joshua & Emily Goff | 14652 SW May Ct | Sherwood |
| Michael Kuehn | 14668 SW May Ct | Sherwood |
| Lauren & Kyle Evitts | 14682 SW May Ct | Sherwood |
| Juanita Allison | 14696 SW May Ct | Sherwood |
| Julie Lebrun | 22912 SW Upper Roy St | Sherwood |
| Scott Davis & Krystle Heys | 14863 SW Division St | Sherwood |
| Andrew McCall | 23015 SW Mansfield St | Sherwood |
| James & Donyela Cornelius | 22917 SW Upper Roy St | Sherwood |
| Jessica & Philip Pratt | 22905 SW Upper Roy St | Sherwood |
| Justino Bravo | 22807 SW Upper Roy St | Sherwood |
| Landauer, Larry & Marilyn Family Trust | 14826 SW Cochran St | Sherwood |
| Elvira Olinger | 14838 SW Cochran St | Sherwood |
| Kevin Jones | 14850 SW Cochran St | Sherwood |
| James Baldwin | 14874 SW Cochran St | Sherwood |
| Gregory & Lynne Riffenburgh | 14839 SW Cochran St | Sherwood |
| Joseph & Shannon Ely | 14815 SW Cochran St | Sherwood |
| Thomas Bletcher Sr | 22784 SW Upper Roy St | Sherwood |
| Randal Nelson Jr & Julie Nelson | 23018 SW Mansfield St | Sherwood |
| Jonathan & Vilena Raibley | 23036 SW Mansfield St | Sherwood |
| Ira Watson | 23054 SW Mansfield St | Sherwood |
| Toni & Michael Bellinger | 23049 SW Mansfield St | Sherwood |
| Ryan & Mary Adams | 14863 SW Cochran St | Sherwood |
| Sherwood, City Of | 22965 SW Upper Roy St | Sherwood |
| Dennis & Paula Yuzon | 23120 SW Murdock Rd | Sherwood |
| Jacob Miller LLC | 23008 SW Murdock Rd | Sherwood |
| Christopher & Gayle Brown | 23072 SW Mansfield St | Sherwood |
| Chad & Heidi Weiler | 23090 SW Mansfield St | Sherwood |
| Adrianne Serna | 23096 SW Mansfield St | Sherwood |
| Steven & Teresa McNeil | 23095 SW Mansfield St | Sherwood |
| Debra Lukens | 23083 SW Mansfield St | Sherwood |
| Dustin & Bowers Cook | 23075 SW Mansfield St | Sherwood |

| | | |
|---|---|---|
| Robert Lucke | 14495 SW Fairoaks Dr | Sherwood |
| Batz, J Mark Family Trust | 14435 SW Fairoaks Dr | Sherwood |
| Brooks & Annalisa Bayne | 22515 SW Fairoaks Ct | Sherwood |
| Derek & Monica Conrow | 22500 SW Fairoaks Ct | Sherwood |
| Sparks Family Living Trust | 22520 SW Fairoaks Ct | Sherwood |
| Bolliger, Michael E Rev Living Trust | 22550 SW Fairoaks Ct | Sherwood |
| James & Cynthia Folske | 14391 SW Fairoaks Dr | Sherwood |
| Dressel Family Rev Trust | 14345 SW Fairoaks Dr | Sherwood |
| Corrado, Christopher W & Kimra S Rev Living Trust | 14331 SW Fairoaks Dr | Sherwood |
| Corrado, Christopher W & Kimra S Rev Living Trust | 14325 SW Fairoaks Dr | Sherwood |
| David & Susan Brim | 14300 SW Fairoaks Dr | Sherwood |
| Andrew & Madri Vanfleet | 14340 SW Fairoaks Dr | Sherwood |
| Jeff & Lori Fletcher | 14410 SW Fairoaks Dr | Sherwood |
| Martin & Kiki Gavin | 14490 SW Fairoaks Dr | Sherwood |
| Craig & Linda Tietje | Ns | Sherwood |
| United States Of America Dept Of Interior | Ns | Sherwood |
| Roger & Lisa Walker | 23500 SW Murdock Rd | Sherwood |
| United States Of America Dept Of Interior | Ns | Sherwood |
| John & Jessica Bencomo | 22836 SW Kathy St | Sherwood |
| Patti Micheo | 22822 SW Kathy St | Sherwood |
| Ronald & Cathy Wilson | 22810 SW Kathy St | Sherwood |
| Sharon Sherwood | 22788 SW Kathy St | Sherwood |
| Matthew & Laura Alger | 22756 SW Kathy St | Sherwood |
| Jennifer Asai | 22734 SW Kathy St | Sherwood |
| Gary & Debra Ladd | 22722 SW Kathy St | Sherwood |
| Osenton 2002 Trust | 22700 SW Kathy St | Sherwood |
| Chase & Kasie Francis | 22678 SW Kathy St | Sherwood |
| Toby & Georgia Bolden | 22656 SW Kathy St | Sherwood |
| Lawrence Carrasco & Lisa Thatch | 22634 SW Kathy St | Sherwood |
| Cameron Furrow & Kimberly Michell | 14520 SW Willamette St | Sherwood |
| Julie & Dan Gahan | 22617 SW Kathy St | Sherwood |
| Michelle Zurcher | 14614 SW Willamette St | Sherwood |
| Hancock, Mullen Trust | 22629 SW Kathy St | Sherwood |
| Christian & Cecilia Middleton | 22651 SW Kathy St | Sherwood |
| Geoffrey McLain | 22673 SW Kathy St | Sherwood |
| Dwight & Paula Cash | 22695 SW Kathy St | Sherwood |
| Carrie Starbuck | 22717 SW Kathy St | Sherwood |
| Michele McCormick | 22739 SW Kathy St | Sherwood |
| Dina Francis | 22761 SW Kathy St | Sherwood |
| Darrell Lim | 22783 SW Kathy St | Sherwood |
| Michael & Sherrie Bonser | 22805 SW Kathy St | Sherwood |
| Ldd Holdings LLC | 22827 SW Kathy St | Sherwood |
| Brett & Kes Joerg | 22849 SW Kathy St | Sherwood |
| Christopher & Megan Copeland | 22871 SW Kathy St | Sherwood |
| Jack Reed Jr & Un Reed | 22893 SW Kathy St | Sherwood |
| Lake, Robert R Rev Living Trust & Lake, Melissa K Rev Living Trust | 22915 SW Kathy St | Sherwood |
| Carolynn & Christopher Harbich | 22937 SW Kathy St | Sherwood |

| | | |
|---|---|---|
| Jeff Maginnis | 22959 SW Kathy St | Sherwood |
| Yukumoto Trust | 22981 SW Kathy St | Sherwood |
| Judy Lubera | 22926 SW Upper Roy St | Sherwood |
| Sean & Amanda Wheaton | 22948 SW Upper Roy St | Sherwood |
| Erik & Kym Lindberg | 22960 SW Upper Roy St | Sherwood |
| Lori & Dennis Robertson | 22993 SW Kathy St | Sherwood |
| David & Shelley Biegel | 22996 SW Kathy St | Sherwood |
| Katherine Bosworth | 22970 SW Upper Roy St | Sherwood |
| Biggs, Sylvia A Rev Living Trust | 22978 SW Upper Roy St | Sherwood |
| Sherwood, City Of | 22998 SW Upper Roy St | Sherwood |
| Charlie & Laura Nappi | 22984 SW Kathy St | Sherwood |
| John & Amy Platt | 22970 SW Kathy St | Sherwood |
| Teresa Anderson & Carol Allen | 14584 SW Kathy Ct | Sherwood |
| Monty Houston Jr | 14552 SW Kathy Ct | Sherwood |
| Jason & Kari Birdsley | 14520 SW Kathy Ct | Sherwood |
| Casey Evans | 14525 SW Kathy Ct | Sherwood |
| Maki Rev Living Trust | 14557 SW Kathy Ct | Sherwood |
| Chris & Julie Bensel | 14589 SW Kathy Ct | Sherwood |
| Katharina Fink | 23128 SW Mansfield St | Sherwood |
| Robert Dunlap | 23150 SW Mansfield St | Sherwood |
| Tenly Properties Corp | 23174 SW Mansfield St | Sherwood |
| Tenly Properties Corp | 23196 SW Mansfield St | Sherwood |
| Robbi Nyangoro & Duncan Nyangoro Jr | 23220 SW Mansfield St | Sherwood |
| Donald & Kristine Creger | 23248 SW Mansfield St | Sherwood |
| Nicholas & Rebecca Dolan | 23189 SW Mansfield St | Sherwood |
| Anthony & Jennifer Swanson | 23155 SW Mansfield St | Sherwood |
| James & Meagan Brandl | 23131 SW Mansfield St | Sherwood |
| United States Of America Dept Of Interior | Ns | Sherwood |
| James & Kathy Graham | 23228 SW Brittany Pl | Sherwood |
| Kathryn Lamare | 23295 SW Cascade Pl | Sherwood |
| Jeffrey & Sandra Chase | 23277 SW Cascade Pl | Sherwood |
| Nicholas & Lora Meredith | 23259 SW Cascade Pl | Sherwood |
| Paul & Christine Zartman | 23237 SW Cascade Pl | Sherwood |
| Hashimoto, Michael M Living Trust | 23219 SW Cascade Pl | Sherwood |
| Dean & Eileen Cannon | 23173 SW Cascade Pl | Sherwood |
| Joseph Chan | 23151 SW Cascade Pl | Sherwood |
| Christian Manasco | 23137 SW Cascade Pl | Sherwood |
| Rettmann Family Living Trust | 23124 SW Cascade Pl | Sherwood |
| William & Linda Anderson | 23156 SW Cascade Pl | Sherwood |
| David & Kristy Wells | 23188 SW Cascade Pl | Sherwood |
| Gregory & Victoria Ring | 23210 SW Cascade Pl | Sherwood |
| Robert & Rosemarie Ahrens | 23232 SW Cascade Pl | Sherwood |
| Jeffrey & Sondra Magnuson | 23254 SW Cascade Pl | Sherwood |
| Cristin Casey & John Kersey | 23272 SW Cascade Pl | Sherwood |
| Lisa & David Bradley | 23298 SW Cascade Pl | Sherwood |
| Sherwood, City Of | Ns | Sherwood |
| Robert Edgell | 23048 SW Cuthill Pl | Sherwood |

| | | |
|---|---|---|
| Kelly & Loren Cochrun | 23034 SW Cuthill Pl | Sherwood |
| Matthew Triplett | 23020 SW Cuthill Pl | Sherwood |
| Joseph & Heidi Tillotson | 23006 SW Cuthill Pl | Sherwood |
| Bertha & Marcus Lopez | 14875 SW Division St | Sherwood |
| David & Ariel Dobson | 14897 SW Division St | Sherwood |
| Carina Kauffman | 23010 SW William Ave | Sherwood |
| Tom Gallagher | 23028 SW William Ave | Sherwood |
| Todd Lundy | 23046 SW William Ave | Sherwood |
| Gregory & Shari Hanson | 23068 SW William Ave | Sherwood |
| Troy & Elizabeth Thompson | 23084 SW William Ave | Sherwood |
| Robin & Lyubov Lee | 23102 SW William Ave | Sherwood |
| Sean Bergman | 23118 SW William Ave | Sherwood |
| Jonathan & Lynsey Knapp | 23136 SW William Ave | Sherwood |
| Stephen & Andrea Chiapella | 23154 SW William Ave | Sherwood |
| Edward Casey Jr & Joanne Casey | 23172 SW William Ave | Sherwood |
| Chadd & Molly Shotwell | 23190 SW William Ave | Sherwood |
| Carl & Jamie Ruggiero | 23208 SW William Ave | Sherwood |
| Aimee & Alex Elia | 23226 SW William Ave | Sherwood |
| Ownership Suppressed | 23244 SW William Ave | Sherwood |
| Michael & Karen Shelley | 23260 SW William Ave | Sherwood |
| Tristan & Anyarin Jo | 23278 SW William Ave | Sherwood |
| James Farr III & Lynn Farr | 23296 SW William Ave | Sherwood |
| Don & Michele Tran | 23314 SW William Ave | Sherwood |
| Carrie Leblanc | 23332 SW William Ave | Sherwood |
| Bryan & Lisa Jaeger | 23299 SW William Ave | Sherwood |
| Kelly Martin | 23285 SW William Ave | Sherwood |
| Stephen & Brenda Bjorndal | 23267 SW William Ave | Sherwood |
| Jessica Garcia & Dex Espinoza | 23251 SW William Ave | Sherwood |
| Porter Living Trust | 23235 SW William Ave | Sherwood |
| Wilson & Kristen Parrish | 23217 SW William Ave | Sherwood |
| Amanda & Skylar Schulz | 23201 SW William Ave | Sherwood |
| Emma & Lori Watkins | 23183 SW William Ave | Sherwood |
| Tanya Lokboj & Watson Jolden | 23165 SW William Ave | Sherwood |
| Gregory & Carol Whitmore | 23147 SW William Ave | Sherwood |
| Jesse & Courtney D'elia | 23125 SW William Ave | Sherwood |
| Sherwood, City Of | 22965 SW Upper Roy St | Sherwood |
| Mark & Maureen Rowlands | 23364 SW Murdock Rd | Sherwood |
| Huntington Family Trust | 23376 SW Murdock Rd | Sherwood |
| Patrick & Tamara Huske | 23352 SW Murdock Rd | Sherwood |
| Rozanne & Kelly Rich | 22487 SW Meissinger Pl | Sherwood |
| Stephen & Paula Nelson | 22458 SW Meissinger Pl | Sherwood |
| Joseph & Lacey Volker | 22435 SW Meissinger Pl | Sherwood |
| Hillary & Joe Taylor | 22407 SW Meissinger Pl | Sherwood |
| Rose Biondo | 22404 SW Meissinger Pl | Sherwood |
| Jason Curtis | 22436 SW Meissinger Pl | Sherwood |
| Lfh 22448 SW Meissinger LLC | 22448 SW Meissinger Pl | Sherwood |
| Heather Cotten | 22460 SW Meissinger Pl | Sherwood |

| | | |
|---|---|---|
| Kenneth & Tiffani McCoy | 22472 SW Meissinger Pl | Sherwood |
| Kevin Craig & Jessica Monoya | 22484 SW Meissinger Pl | Sherwood |
| Rome, Marilyn G Rev Living Trust | 22496 SW Meissinger Pl | Sherwood |
| Emelia Satterwhite | 22515 SW Murdock Rd | Sherwood |
| Luis Mena & Olivia Vazquez | 22503 SW Murdock Rd | Sherwood |
| Brian & Sarah Hagan | 22471 SW Murdock Rd | Sherwood |
| Opendoor Property Trust I | 22459 SW Murdock Rd | Sherwood |
| Roberto Ocampo-Valdovino & Angelina Ocampo-Garcia | 22427 SW Murdock Rd | Sherwood |
| Scott Sollman & Cathie Boucher-Sollman | 22415 SW Murdock Rd | Sherwood |
| Sherwood, City Of | Ns | Sherwood |
| Rome, Marilyn G Rev Living Trust | 14648 SW Willamette St | Sherwood |
| Baugus, James Trust | 14092 SW Ironwood Ln | Sherwood |
| Vernon & Kimberly Fuller | 14074 SW Ironwood Ln | Sherwood |
| Michael & Jennifer Brandt | 14056 SW Ironwood Ln | Sherwood |
| Fred Byeman Jr & Nadine Byeman | 14039 SW Ironwood Ln | Sherwood |
| Ironwood Homes Inc | Ns | Sherwood |
| Ironwood Homes Inc | Ns | Sherwood |
| Ironwood Homes Inc | Ns | Sherwood |
| Ironwood Homes Inc | Ns | Sherwood |
| Sherwood, City Of | Ns | Sherwood |
| Sherwood, City Of | Ns | Sherwood |
| Sherwood, City Of | Ns | Sherwood |
| Sherwood, City Of | Ns | Sherwood |
| Kendra & Kyle Flann | 23413 SW Denali Ln | Sherwood |
| Michelle Bennett & Jon Markee | 23408 SW Denali Ln | Sherwood |
| Hoa Denali | | Sherwood |
| Sherwood, City Of | 23366 SW Denali Ln | Sherwood |
| Hoa Denali | | Sherwood |
| Hoa Denali | 23374 SW Denali Ln | Sherwood |
| JACOB MILLER LLC | 23008 SW MURDOCK RD | Sherwood |
| JT ROTH CONSTRUCTION INC | 23245 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23217 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23183 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23171 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23119 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23067 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23039 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23021 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23015 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23168 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23202 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23246 SW BYERS LAKE TE | Sherwood |
| JT ROTH CONSTRUCTION INC | 23284 SW BYERS LAKE TE | Sherwood |
| DENALI HOA | 23126 SW MURDOCK RD | Sherwood |
| JT ROTH CONSTRUCTION INC | 23012 SW MURDOCK RD | Sherwood |
| DENALI HOA | | Sherwood |
| DENALI HOA | 23142 SW BYERS LAKE TE | Sherwood |

| | | |
|---|---|---|
| JT ROTH CONSTRUCTION INC | | Sherwood |
| Michael D & Lawrence D Kay LLC | 22210 SW Murdock Rd | Sherwood |
| Rome, Marilyn G Rev Living Trust | 14645 SW Willamette St | Sherwood |
| Sherwood, City Of | Ns | Sherwood |
| Jordan Stokes & Anna Jones | 14689 SW Willamette St | Sherwood |
| Jeffrey Kortis | 14707 SW Willamette St | Sherwood |
| James Brossard | 14731 SW Willamette St | Sherwood |
| Rome, Marilyn G Rev Living Trust | 14732 SW Willamette St | Sherwood |
| Kenneth & Judy Mahoney | 22629 SW Cochran Dr | Sherwood |
| Bobby & Melissa Prater | 22647 SW Cochran Dr | Sherwood |
| Jose & Aurora Avila | 22665 SW Cochran Dr | Sherwood |
| Thomas Steinbach Jr & Jennifer Steinbach | 22683 SW Cochran Dr | Sherwood |
| Svetlana Brossard & Sergiy Streltsov | 22701 SW Cochran Dr | Sherwood |
| Robert Maxey | 22719 SW Cochran Dr | Sherwood |
| Erik & Lisa Funk | 22737 SW Cochran Dr | Sherwood |
| Zackery & Darlene Gallinger-Long | 22755 SW Cochran Dr | Sherwood |
| Jacie Kindig | 22771 SW Cochran Dr | Sherwood |
| Hoff, Donna L & Clifford E Living Trust | 22762 SW Cochran Dr | Sherwood |
| Michael & Julie Meserve | 22744 SW Cochran Dr | Sherwood |
| Curtis & Tanya Rothenberger | 22732 SW Cochran Dr | Sherwood |
| Donnella West | 14672 SW June Ct | Sherwood |
| Leonard & Kathleen Crossett | 14656 SW June Ct | Sherwood |
| Michael & Stacey Grimes | 14640 SW June Ct | Sherwood |
| Nicholas & Kara Mong | 14622 SW June Ct | Sherwood |
| Rt, Handegard Trust | 14609 SW June Ct | Sherwood |
| Schmidt Family Living Trust | 14627 SW June Ct | Sherwood |
| Lindsey Hutnick & Justin Reakes | 14645 SW June Ct | Sherwood |
| Ronald & Brenda Brazil | 14663 SW June Ct | Sherwood |
| Ryan Shockley & Jill Foley | 14685 SW June Ct | Sherwood |
| Daryl & Sarah Vogel | 22634 SW Cochran Dr | Sherwood |
| Timothy Clark | 22622 SW Cochran Dr | Sherwood |
| Emmette Jorden Sr & Shirley Jorden | 22666 SW Upper Roy St | Sherwood |
| Susan Nguyen | 22652 SW Upper Roy St | Sherwood |
| Shawn & Rachael Brown | 22640 SW Upper Roy St | Sherwood |
| Eric Kirkwood | 22616 SW Upper Roy St | Sherwood |
| MacGill Living Trust | 22602 SW Upper Roy St | Sherwood |
| Shook, Richard D Rev Living Trust | 14820 SW Willamette St | Sherwood |
| Dean Robbins | 14776 SW Willamette St | Sherwood |
| Sherwood, City Of | 22965 SW Upper Roy St | Sherwood |
| Woodburn Industrial Capital Group LLC | Ns | Sherwood |
| Woodburn Industrial Capital Group LLC | Ns | Sherwood |
| Woodburn Industrial Capital Group LLC | Ns | Sherwood |
| Snyder LLC | 13335 SW Tonquin Rd | Sherwood |

| SiteState | SiteZIP | OwnerAddr | OwnerCityNm | OwnerState | OwnerZIP | ParcelId |
|---|---|---|---|---|---|---|
| OR | 97140 | 198 N Cypress Ave | Santa Clara | CA | 95050 | R1173312 |
| OR | 97140 | 22690 SW Upper Roy St | Sherwood | OR | 97140 | R1173321 |
| OR | 97140 | 22785 SW Cochran Dr | Sherwood | OR | 97140 | R1173330 |
| OR | 97140 | 22778 SW Cochran Dr | Sherwood | OR | 97140 | R1173349 |
| OR | 97140 | 22790 SW Cochran Dr | Sherwood | OR | 97140 | R1173358 |
| OR | 97140 | 22798 SW Cochran Dr | Sherwood | OR | 97140 | R1173367 |
| OR | 97140 | 22848 SW Upper Roy St | Sherwood | OR | 97140 | R1173376 |
| OR | 97140 | 14675 SW May Ct | Sherwood | OR | 97140 | R1173385 |
| OR | 97140 | 14647 SW May Ct | Sherwood | OR | 97140 | R1173394 |
| OR | 97140 | 14631 SW May Ct | Sherwood | OR | 97140 | R1173401 |
| OR | 97140 | 14619 SW May Ct | Sherwood | OR | 97140 | R1173410 |
| OR | 97140 | 14605 SW May Ct | Sherwood | OR | 97140 | R1173429 |
| OR | 97140 | 48885 NW Oppenlander Ln | Forest Grove | OR | 97116 | R1173438 |
| OR | 97140 | 14624 SW May Ct | Sherwood | OR | 97140 | R1173447 |
| OR | 97140 | 14638 SW May Ct | Sherwood | OR | 97140 | R1173456 |
| OR | 97140 | 14652 SW May Ct | Sherwood | OR | 97140 | R1173465 |
| OR | 97140 | 14668 SW May Ct | Sherwood | OR | 97140 | R1173474 |
| OR | 97140 | 14682 SW May Ct | Sherwood | OR | 97140 | R1173483 |
| OR | 97140 | 14696 SW May Ct | Sherwood | OR | 97140 | R1173492 |
| OR | 97140 | PO Box 996 | Sherwood | OR | 97140 | R1173508 |
| OR | 97140 | 14863 SW Division St | Sherwood | OR | 97140 | R1173517 |
| OR | 97140 | 23015 SW Mansfield St | Sherwood | OR | 97140 | R1173526 |
| OR | 97140 | PO Box 1225 | Tualatin | OR | 97062 | R1173535 |
| OR | 97140 | 22905 SW Upper Roy St | Sherwood | OR | 97140 | R1173544 |
| OR | 97140 | 22807 SW Upper Roy St | Sherwood | OR | 97140 | R1173553 |
| OR | 97140 | 9855 NW Roy Rd | Forest Grove | OR | 97116 | R1173562 |
| OR | 97140 | 14838 SW Cochran St | Sherwood | OR | 97140 | R1173571 |
| OR | 97140 | 14850 SW Cochran St | Sherwood | OR | 97140 | R1173580 |
| OR | 97140 | 14874 SW Cochran St | Sherwood | OR | 97140 | R1173599 |
| OR | 97140 | 14839 SW Cochran St | Sherwood | OR | 97140 | R1173606 |
| OR | 97140 | 14815 SW Cochran St | Sherwood | OR | 97140 | R1173615 |
| OR | 97140 | 22784 SW Upper Roy St | Sherwood | OR | 97140 | R1173624 |
| OR | 97140 | 23018 SW Mansfield St | Sherwood | OR | 97140 | R1173633 |
| OR | 97140 | 23036 SW Mansfield St | Sherwood | OR | 97140 | R1173642 |
| OR | 97140 | 23054 SW Mansfield St | Sherwood | OR | 97140 | R1173651 |
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| OR | 97140 | 395 Shenandoah Ln | Woodburn | OR | 97071 | R558006 |
| OR | 97140 | PO Box 1060 | Woodburn | OR | 97071 | R558042 |
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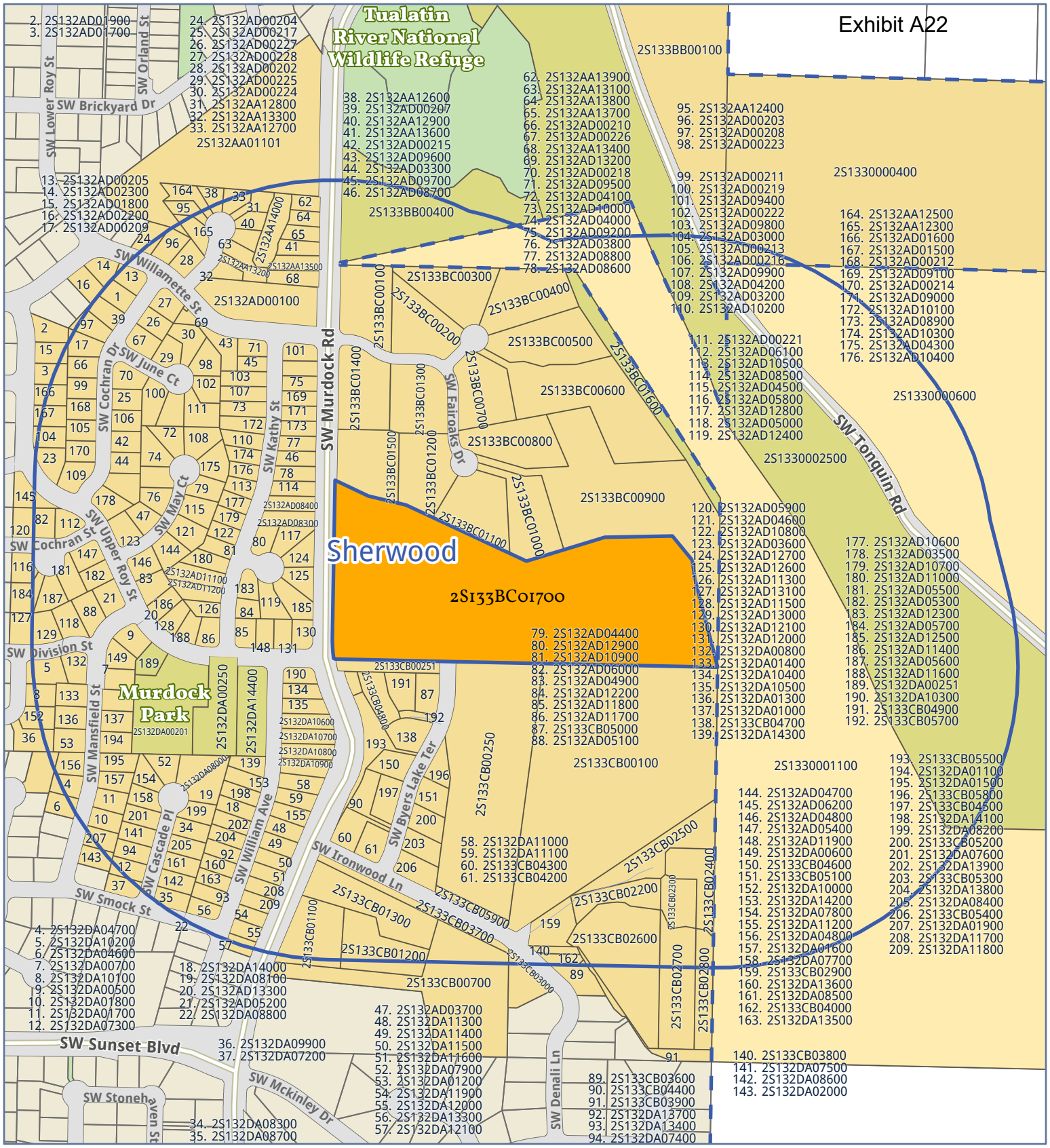
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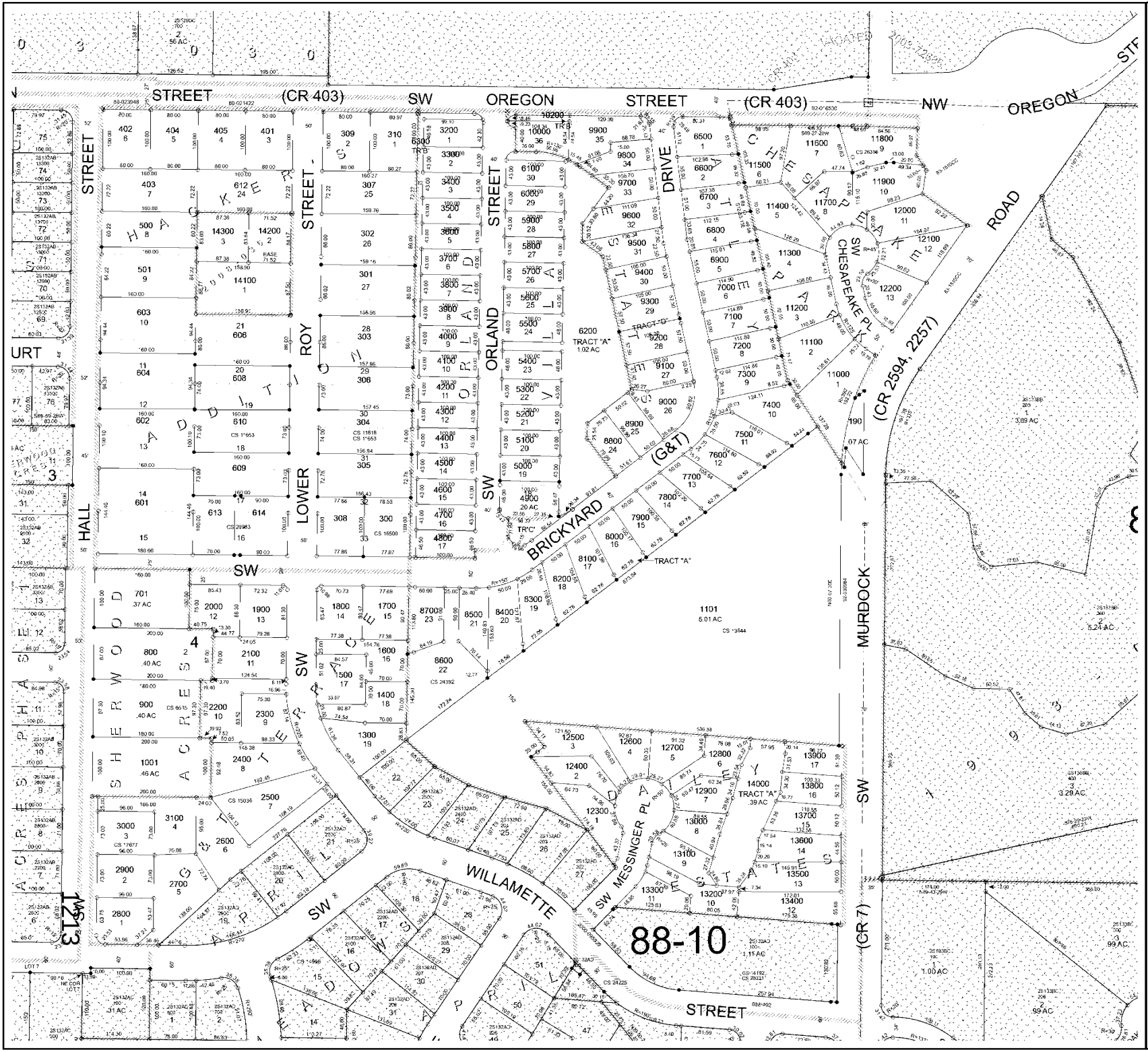
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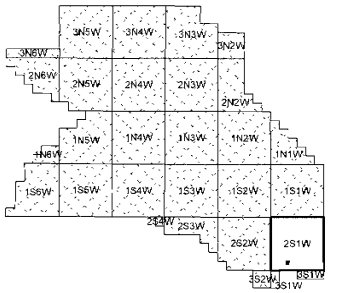
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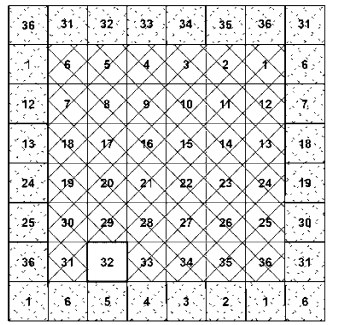

Exhibit A22
Tualatin River National Wildlife Refuge
Sherwood
2S133BC01700
Murdock Park
SW Murdock Rd
SW Tonquin Rd
SW Brickyard Dr
SW Willamette St
SW Cochran Dr
SW June Ct
SW Cochran St
SW Upper Roy St
SW Division St
SW Mansfield St
SW Cascade Pl
SW William Ave
SW Smock St
SW Sunset Blvd
SW Stonehaven St
SW Mckinley Dr
SW Denali Ln
SW Ironwood Ln
SW Byers Lake Ter
SW Fairoaks Dr
SW Kathy St
SW Mar Ct
SW Orland St
SW Lower Roy St
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204. 2S132DA13800
205. 2S132DA08400
206. 2S133CB05400
207. 2S132DA01900
208. 2S132DA11700
209. 2S132DA11800
Subject
Notification radius
Notification parcels
City limits
Parks
Incorporated area
Taxlots
Map prepared 10/21/2021
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.
Fidelity National Title
PORTLAND
Feet
0
500
1,000
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



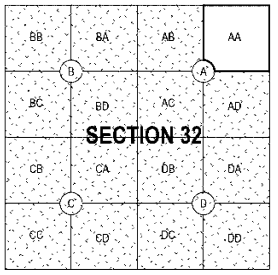

2S132AA




**WASHINGTON COUNTY OREGON**
**NE 1/4 NE 1/4 SECTION 32 T2S R1W W.M.**
**SCALE 1" = 100'**




FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
***www.co.washington.or.us***




**Cancelled Taxlots For: 2S132AA**

700,801,901,1000,400,191,100,201,600,200,6400,10600,
6401,10500,10800,10900,10700,1102,10400,10100,1200,
1100,611,605,607,10300,

Feet
0 50 100 200 300

Assessment CARTOGRAPHY Taxlot

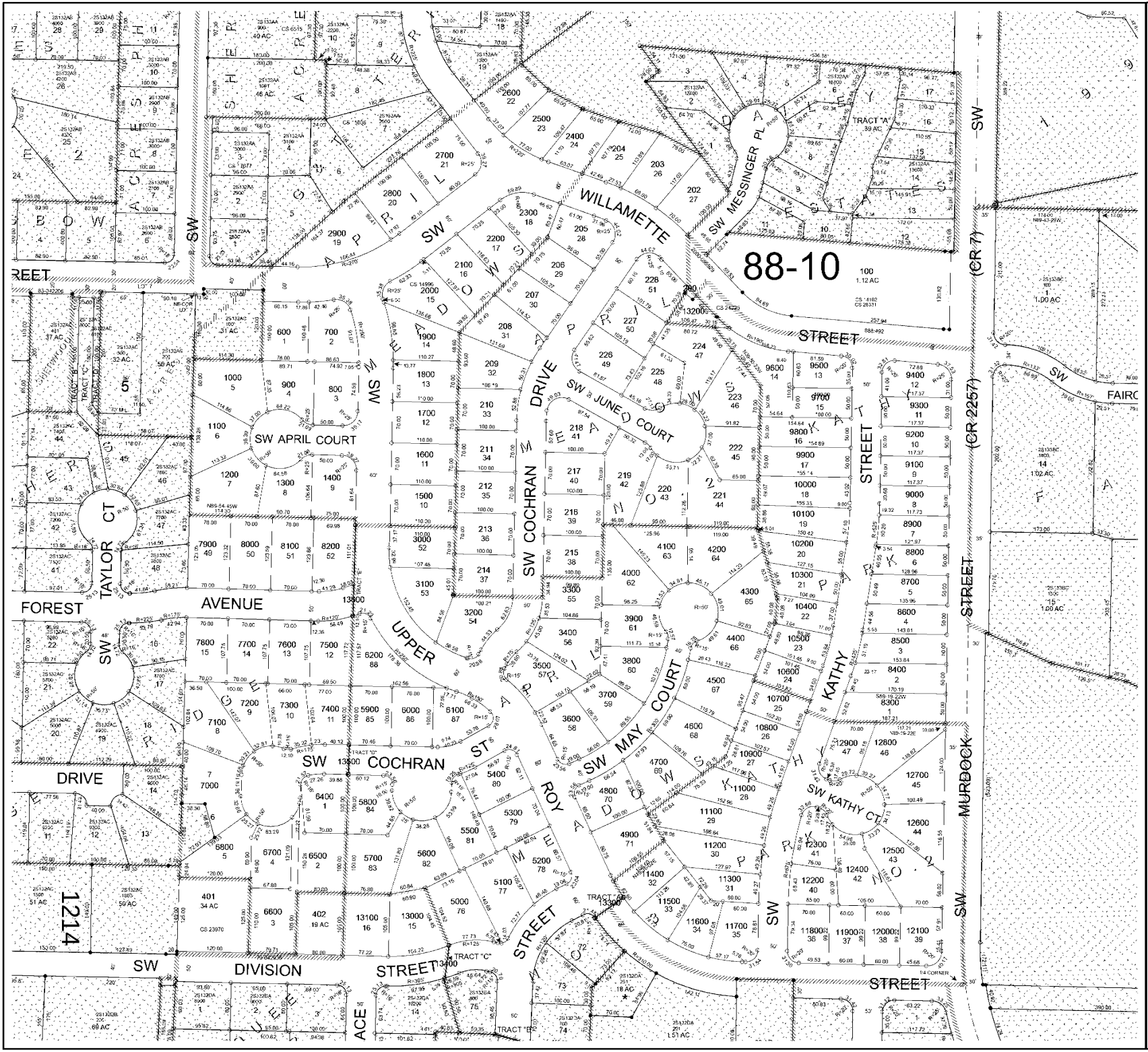
Exhibit A22

**PLOT DATE: 8/6/2019**
**Rotation:** 0.5
***FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE***

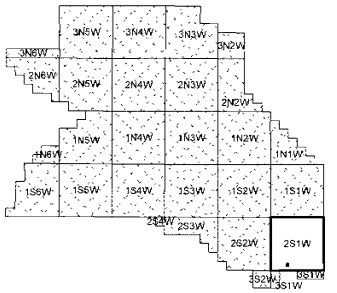
*Map areas delineated by either gray shading or a cross-hatched pattern are for reference only, and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.*

Digmap

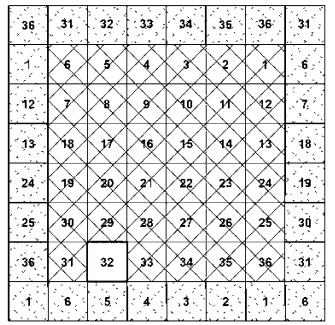
2S132AA



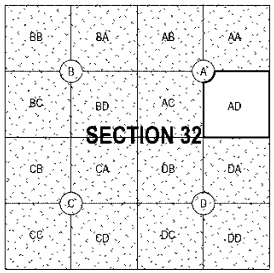

2S132AD



**WASHINGTON COUNTY OREGON**
**SE 1/4 NE 1/4 SECTION 32 T2S R1W W.M.**
**SCALE 1" = 100'**



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 Taxatic

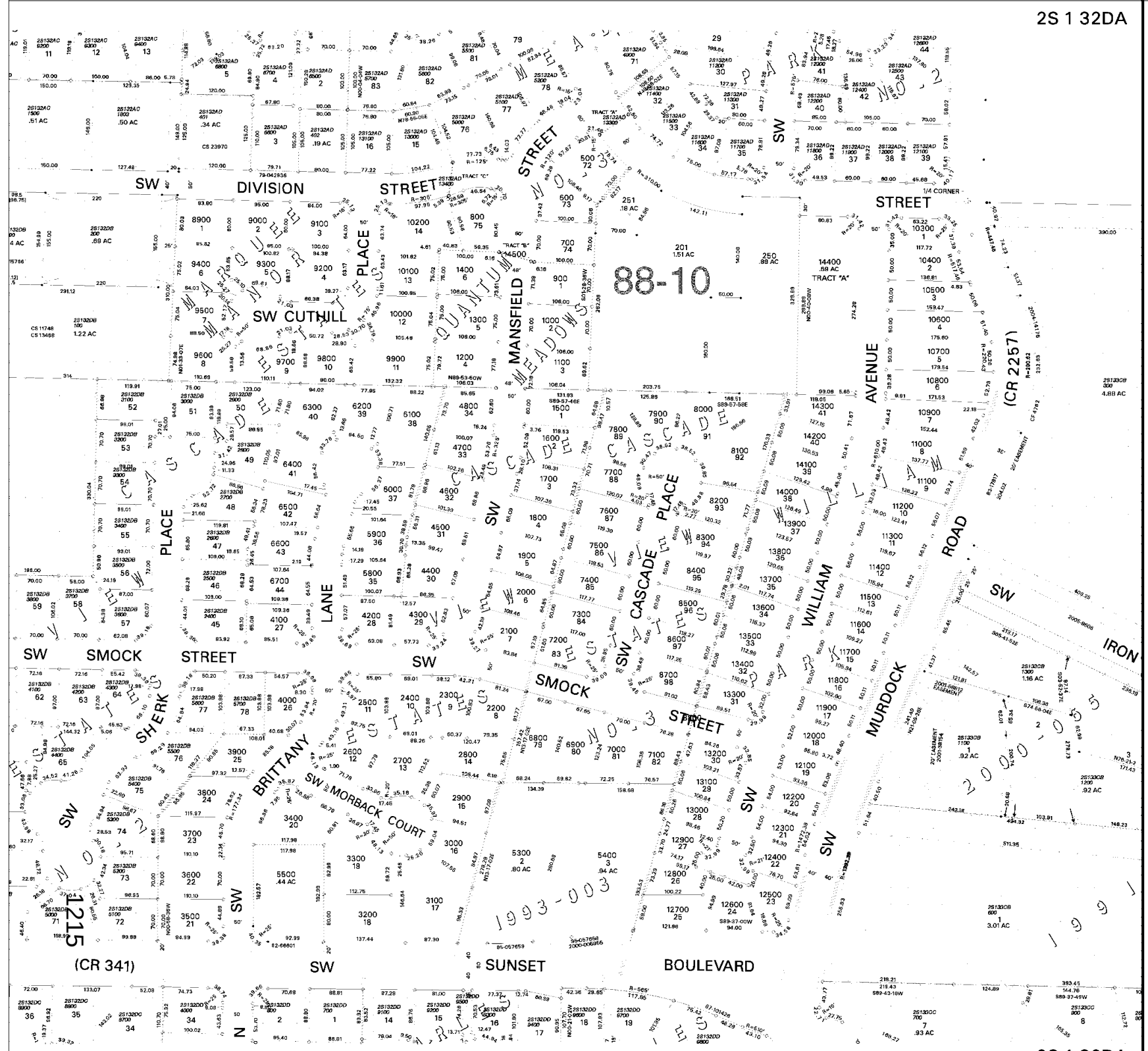
**PLOT DATE: 8/8/2019**
**Rotation: 0**
***FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE***

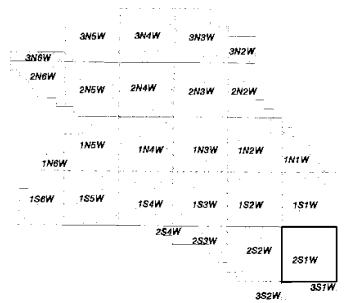
*Map areas delineated by either gray shading or a cross-hatched pattern are for reference only, and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.*

Exhibit A22

SHERWOOD
2S132AD

Digmap




**WASHINGTON COUNTY OREGON**
**NE1/4 SE1/4 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***

BB BA AB AA
B A
BC BD AC AD
**SECTION 32**
CB CA DB DA
C D
CC CD DC DD

Cancelled Taxlots For: 2S132DA
301,4800,5000,5100,5200,300,400,100,5700,5600,200

SCALE 1" = 100'
0 50 100 200 300

WASHINGTON COUNTY OREGON 1843
CARTOGRAPHY

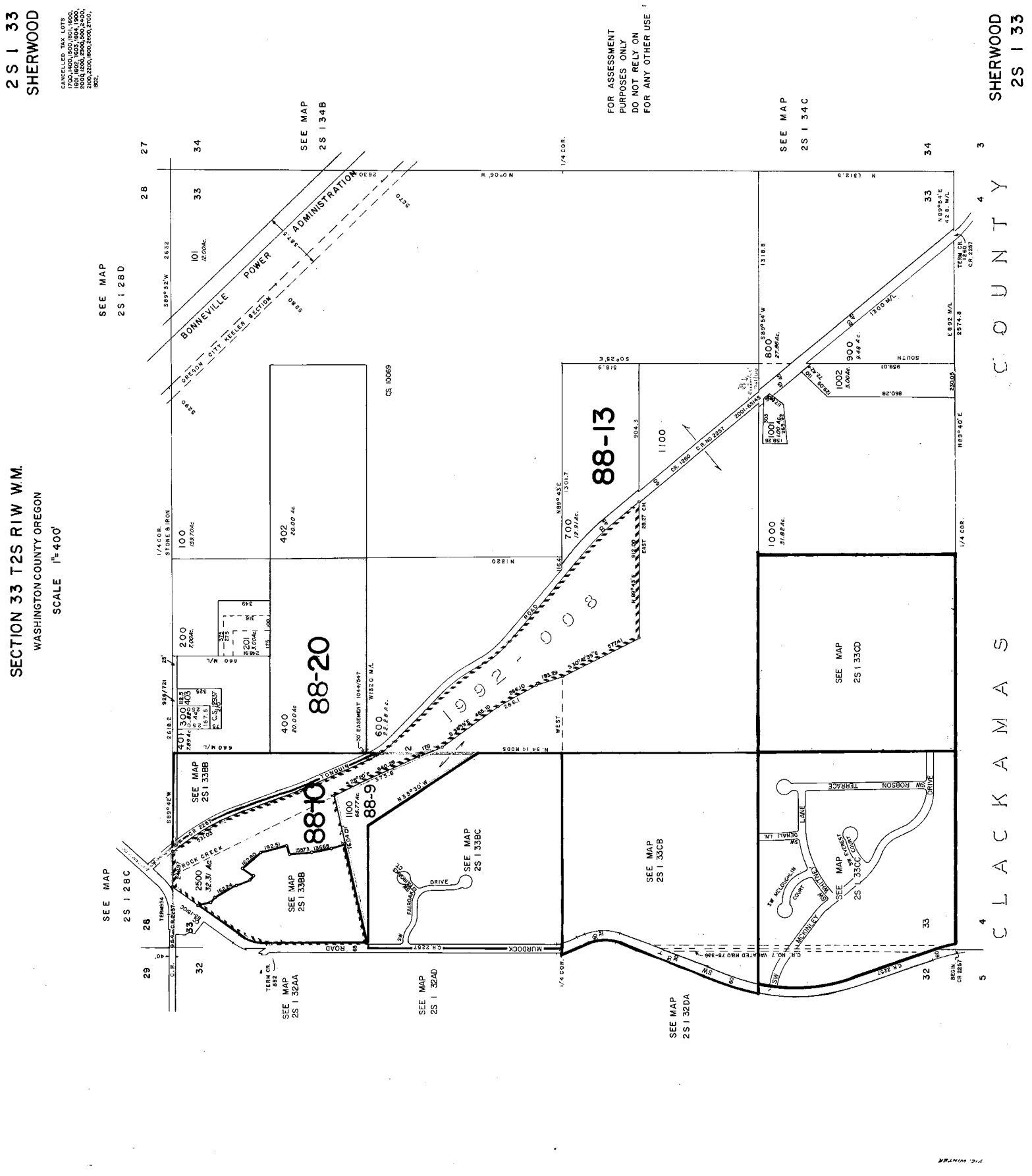
PLOT DATE: February 17, 2010
*FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE*

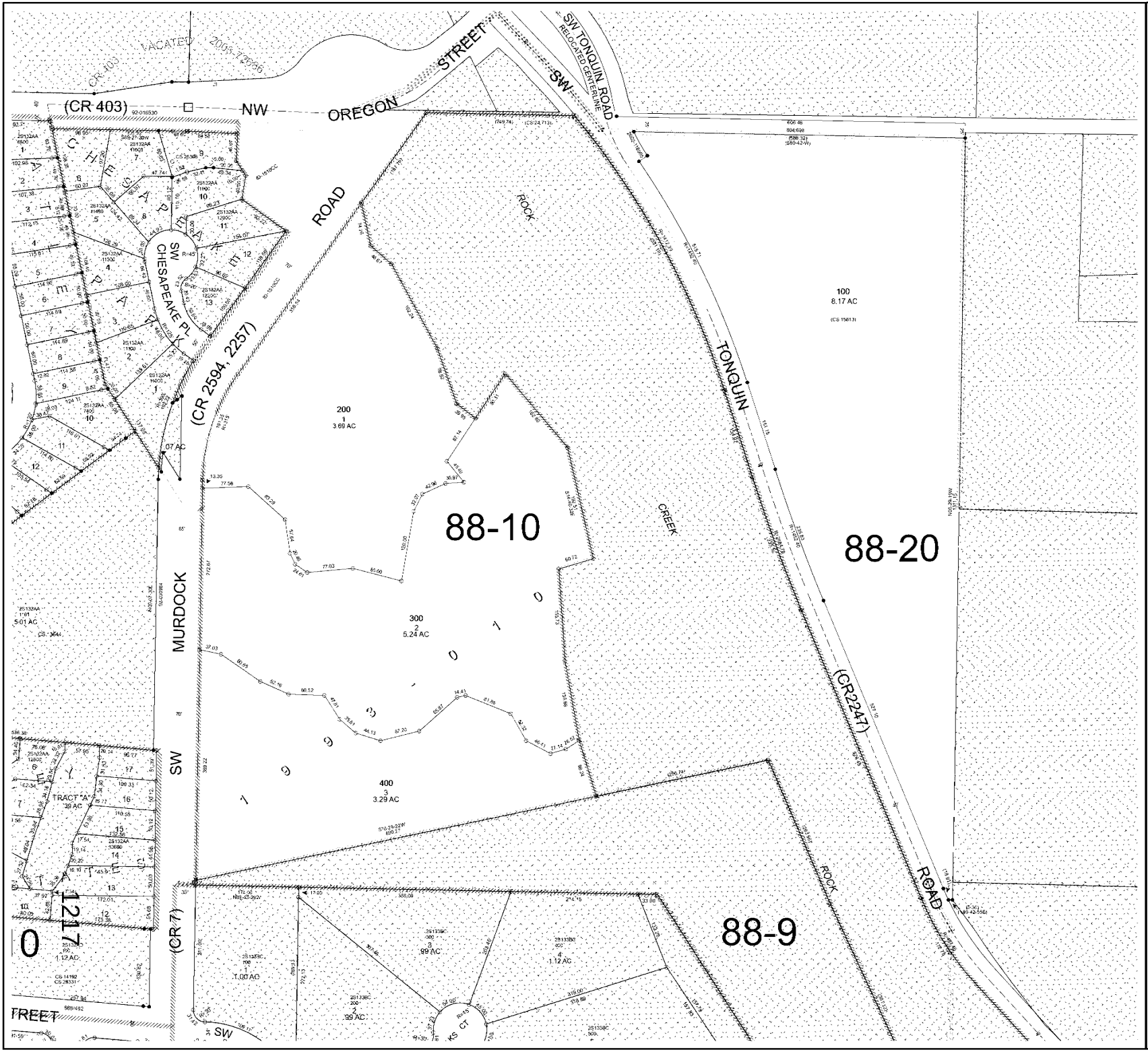
*Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.*

Exhibit A2

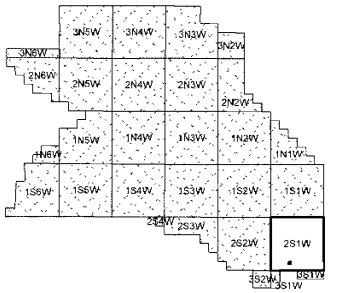
SHERWOOD
2S 1 32DA

dig2s1w32

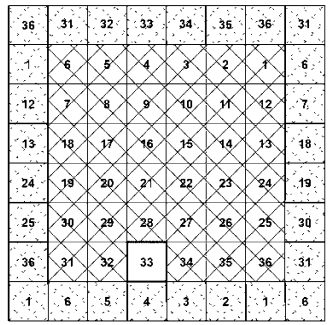

2S I 33
SHERWOOD
SECTION 33 T2S R1W W.M.
WASHINGTON COUNTY OREGON
SCALE 1"= 400'
FOR ASSESSMENT PURPOSES ONLY
DO NOT RELY ON FOR ANY OTHER USE
SHERWOOD
2S I 33
CLACKAMAS COUNTY
SEE MAP 2S I 34B
SEE MAP 2S I 34C
SEE MAP 2S I 28D
SEE MAP 2S I 28C
SEE MAP 2S I 33BB
SEE MAP 2S I 33BC
SEE MAP 2S I 33CB
SEE MAP 2S I 33CD
SEE MAP 2S I 32AA
SEE MAP 2S I 32AD
SEE MAP 2S I 32DA
BONNEVILLE POWER ADMINISTRATION
OREGON CITY KEELER SECTION
88-13
88-20
88-10
88-9
1992-008
ROCK CREEK
TONQUIN
MURDOCK ROAD
FAIRGROUND DRIVE
SW ROBSON TERRACE
SW ROBSON DRIVE
SW DENALI LANE
SW MCLOUGHLIN COURT
SW MCKINLEY
SW FOREST COURT
SW HEATHER
SW 124TH AVE
C.R. 2257
C.R. 1260
C.S. 10069
TERM. CR. 682
BEGIN C.R. 2257
1/4 COR.
WEST
SOUTH
EAST
N89°43'E
N89°54'E
S89°54'W
S89°42'W
N00°06'W
S00°25'E
N89°40'E
2630
1320
1318.8
2574.8
2618.2
1301.7
904.3
959.01
860.28
230.05
1312.5
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101 12.00Ac.
200 7.00Ac.
201 2.00Ac.
300 2.40Ac.
400 20.00Ac.
402 20.00 Ac.
403 2.40Ac.
600 22.28 Ac.
700 18.91Ac.
800 27.86Ac.
900 9.49 Ac.
1000 51.82Ac.
1002 5.00Ac.
1100 66.77Ac.
2500 32.31 Ac.
STONE & IRON
660 M/L
1300 M/L
1320 M/L
1312.5 M/L
692 M/L
30' EASEMENT 1044/347
DRIVE
ROAD
LANE
COURT
TERRACE
CANCELLED TAX LOTS
1700, 1400, 1500, 1501, 1600, 1601, 1602, 1603, 1604, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 1800, 1801, 1802.



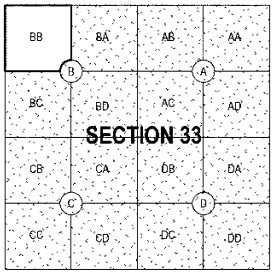

2S133BB




**WASHINGTON COUNTY OREGON**
**NW 1/4 NW 1/4 SECTION 33 T2S R1W W.M.**
**SCALE 1" = 100'**




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**Cancelled Taxlots For: 2S133BB**
None

Feet
0 50 100 200 300

Assessment CARTOGRAPHY Taxatic

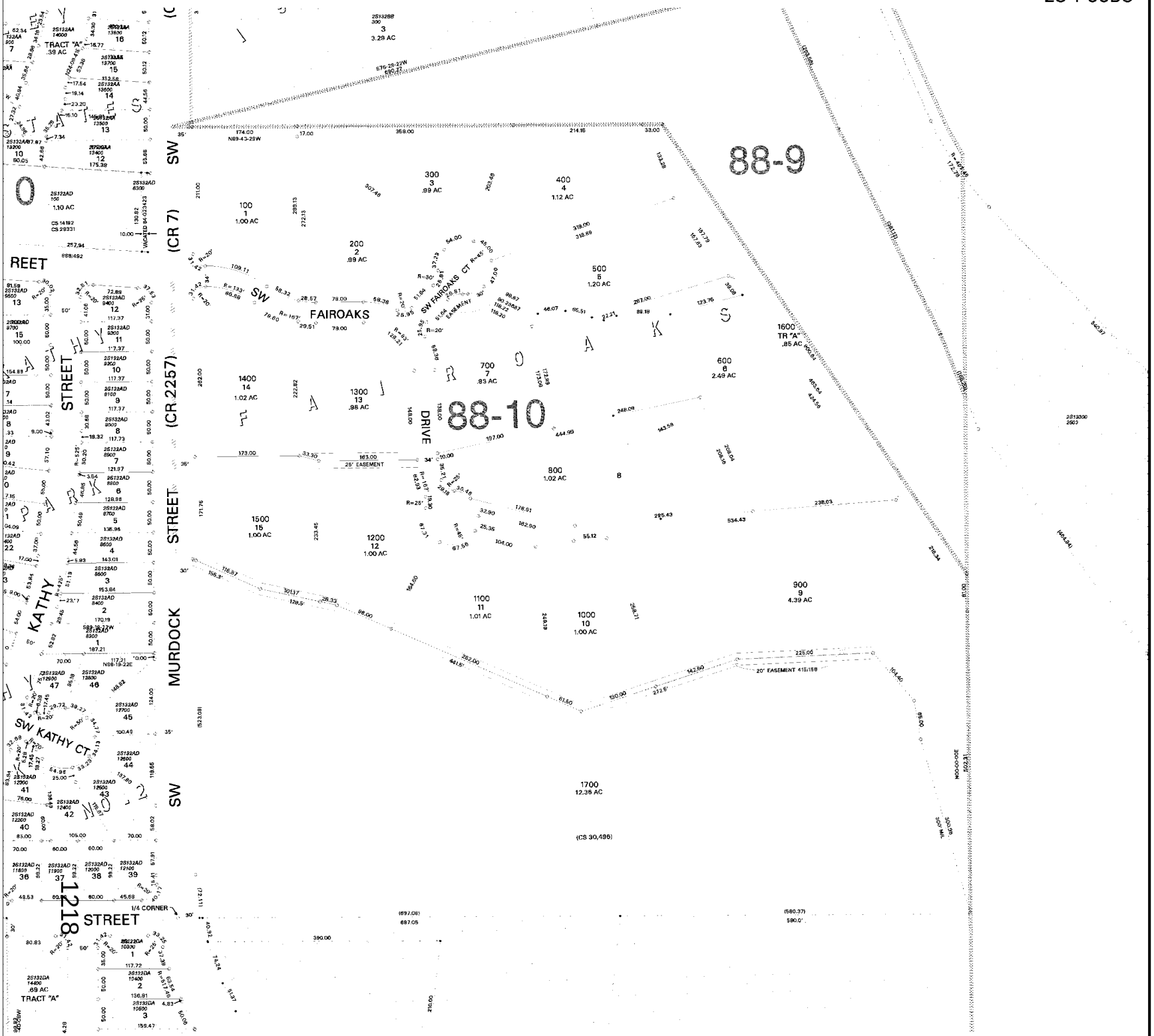
**PLOT DATE: 7/12/2021**
**Rotation: 0**
***FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE***

*Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most correct property boundaries. Please consult the appropriate map for the most current information.*

SHERWOOD
2S133BB

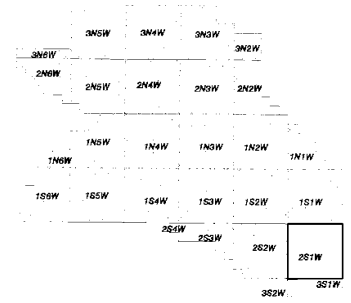
Digmap

Exhibit A22




2S 1 33BC

2S 1 33BC




**WASHINGTON COUNTY OREGON**
**SW1/4 NW1/4 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 |

***FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.washington.or.us***

BB BA AB AA
B A
BC BD AC AD

## SECTION 33

CB CA DB DA
C D
CC CD DC DD

SCALE 1" = 100'
0 50 100 200 300

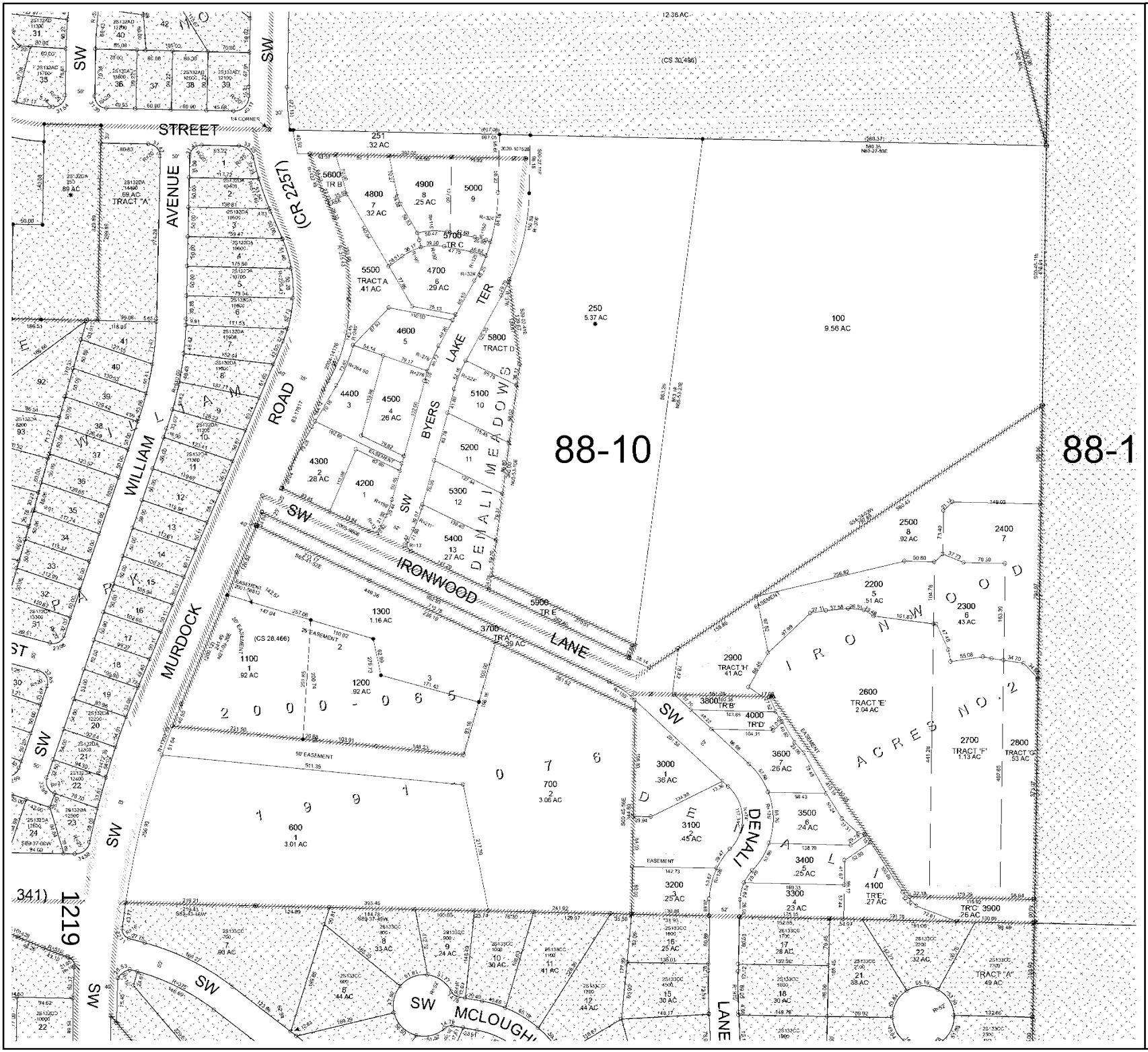
CARTOGRAPHY

PLOT DATE: March 10, 2011
*FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE*

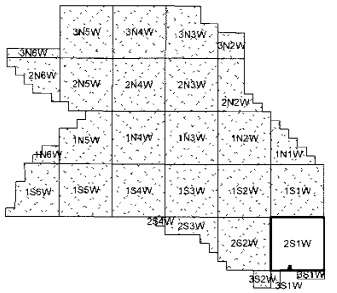
*Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.*

Exhibit A22

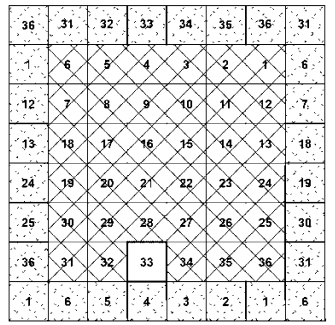
SHERWOOD
2S 1 33BC



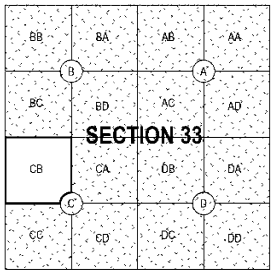

2S133CB




**WASHINGTON COUNTY OREGON**
**NW 1/4 SW 1/4SECTION 33 T2S R1W W.M.**
**SCALE 1" = 100'**




**FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT**
***www.co.washington.or.us***




**Cancelled Taxlots For: 2S133CB**
400,500,800,900,1400,1500,1600,1700,1800,
1900,2000,2100,1050,200,300.

Feet
0 50 100 200 300

Assessment CARTOGRAPHY Taxation

Exhibit A22

**PLOT DATE: 6/25/2021**
**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

EMERIO
ENGINEERING • SURVEYING • DESIGN

November 1, 2021

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 22900 SW Murdock Road, Sherwood. This property can be legally identified as 2S133BC, Tax Lot 1700 and is zoned Very Low Density Residential (VLDR).

We are considering a proposed Planned Unit Development (PUD) for a 34 – Lot PUD Subdivision and associated open space. Before applying to the City of Sherwood Planning Department, I would like to take the opportunity to discuss the proposal with you.

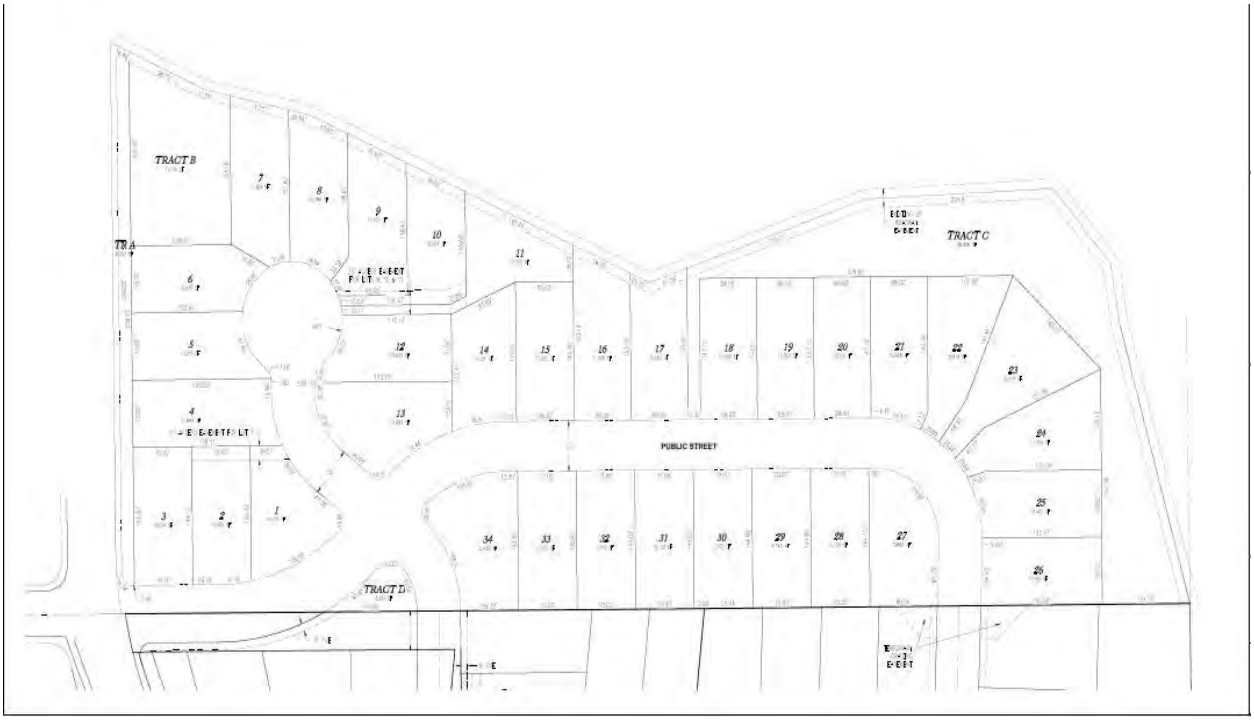
The meeting is scheduled for:

Topic: Sherwood Neighborhood Meeting
Date: Tuesday, November 16, 2021
Time: Meeting begins promptly at 6:30 PM
Location: https://us02web.zoom.us/j/86029391129
Or dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Washington DC) Meeting ID: 860 2939 1129 Find your local number:
https://us02web.zoom.us/u/kouVtSb9x

Meeting materials can also be found here:
https://emeriodesign-my.sharepoint.com/:f:/p/smiller/Esw9St3LdEdIo0b6CCVlRj0B-iEYD0-Ir2sn0Kq5ebhU4Q?e=mWYvng

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 this will be an informational meeting only on the preliminary development plan. 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 or comments prior to the meeting. Thanks!

# Preliminary Development Plan



# VICINITY MAP – 22900 SW Murdock Rd.



EMERIO Design

CIVIL ENGINEERS & PLANNERS

## 22900 MURDOCK RD. NEIGHBORHOOD MEETING AGENDA

- 6:30PM – Welcome
- 6:40 PM - Project Presentation
- 7:10 PM – Question and Answer
- 8:00 PM – Meeting Adjourn

# NEIGHBORHOOD MEETING SIGN IN SHEET

**Proposed Project:** 34-Lot Planned Unit Development (PUD)

**Proposed Project Location:** 22900 SW Murdock Rd.

**Project Contact:** Steve Miller

**Meeting Location:** Zoom Meeting

**Meeting Date:** Nov. 16th 2021

| Name | Address | E-Mail | Please identify yourself (check all that apply) | | | |
|---|---|---|---|---|---|---|
| | | | Resident | Property owner | Business owner | Other |
| David Brim | 14300 SW Fairoaks Dr. | Not provided | | X | | |
| James Cornelius | 22917 SW Upper Roy St. | Not provided | | X | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Figure 15 - Alternative B/C Plan View

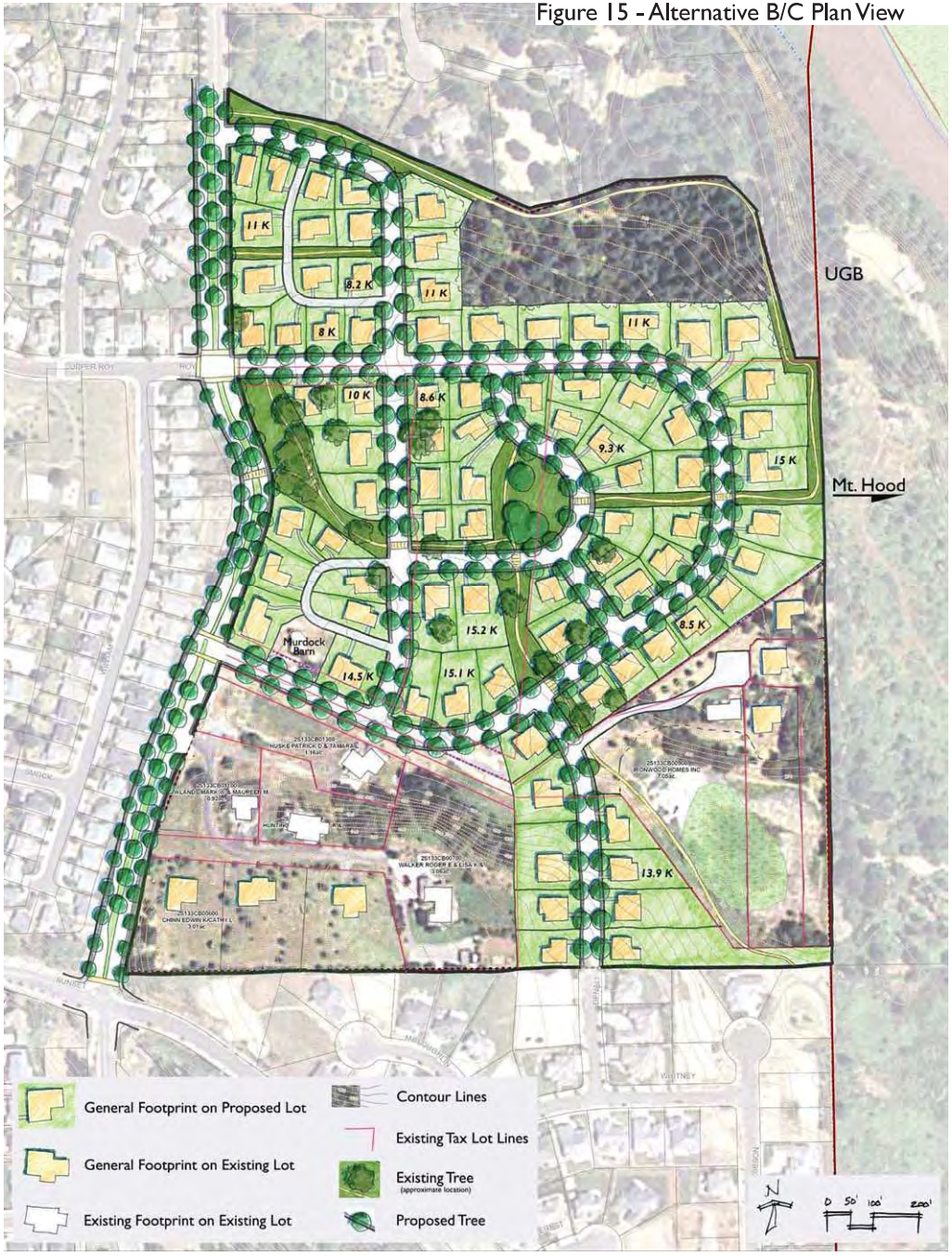


Exhibit A22

N

50' 0 25' 50' 100'

SCALE: 1" = 50'
11"X17" @ 1" = 100'

**LEGEND**

BOUNDARY LINE

EASEMENT

*TRACT B*
21,144 SF

*TRACT A*
8,357 SF

*TRACT C*
87,143 SF

*TRACT D*
3,381 SF

| | | |
|---|---|---|
| 1 | 10,172 SF | |
| 2 | 10,001 SF | |
| 3 | 10,074 SF | |
| 4 | 11,844 SF | |
| 5 | 10,010 SF | |
| 6 | 10,019 SF | |
| 7 | 11,364 SF | |
| 8 | 10,482 SF | |
| 9 | 10,753 SF | |
| 10 | 10,127 SF | |
| 11 | 10,039 SF | |
| 12 | 12,090 SF | |
| 13 | 10,120 SF | |
| 14 | 10,150 SF | |
| 15 | 10,048 SF | |
| 16 | 10,271 SF | |
| 17 | 10,147 SF | |
| 18 | 10,150 SF | |
| 19 | 10,150 SF | |
| 20 | 10,407 SF | |
| 21 | 10,663 SF | |
| 22 | 10,344 SF | |
| 23 | 10,117 SF | |
| 24 | 10,001 SF | |
| 25 | 10,684 SF | |
| 26 | 10,136 SF | |
| 27 | 10,143 SF | |
| 28 | 10,150 SF | |
| 29 | 10,152 SF | |
| 30 | 10,152 SF | |
| 31 | 10,151 SF | |
| 32 | 12,432 SF | |

PUBLIC STREET

52'

15' ACCESS EASEMENT FOR LOT 3

EXISTING 20' ROADWAY EASEMENT

TEMPORARY GRADING EASEMENT

8' PUE

R60'

22900 SW MURDOCK ROAD

TAX MAP 2S1W 33BC
TAX LOT 01700
SHERWOOD, OREGON

PRELIMINARY PLAT

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|


EMERIO
ENGINEERING • SURVEYING • DESIGN
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 620-2262
www.emeriodesign.com


SHEET 3 OF 8

1226

FILE P:\0200-016 Master Subdivision Sherwood\dwg\plan\0200-016_exhibit, Layout: EXHIBIT, Plot Date: 11/2/2021 10:40 PM, by: Kyung Han

Summary of November 16th, 2021, Neighborhood Meeting for the Moser 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:

- Thirty-four lot subdivision/planned unit development
- Single-family residential detached dwellings on each lot
- Except for requesting a deviation to the front yard setback for the house to be 15-feet (garage to be 20-feet, all houses will meet the VLDR setback requirements.
- All houses will meet maximum height requirements of 30 feet or two stories
- SW Murdock Rd. will be improved adjacent to the site's frontage.
- A new public street will be extended from the south through the project site, and it will be extended to the west to intersect with SW Murdock Rd. A small cul-de-sac is also being proposed
- 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 space for a PUD will be provided as part of the development.

There was a small audience of just two (2) people who attended the neighborhood meeting and they had the following 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? Yes and No. No, the street won't be named Upper Roy but, yes, the developer will be extending the stubbed street at the southeast corner of the property through the site, and it will intersect with SW Murdock Rd. opposite SW Upper Roy St.
3. What is the maximum height? The maximum height for houses in the VLDR zone is 30 feet or 2 stories.
4. Will the new homes block the view of Mt. Hood for homes on the west side of SW Murdock. Not sure, but no homes will exceed the maximum height limit.
5. Is there a public hearing for the PUD? Yes.
6. Is design review required? No, other than what is required as part of the PUD process.
7. 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 home prices are based upon current market conditions. However, the developer is the same developer of the other developments to the south, so the future houses will likely be higher-priced, upper-end houses.
8. Will a traffic analysis be performed? No, the city is not requiring a traffic analysis for the subdivision.
9. Does the site have contaminated soils. No, the property does What is the status of the DEQ cleanup of the chromium? It is in process and will be completed prior to site development.
10. 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.
11. 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.

## Steve Miller

**From:** Martin Gavin <martingavinj@gmail.com>
**Sent:** Tuesday, November 16, 2021 1:10 PM
**To:** Steve Miller
**Cc:** rutledgee@sherwoodoregon.gov
**Subject:** Neighborhood Meeting for the Former Moser Property Proposed Development

**[External Sender]**

Hello Steve. With the now proposed former Moser property development, the Denali Lane, Denali Meadows, and Denali Summit developments, the SE Sherwood neighborhood as I knew it is basically in the rearview mirror. It's been apparent for the last several years that preserving the natural environment of the SE Sherwood area was not happening. What is just as disappointing to me, is that the recent developments have not taken the opportunity at hand to develop this unique area with a more sustainable residential development in mind. And with the preliminary information you provided for the former Moser property, it appears that this same approach to developing the property is continuing.

Perhaps you can include the following items in your presentation at the neighborhood meeting tonight regarding the development of the former Moser property.

- Site geotech conditions, especially as relates to the Tonquin Scablands Geological Area
- Contaminated soil cleanup, if applicable
- Any historic resources on the property
- Existing easement along the north side of the property
- Future traffic impact on Murdock Road, and what the average daily traffic is forecast at
- Open space considerations
- Home site layout as depicted on the Preliminary Plat Plan
- Construction traffic, and how it will be monitored and controlled
- Excessive construction noise, and how it will impact the surrounding neighborhoods
- Overall compliance with the SE Sherwood Master Plan

Thank you,

**Martin Gavin**
Mobile 971 832 4844
Email martingavinj@gmail.com

# Engineering Land Use Application Comments

| | |
|---|---|
| To: | Eric Rutledge, Associate Planner |
| From: | Craig Christensen, P.E., Civil Engineer |
| Project: | (LU 2020-020) Moser Pass at Denali Subdivision |
| Date: | December 19, 2022 |

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 1 parcel of property located north of the Denali Meadows and Denali Summit subdivisions and east of SW Murdock Road.

Sanitary Sewer

Currently an 8-inch diameter public sanitary sewer main exists within SW Murdock Road along the southern portion (+/- 200') of the property frontage of SW Murdock Road. Extending the sanitary sewer northward within SW Murdock Road would not provide service to any additional properties as the roadway drops heading northward. The development north of the subject property has access to sanitary sewer service from the north. Therefore extension of the sanitary sewer northward within SW Murdock Road is not required.

The subject development will need to construct a public sanitary sewer system within the new public streets to provide sanitary sewer service to each lot of the subject development. Public sanitary sewer may be within private property within a public easement with the approval of the Sherwood Engineering Department.

Since the property to the south was recently developed to provide public sanitary sewer to all lots, extension of the public sanitary sewer to the southern property line in not necessary.

The existing homes appears to be on a private septic system. Any private sanitary sewer system will need to be abandoned/removed in compliance with all regulations. This will need to be done prior to recording of the subdivision plat.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public sanitary sewer service to all proposed lots through new public streets/public easements meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Final Plat, 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 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 Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

Water

Currently a 12-inch diameter public water main exists within SW Murdock Road along entire length of the subject property frontage of SW Murdock Road.

The subject development will need to construct a public water system within the new public streets to provide water service and fire protection to each lot of the subject development.

The new water system shall connect into the higher pressure zone at SW Murdock Road, SW Byers Lake Terrace and SW Curry Ridge Drive. Pressure reducing valves will be needed for individual homes.

Due to the distance between fire hydrants along the subject development section of SW Murdock Road, a new fire hydrant will be required along SW Murdock Road.

There may be a well located within the subject property. Any well located within the subject property shall be abandoned in accordance with all regulations.

Water meters shall not be located in hardscape.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide water service and fire protection to all proposed lots meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to extend public water lines to connect to the water lines within SW Murdock Road, SW Byers Lake Terrace and SW Curry Ridge Drive meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to add a fire hydrant along SW Murdock Road meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of the Public Improvements, the public water system that is currently under construction within the Denali Summit subdivision will be required to have received Acceptance of Public Improvements by the Sherwood Engineering Department.

CONDITION: Prior to Final Plat, any well within the subject property shall be abandoned/removed in accordance with all applicable regulations.

CONDITION: Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

Storm Sewer

Currently a 12-inch diameter public storm sewer main exists within SW Murdock Road at the northern end of the subject property frontage. This is the only public storm sewer in the area available to serve the subject property.

The subject development will need to construct a public storm sewer system within the new public streets to provide storm sewer service to each lot of the subject development and for street drainage of new streets and street widening. Public storm sewer may be within private property within a public easement with the approval of the Sherwood Engineering Department.

Since the property to the south was recently developed to provide public storm sewer to all lots, extension of the public storm sewer to the southern property line in not necessary.

The subject development is required to provide storm water quality treatment and hydro-modification for all new/modified impervious area unless otherwise approved by the City of Sherwood and Clean Water Services (CWS). The water quality treatment and hydro-modification facilities shall be in a separate tract of land dedicated to the City of Sherwood.

A storm report in compliance with CWS standards is required.

On site water quality facilities shall not have retaining walls unless otherwise approved by the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the subject development shall design to provide public storm sewer service to all proposed lots, new streets and new street widening meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall design to provide on-site water quality treatment/hydro-modification facilities with maintenance access to all facility structures in accordance with city and Clean Water Services standards unless otherwise approved by the city and Clean Water Services. These facilities shall be designed meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the proposed development shall provide a storm report in compliance with CWS standards meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of the Public Improvements, any public storm sewer located on private property shall have a recorded public storm sewer easement encompassing the related public storm sewer improvements meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of the Public Improvements, the tract of land containing the public water quality facilities meeting the approval of the Sherwood Engineering Department shall be dedicated to the City of Sherwood.

CONDITION: Prior to Acceptance of the Public Improvements, any fence for protection of the public water quality/hydro-modification facility that is located on private property shall have a Fence and Maintenance Covenant recorded meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.

Transportation

The subject property has street frontage along SW Murdock Road (City Arterial) to the west. The subject property also has access to 2 local streets stubbed at the southern property line (SW Byers Lake Terrace and SW Curry Ridge Drive).

Currently SW Murdock Road is unimproved along the frontage of the subject property. Both north and south of the subject property, SE Murdock Road has been widened with curb and gutter and sidewalk.

The typical half section for a 3-lane arterial street in a residential zone is 25 feet width of pavement, with a 5-foot wide landscape strip, 8-foot wide sidewalk and 1-foot wide

buffer area within a 39-foot wide half street right-of-way section per the Sherwood Transportation System Plan. The developer will need to construct street widening improvements (including street lighting and street trees) and dedicate right-of-way to meet the above noted half-street section.

Since the developer will be constructing improvements within the SW Murdock Road/SW Upper Roy intersection, it will be required to reconstruct the existing sidewalk ramps on the west side of the intersection. A marked crosswalk across the intersection will also be required with a rapid flashing beacon at the new pedestrian crossing. City transportation SDC credits and Washington County TDT credits in compliance with their regulations are available.

Left turn lanes shall be constructed within SW Murdock Road at the SW Murdock Road/SW Upper Roy Street intersection on both the north and south sides of the new intersection.

The developer will be required to construct a public local street system within the subject property to provide street access to new lots and for continuity of the public street system.

At the time of land use submittal, the local standard residential city street section consists of a 36-foot wide pavement section (curb-curb) with curb and gutter, 5-foot wide landscape strip, 6-foot wide concrete sidewalk and a 1-foot wide buffer on each side of the street for a total right-of-way width of 60 feet. The developer has submitted for a design modification request to use a pavement width of 28 feet within a 52-foot wide right-of-way matching the street sections within the subdivisions to the south. The City Engineer has approved this request.

A design modification request for street length between intersections has been submitted by the developer and approved by the City Engineer.

A design modification request to use curves below minimum street standards for a 25MPH street has been submitted by the developer and approved by the City Engineer.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for street widening improvements (including street lighting and street trees) along the subject property frontage of SW Murdock Road to meet a 3-lane city arterial street section meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for left turn lanes within SW Murdock Road at the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new sidewalk ramps on the western side of the SW Murdock Road/SW

Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new sidewalk ramps on the western side of the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new continental crosswalk and rapid flashing beacon at the SW Murdock Road/SW Upper Roy Street intersection meeting the approval of the Sherwood Engineering Department. These improvements will be city transportation SDC creditable (100%) and Washington County TDT creditable (75%) in accordance with the applicable jurisdictional regulations.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall design for new local street improvements (including street lighting and street trees) within the subdivision to meet a 28' local standard residential street section meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of Public Improvements, the developer shall dedicate right-of-way as necessary to achieve a 39-foot wide half street right-of-way along the subject property frontage of SW Murdock Road meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of Public Improvements, the developer shall dedicate right-of-way to a 52-foot width for local street improvements within the subject development meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of Public Improvements, the developer shall dedicate a minimum 8-foot wide PUE along all street frontages within the subject development meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer.

<u>Grading and Erosion Control:</u>

City policy requires that prior to grading, a permit is obtained from the Building Department for grading on the private portion of the site.

The Engineering Department requires a grading permit for all areas graded as part of the public improvements. The Engineering permit for grading of the public

improvements is reviewed, approved and released as part of the public improvement plans.

The proposed development will disturb over 5 acres, therefore a DEQ NPDES 1200-C is required. A DEQ NPDES 1200-C permit is already in place for the site grading, however a new 1200-C will likely be required by DEQ for the new development.

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 Approval of Engineering Public Improvement Plans, an engineering compliance agreement shall be executed between the developer and the City of Sherwood.

CONDITION: Prior to Approval of Engineering Public Improvement Plans, the developer shall design to underground the existing overhead utilities along the east side of SW Murdock Road along the frontage of the subject development meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements meeting the approval of the Sherwood Engineering Department.

CONDITION: Prior to Issuance of Building Permits, substantial completion of the public improvements by the Sherwood Engineering Department is required unless otherwise approved by the Sherwood Engineering Department in the case of a model home.

CONDITION: Prior to Occupancy, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.

CONDITION: Per City of Sherwood standards, all new utilities shall be placed underground.

CONDITION: Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property frontage of all streets interior to the subject development and the frontage along SW Murdock Road per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.

**End of Engineering Land Use Review Comments.**

# M E M O R A N D U M

**Date:** December 13, 2022

**To:** Eric Rutledge, Associate Planner, City of Sherwood

**From:** Jackie Sue Humphreys, Clean Water Services (CWS)

**Subject:** Moser Pass 32-Lot Subdivision, LU 2022-20 SUB/PUD, 2S133BC01700

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. Applicant shall comply with the conditions as set forth in the Service Provider Letter No. 22-002556, dated October 10, 2022.

i. If there is any activity within the sensitive area, the applicant shall gain authorization for the project from the Oregon Department of State Lands (DSL) and US Army Corps of Engineers (USACE). The applicant shall provide Clean Water Services or its designee (appropriate city) with copies of all DSL and USACE project authorization permits.

j. 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.

# TVFR Materials

Exhibit B3

# FIRE CODE / LAND USE / BUILDING REVIEW APPLICATION

Tualatin Valley Fire & Rescue


**North Operating Center**
11945 SW 70th Avenue
Tigard, OR 97223
Phone: 503-649-8577

**South Operating Center**
8445 SW Elligsen Rd
Wilsonville, OR 97070
Phone: 503-649-8577


REV 6-30-20

## Project Information

Applicant Name: Emerio Design
Address: 6445 SW Fallbrook PL
Phone: 503 746-8812
Email: pam@emeriodesign.com
Site Address: 22900 SW Murdock Rd
City: Sherwood
Map & Tax Lot #: 2S133BC TL 1700
Business Name:
Land Use/Building Jurisdiction: Sherwood
Land Use/ Building Permit #

Choose from: Beaverton, Tigard, Newberg, Tualatin, North Plains, West Linn, Wilsonville, Sherwood, Rivergrove, Durham, King City, Washington County, Clackamas County, Multnomah County, Yamhill County

### Project Description

32 lot subdivision

## Permit/Review Type (check one):

- ☑ Land Use / Building Review - Service Provider Permit
- ☐ Emergency Radio Responder Coverage Install/Test
- ☐ LPG Tank (Greater than 2,000 gallons)
- ☐ Flammable or Combustible Liquid Tank Installation (Greater than 1,000 gallons)
  - * Exception: Underground Storage Tanks (UST) are deferred to DEQ for regulation.
- ☐ Explosives Blasting (Blasting plan is required)
- ☐ Exterior Toxic, Pyrophoric or Corrosive Gas Installation (in excess of 810 cu.ft.)
- ☐ Tents or Temporary Membrane Structures (in excess of 10,000 square feet)
- ☐ Temporary Haunted House or similar
- ☐ OLCC Cannabis Extraction License Review
- ☐ Ceremonial Fire or Bonfire (For gathering, ceremony or other assembly)

### For Fire Marshal's Office Use Only

TVFR Permit # 2022-0101
Permit Type: SPP-COS
Submittal Date: 8-30-22
Assigned To: OFM Am
Due Date: NA
Fees Due: Ø
Fees Paid: Ø

## Approval/Inspection Conditions
(For Fire Marshal's Office Use Only)

**This section is for application approval only**

0430 9-9-22
Fire Marshal or Designee Date

Conditions:

See Attached FS Plans Conditions: ☑ Yes ☐ No

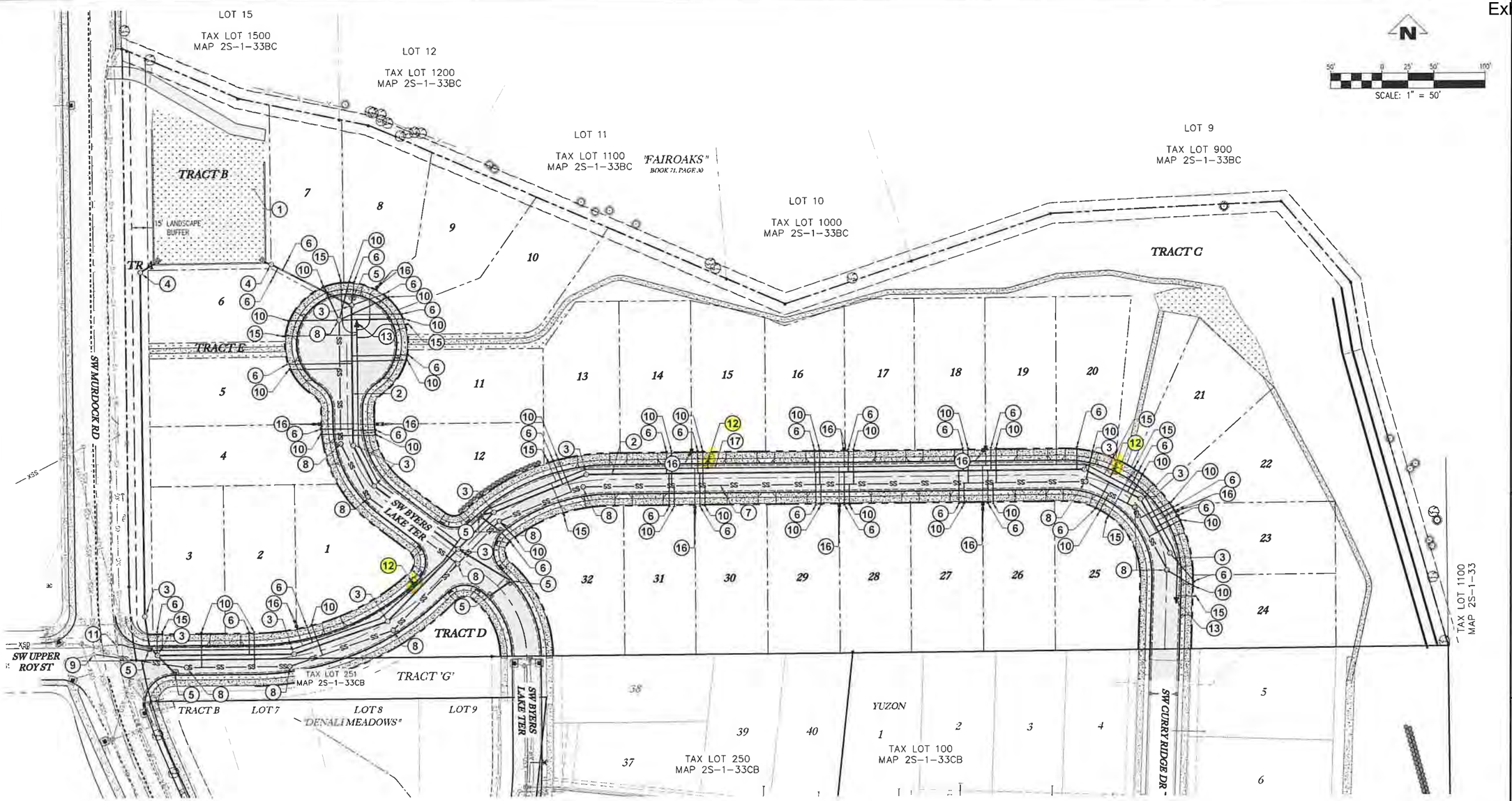
Site Inspection Required: ☐ Yes ☒ No

**This section used when site inspection is required**

Inspection Comments:

Final TVFR Approval Signature & Emp ID Date

Exhibit B3




Tualatin Valley Fire & Rescue

APPROVED PLANS

APPROVAL OF PLANS IS NOT AN APPROVAL OF OMISSIONS OR OVERSIGHTS.

Deputy Fire Marshal II

TVFR Permit# 2022-0101

## UTILITY NOTES:

1. PROPOSED WATER QUALITY FACILITY
2. PROPOSED STORM LINE
3. PROPOSED STORM MANHOLE
4. PROPOSED POLLUTION CONTROL MANHOLE
5. PROPOSED CG-2 CATCH BASIN
6. PROPOSED STORM LATERAL
7. PROPOSED SANITARY LINE
8. PROPOSED SANITARY MANHOLE
9. PROPOSED CONNECTION TO EXISTING SANITARY MANHOLE
10. PROPOSED SANITARY LATERAL
11. PROPOSED CONNECTION TO EXISTING WATERLINE
12. PROPOSED FIRE HYDRANT
13. PROPOSED BLOWOFF
14. PROPOSED SINGLE WATER METER
15. PROPOSED DOUBLE WATER METER
16. PROPOSED WATER LINE

THESE PLANS ARE FULL SIZE ON 34x22 (ANSI-D) PAPER. IF PLOTTED ON 11x17 (ANSI-B) SCALE ACCORDINGLY.

**MOSER PASS AT DELALI**

**TAX MAP 2S133BC**
**TAX LOT 1700**
**SHERWOOD, OREGON**

# PRELIMINARY UTILITY PLAN

REVISIONS

| NO. | DATE | DESCRIPTION |
|---|---|---|

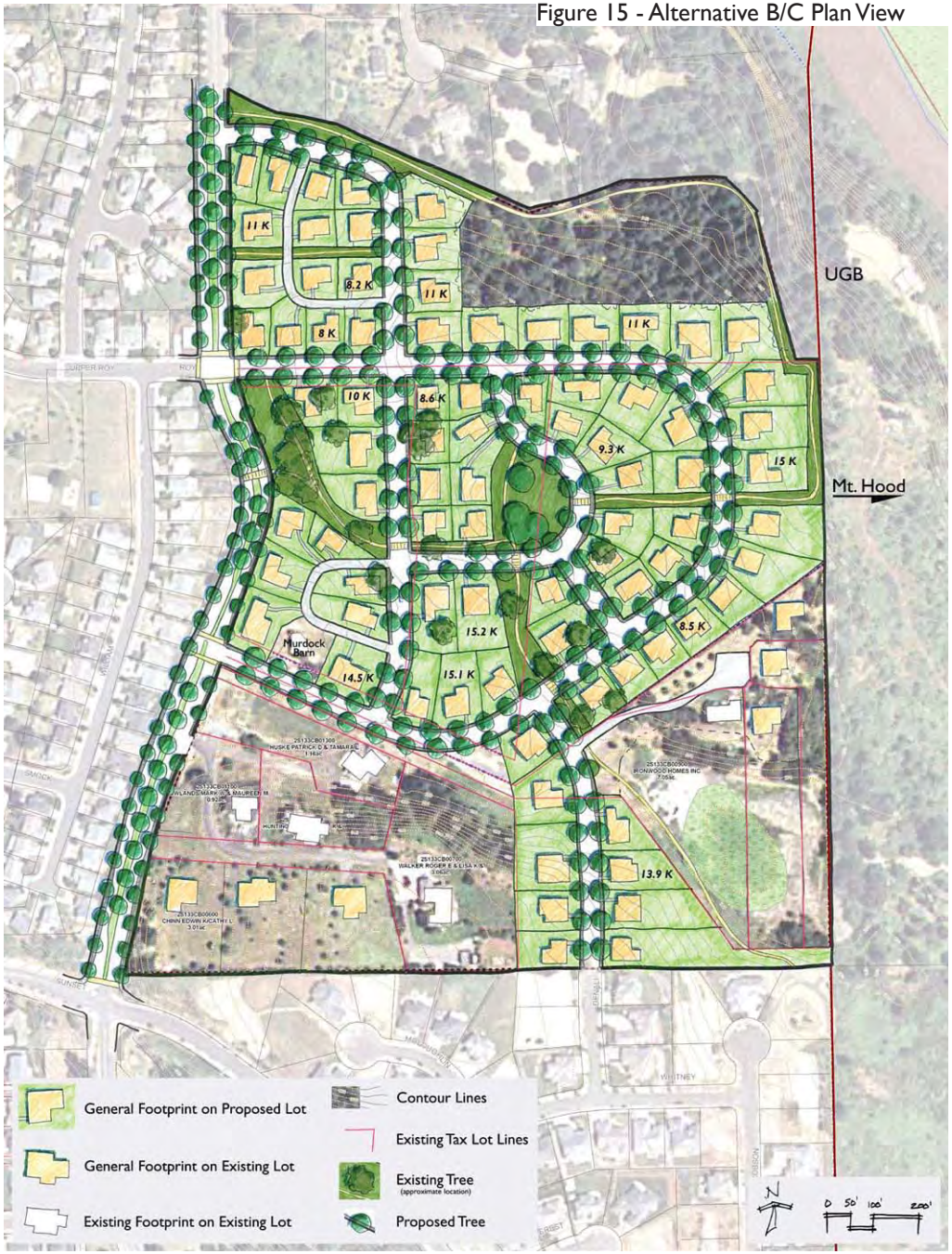

EMERIO
ENGINEERING • SURVEYING • DESIGN
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9592
www.emeriodesign.com

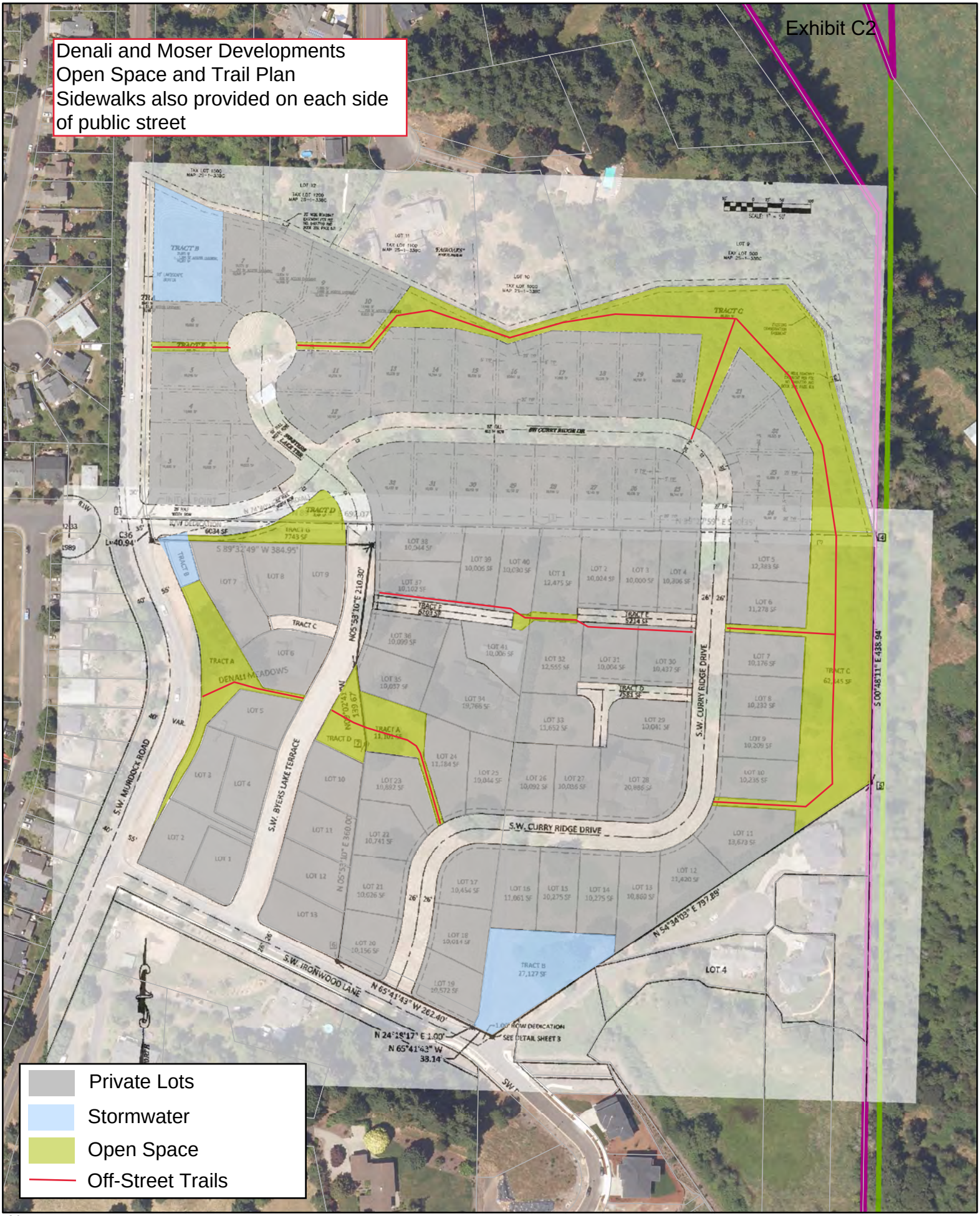

SHEET 11 OF 12

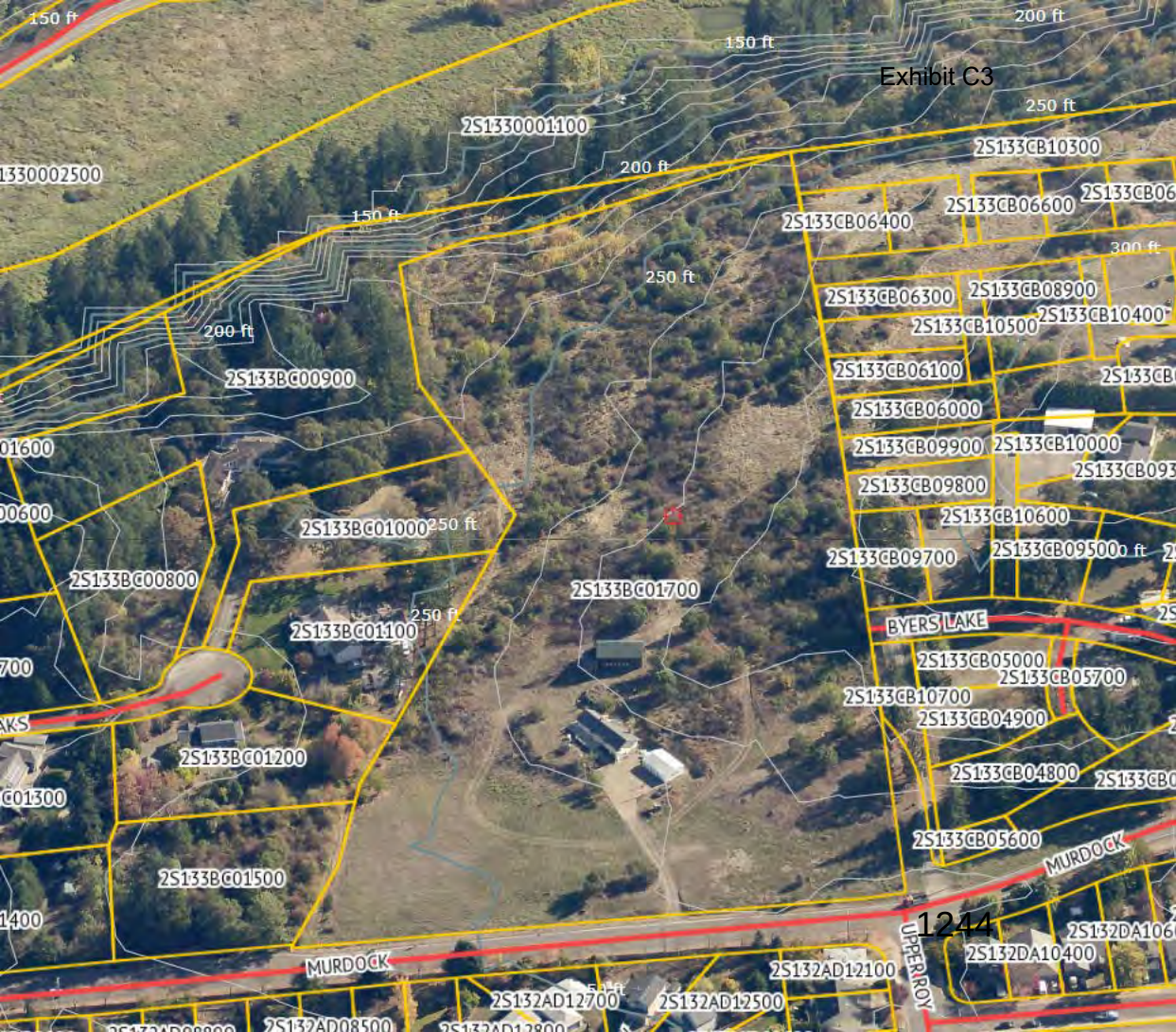
1241

FILE P:\0200-016 mosier subdivision sherwood\dwg\plan\0200-016_11pull. Layout: 10 PRELIMINARY UTILITY PLAN, Plot Date: 9/7/2022 11:42 AM, by: Bart Anderson

Figure 15 - Alternative B/C Plan View




Exhibit C2
Denali and Moser Developments
Open Space and Trail Plan
Sidewalks also provided on each side of public street
S.W. CURRY RIDGE DRIVE
S.W. MURDOCK ROAD
S.W. BYERS LAKE TERRACE
S.W. IRONWOOD LANE
DENALI MEADOWS
TRACT A
TRACT B
TRACT C
TRACT D
TRACT E
TRACT F
LOT 4
Private Lots
Stormwater
Open Space
Off-Street Trails
N
0
0.05
0.1
0.2
Miles


Exhibit C3
150 ft
200 ft
150 ft
250 ft
2S1330001100
1330002500
200 ft
150 ft
250 ft
2S133CB10300
2S133CB06600
2S133CB06400
300 ft
2S133CB06300
2S133CB08900
2S133CB10400
2S133CB10500
200 ft
2S133BC00900
2S133CB06100
2S133CB06000
01600
2S133CB09900
2S133CB10000
2S133CB09800
00600
2S133BC01000
250 ft
2S133CB10600
2S133CB09700
2S133CB09500
2S133BC00800
2S133BC01700
250 ft
2S133BC01100
BYERS LAKE
2S133CB05000
2S133CB05700
700
2S133CB10700
2S133CB04900
AKS
2S133BC01200
2S133CB04800
C01300
2S133CB05600
MURDOCK
2S133BC01500
1400
1244
2S132DA10400
MURDOCK
UPPER ROY
2S132AD12100
2S132AD12700
2S132AD12500
2S132AD08500

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

**ORDINANCE 2023-001**

**APPROVING A 31-LOT PLANNED UNIT DEVELOPMENT (PUD) AND SUBDIVISION TO BE KNOWN AS THE MOSER PASS PUD**

PREVIOUS ORDINANCE FOR 2-7-23 READING - SEE UPDATED VERSION

**WHEREAS**, the applicant, Emerio Design LLC, has proposed a PUD on 12.36-acre property zoned Very Low Density Residential (VLDR) in the Southeast Sherwood Master Plan area; and

**WHEREAS**, the project would provide for thirty-one (31) new single-family detached homes; and

**WHEREAS**, the PUD approval would allow the applicant to exceed the density permitted in the base VLDR zone; and

**WHEREAS,** with removal of Lot 21, the proposed density would achieve a final density of approximately 3.10-units per acre; and

**WHEREAS**, the proposed project was subject to full and proper notice and review by the Planning Commission including a public hearing on January 10, 2023 to take testimony and consider the subject application; and

**WHEREAS**, the Planning Commission recommended approval of the application with revised findings for SZCDC 16.12.020(A)(3)(b), 16.12.010(A)(3)(b)(2), and 16.40.020(C)(6), and the addition Condition of Approval B13; and

**WHEREAS**, the City Council held two public hearings on February 7, 2023 and February 21, 2023 to take public testimony and deliberate; and

**WHEREAS**, the Sherwood City Council has received and reviewed the land use record prepared before the Planning Commission, and, after considering the applicable standards, the City Council determined that the PUD meets the required criteria for approval; and

**WHEREAS**, the City Council findings to support the final decision are included as Exhibit 1 to this ordinance;

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1. Review and Public Hearings.** The application was subject to full and proper review required by SZCDC § 16.72 and public hearings were held before the Planning Commission on January 10, 2023 and the City Council on February 7, 2023 and February 21, 2023.

**Section 2. Findings.** After full and due consideration of the application, the Planning Commission recommendation, the record, findings, and evidence presented at the public hearings, the City Council finds that the proposed PUD, as conditioned, meets the applicable criteria in the Sherwood Zoning and Community Development Code. The findings of fact relied upon by the City are attached as Exhibit 2 to this ordinance

**Section 3. Approval.**

A. The above-described PUD is **APPROVED** as conditioned in the City Council findings included as Exhibit 1 to this ordinance.

B. The Plan and Zone Map shall be updated to reflect the approved PUD overlay applied to the parcels identified as Tax Map 2S133CB, Tax Lots 1700.

**Section 4. Effective Date.** This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 21st of February 2023.**

Tim Rosener, Mayor _____ Date

Attest:

Sylvia Murphy, MMC, City Recorder

| | AYE | NAY |
|---|---|---|
| Standke | ____ | ____ |
| Giles | ____ | ____ |
| Scott | ____ | ____ |
| Young | ____ | ____ |
| Brouse | ____ | ____ |
| Mays | ____ | ____ |
| Rosener | ____ | ____ |

PREVIOUS ORDINANCE FOR 2-7-23 READING - SEE UPDATED VERSION

**City Council Meeting Date:** February 21, 2023

**Agenda Item:** Public Hearing *(First Reading)*

**TO:** Sherwood City Council

**FROM:** Erika Palmer, Planning Manager

**THROUGH:** Eric Rutledge, Community Development Director, Keith D. Campbell, City Manager and Ryan Adams, City Attorney

**SUBJECT:** **Ordinance 2023-002, Amending Divisions I, II, III, IV, VII, and VIII of the Sherwood Zoning and Community Development Code and repealing Ordinance 2022-006 establishing time, place, and manner restrictions on psilocybin service centers and the manufacturing of psilocybin products**

---

## Issue:

Shall the City Council adopt Ordinance 2023-002, amending Divisions I, II, III, IV, VII, and VIII of the Sherwood Zoning and Community Development Code and repealing Ordinance 2022-006 establishing time, place, and manner restrictions on psilocybin service centers and the manufacturing of psilocybin products?

**Proposal:**

The code clean-up seeks to create development code standards to implement Ballot Measure 109 related to Psilocybin facilities, as well as correct general development code errors, increase consistency between development code sections, create needed definitions, and clarify code language and intent for code implementation. There are four substantive changes in the amendment package 1) proposed criteria for model homes in Chapter 16.86 (Temporary Uses) 2) reduction of Adjustment and Class B variance percentages in Chapter 16.84 (Variances); 3) a new proposed industrial design criterion in Chapter 16.90 (Site Planning); and 4) allowing psilocybin uses with development standards in the General Industrial (GI) zoning district.

**Procedures:**

The Type V city-initiated application is a legislative action and requires two hearings before the City Council after an initial recommendation by Planning Commission. City Council determines compliance with the approval criteria through a *de novo* hearing, considering all of the information in the record and new information presented.

**Planning Commission Recommendation:**

The Sherwood Planning Commission (Commission) held the initial evidentiary hearing on the subject application on January 24, 2023. After considering the application materials and the findings in the staff report, the Planning Commission voted to recommend the text amendments to the City Council for adoption with the following modifications.

1) Modify and clarify Chapter 16.86, Temporary Uses, section 16.86.030.C.2.b, Time Limits, for the following: 1) temporary sales offices; 2) model homes; 3) all other temporary uses not determined to be a sales office; and 4) specify the maximum limit of a temporary use permit.
2) Modify Chapter 16.90, Site Planning, section 16.90.020.D, Required Findings. Add an additional criterion to section 16.90.020.D6.e that would require the same multi-family glazing standards as proposed in the Commercial Design Review Matrix.
3) Modify Chapter 16.90, Site Planning, Commercial Review Matrix. Split the Glazing row into two categories 1) Glazing for Commercial uses and 2) Glazing for Multi-Family uses.
4) Modify Chapter 16.90, Site Planning, section 16.90.7a.1 to include verbiage relating to pedestrian scale.

**Public Testimony**
No testimony was received at the Planning Commission hearing on January 24, 2023. As of this date, no written testimony has been received.

**Financial Impacts:**
Other than the cost incurred to update the City's online code, there are no financial impacts to the City by adopting the proposed amendments to Divisions I, II, III, IV, VII, and VIII of the Sherwood Zoning and Community Development Code and repealing Ordinance 2022-006 establishing time, place, and manner restrictions on psilocybin service centers and the manufacturing of psilocybin products.

**Alternatives:**
Approve, modify, or deny the application based on the Planning Commission Recommendation to City Council.

**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 2023-002.

**Exhibits / Attachments:**
Attachment 1: Track Changes of Development Code Amendments

**DELETE = ~~Strikethrough~~**
**NEW = Underlined**

# *Chapter 16.10 DEFINITIONS*

## 16.10.010 Generally

All words used in this Code, except where specifically defined herein, shall carry their customary meanings. Words used in the present tense include the future tense; words used in the future tense include the present tense; the plural includes the singular, and the masculine includes the feminine and neuter. The word "building" includes the word "structure"; the word "shall" is mandatory; the words "will" and "may" are permissive; the words "occupied" and "uses" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings.

(Ord. No. 2018-009, § 2, 10-16-2018; Ord. No. 2016-013, § 1, 10-18-2016)

## 16.10.020 Specifically

The following terms shall have specific meaning when used in this Code:

***

Psilocybin manufacturing facility: A building or structure used in whole or in part for the means of manufacturing, planting, cultivation, growing, harvesting, production, preparation, propagation, compounding, conversion, or processing of psilocybin or a psilocybin product, either directly or indirectly by, extraction from substances of natural origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of psilocybin or a psilocybin product or labeling or relabeling of its container.

***

Model home: A structure constructed as and intended to be occupied as a residential dwelling unit that is temporarily used as an example of the type of residential dwelling units to be constructed in a subdivision prior to the completion of required public improvements. A model home may also include a sales office within the unit.

***

Psilocybin Service Centers: an establishment defined under ORS 475A.220 which provides psilocybin services to clients before, during, and after the client's consumption of a psilocybin product and may include preparation administration and integration sessions.

Delete = ~~Strikethrough~~
New =**Underlined**

## 16.31.020 Uses

A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.

B. Uses listed in other sections of this Code, but not within this specific table are prohibited.

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.

D. Additional limitations for specific uses are identified in the footnotes of this table.

| Uses | LI | GI | EI[1] |
|---|---|---|---|
| **RESIDENTIAL** | | | |
| • Single dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family | P | P | P |
| **CIVIC** | | | |
| • Hospitals | C | N | N |
| • Police and fire stations and other emergency services | C | C | C |
| • Vehicle testing stations | C | C | C |
| • Postal services - Public | C | C | C |
| • Postal substations when located entirely within and incidental to a use permitted outright | C | C | C |
| • Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards | P | P | C |
| • Small-scale power generation facilities | P | P | P |
| • Large-scale power generation facilities | C | P | C |
| • Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements | C | C | C |
| **COMMERCIAL** | | | |
| • Commercial Trade Schools, commercial educational services and training facilities | P | P | C |
| Entertainment/recreation | | | |
| • Country clubs, sports and racquet clubs and other similar clubs | C | C | C |
| • Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities[2,3] | C | C | C |
| Hospitality and lodging | | | |
| • Hotel/Motel | CU[12] | N | N |
| Motor vehicle related | | | |
| • Motorized vehicle and sport craft repairs and service | C | C | N |
| • Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally | P | P | P |
| • Automotive, boat, trailer and recreational vehicle storage | C | C | C[4] |
| • Vehicle fueling stations or car wash facilities[5] | C | C | C |
| • Junkyards and salvage yards | N | N | N |

Delete = ~~Strikethrough~~
New =**Underlined**

| | | | |
|---|---|---|---|
| • Manufactured home sales and display area | N | N | N |
| Office and professional support services | | | |
| • Business and professional offices[3] | P | P | P |

Delete = ~~Strikethrough~~
New =**Underlined**

| | | | |
|---|---|---|---|
| • Business support services such as duplicating, photocopying, mailing services, fax and computer facilities[3] | P | P | P |
| • Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building | P | P | P |
| Childcare | | | |
| • Day cares, preschools, and kindergartens, when clearly secondary to a permitted use | P | P | P |
| • Day cares, preschools, and kindergartens as a stand-alone use[3] | C | C | C |
| General retail - sales oriented | | | |
| • Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business[3] | P | P | P |
| • Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage | P[6] | P[6] | N |
| • Tool and equipment repair, rental and sales, including truck rental[7] | P | P | P |
| • Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries) | P | P | N |
| • Wholesale building material sales and service | C | P | N |
| • Retail building material sales and lumber yards[3] | C | P | N |
| Personal services | | | |
| • Health clubs and studios less than 5,000 square feet in size | P | P | P |
| • Psilocybin Service Centers | N | P[13] | N |
| • Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services[8] | C | C | C |
| • Public or commercial parking (non-accessory) | N | N | N |
| • Veterinarian offices and animal hospitals | C | C | C |
| • Animal boarding/kennels and pet daycare facilities with outdoor recreation areas[8] | C | C | C |
| Eating and drinking establishments: | | | |
| • Restaurants, taverns, and lounges without drive-thru[3] | C | C | C |
| • Restaurants with drive-thru services | N | N | N |
| • On-site cafeteria that is secondary to, and serving employees of, a permitted use | P | P | P |
| **INDUSTRIAL** | | | |
| • Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code | P | P | P |
| • Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations | C | P | C |
| • Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals | N | C | N |
| • Psilocybin Manufacturing Facilities | N | P[13] | N |
| • Distribution, warehousing and storage associated with a permitted use operating on the same site | P | P | P |

Delete = ~~Strikethrough~~
New =**Underlined**

| | | | |
|---|---|---|---|
| • Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building[9] | P | P | P |
| • Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building[9] | N | P | C |
| • Mini-warehousing or self-storage | N | P | N |

Delete = ~~Strikethrough~~
New =**Underlined**

| | | | |
|---|---|---|---|
| • Medical or dental laboratories, including biomedical compounding | P | P | P |
| • Laboratories (not medical or dental) | P | P | P |
| • Research and development and associated manufacturing | P | P | P |
| • Contractors' storage and equipment yards | C | P | C[4] |
| • Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses[10] | P | P | P |
| • Industrial laundry, dry cleaning, dyeing, or rug cleaning plants | C | P | N |
| • Sawmills | C | C | N |
| • Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants | N | C | N |
| • Solid waste transfer stations | N | C | N |
| The following uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City | | | |
| • Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community | N | N | N |
| • Pulp and paper mills | N | N | N |
| • Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products | N | N | N |
| • Metal rolling and extraction mills, forge plants, smelters and blast furnaces | N | N | N |
| • Meat, fish, poultry and tannery processing | N | N | N |
| • General purpose solid waste landfills, incinerators, and other solid waste facilities not otherwise permitted in this Code | N | N | N |
| **WIRELESS COMMUNICATION FACILITIES** | | | |
| • Radio, television, and similar communication stations, including associated transmitters | C | C | C |
| • Wireless communication towers[11] and transmitters | C | C | C |
| • Wireless communication facilities on City-owned property | C | C | C |
| • Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure | P | P | P |
| **OTHER** | | | |
| Agricultural uses including but not limited to: | | | |
| • Farm equipment sales and rentals | N | N | N |
| • Farming and horticulture | P | P | P |
| • Raising of animals other than household pets | N | N | N |
| • Truck and bus yards | N | P | N |

[1] See special criteria for the EI zone, 16.31.050 and the Tonquin Employment Area (TEA), 16.31.060.

[2] If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

[3] Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

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[4] On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted.

[5] Limited to Cardlock, wholesale or facilities incidental to and solely serving an associated permitted or conditional use - no public retail fuel sales.

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[6] See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.

[7] Sales and rental area Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

[8] Animal boarding/kennels and pet daycare facilities entirely within an enclosed building are considered "other personal service."

[9] For standalone warehousing and distribution only. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations.

[10] These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.

[11] Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

[12] See special standard criteria for hospitality and lodging uses within the Light Industrial Land Use District SZCDC 16.31.040.

[13]See Special Criteria for Psilocybin Service Centers and manufacturing facilities under Section 16.38.040

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

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# *Chapter 16.38 SPECIAL USES*

## 16.38.010 General Provisions

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

(Ord. 86-851, § 3)

## 16.38.020 Medical Marijuana Dispensary

A. Characteristics

1. A medical marijuana dispensary is defined in Section 16.10.020.

2. Registration and Compliance with Oregon Health Authority and Oregon Liquor Control Commission Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475B.858 or a current valid designation as an exclusively medical license holder by the Oregon Liquor Control Commission under ORS 475B.131. Failure to comply with Oregon Health Authority and Oregon Liquor Control Commission regulations, as applicable, is a violation of this Code.

B. Approval Process

Where permitted, a medical marijuana dispensary is subject to approval under Section 16.72.010.A.2, the Type II land use process. A medical marijuana dispensary which has already obtained such approval and which is converting from Oregon Health Authority registration to Oregon Liquor Control Commission licensure with an exclusively medical designation, or vice versa, is not required to obtain additional land use approval from the City under this section solely as a result of such license conversion.

C. Standards

1. Hours of Operation. A medical marijuana dispensary may not be open to the public before 10:00 a.m. and not later than 8:00 p.m. all days of the week.

2. Security Measures Required

a. Landscaping must be continuously maintained to provide clear lines of sight from a public right-of-way to all building entrances.

b. Exterior lighting must be provided and continuously maintained.

c. Any security bars installed on doors or windows visible from a public right-of-way must be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.

3. Co-location Prohibited

a. A medical marijuana dispensary may not be located at the same address as a marijuana manufacturing facility, including a grow operation.

b. A medical marijuana dispensary may not be located at the same address with any facility or business at which marijuana is inhaled or consumed

4. Mobile and Delivery Businesses Prohibited

a. A dispensary may not operate as a mobile business as defined in Section 16.10.020.

b. A dispensary may not operate to deliver marijuana.

5. Drive-Through and Walk-Up. A medical marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.

6. Proximity Restrictions

A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

a. An educational institution: public or private elementary, secondary, or career school that is attended primarily by children under 18 years of age.

b. Another medical marijuana dispensary.

c. A public park or plaza.

(Ord. No. 2018-008, § 2, 10-2-2018; Ord. No. 2015-005, § 2, 5-5-2015)

## 16.38.030 Recreational Marijuana Facilities

A. Characteristics

1. Five types of recreational marijuana facilities are defined in Section 16.010.20.

2. Recreational marijuana facilities must be licensed by the Oregon Liquor Control Commission. A facility not licensed by the Oregon Liquor Control Commission is not permitted in any zone.

B. Approval Process. Where permitted, recreational marijuana facilities are subject to approval under 16.72.010.A2, the Type II process in addition to any other required land use review process required by this Code. Applications for approval shall include detailed responses to the applicable standards listed in this section.

1. An existing Medical Marijuana Dispensary in compliance with Section 16.38.020 (Medical Marijuana Dispensary) which completes a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant O.R.S. 475B et seq. shall be exempted from the requirement to complete a Type II process and shall only be required to complete a Type I process under 16.72.010.A1.

C. General Standards for Recreational Marijuana Facilities

1. All new construction of recreational marijuana facilities shall comply with 16.90 Site Planning.

a. A medical marijuana dispensary which is in compliance with Section 16.38.020 (Medical Marijuana Dispensary) on or before April 1, 2020, and which maintains such compliance until completion of a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant to O.R.S. 475B et seq. shall be exempted from 16.90 Site Planning for any new or modified recreational marijuana facilities.

2. In the case of production facilities, views from the exterior of the building into the production area are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.

3. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.

4. Public Access Prohibited. Access to any production, processing, testing laboratory and wholesale facility shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.

5. Security Measures Required

    a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.

    b. Exterior lighting shall be provided and continuously maintained.

    c. Any security bars installed on doors or windows visible from the public right-of-way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.

    d. No outdoor storage of marijuana is allowed at any recreational marijuana facilities.

6. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. Such systems shall include the following features:

    a. Installation of activated carbon filters on all exhaust outlets to the building exterior;

    b. Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade; and

    c. Maintenance of negative air pressure within the facility; or

    d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

7. Proximity Restrictions. A recreational marijuana production, processing, testing laboratory or wholesale sales facility shall not be located within 1000 feet of any single-family residential or multi-family residential zone. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.

8. No recreational marijuana facility may be located within the Old Town Overlay District.

9. Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) licensed by the Oregon Liquor Control Commission shall only be permitted in zones classified as General Industrial.

    a. Exception. Any existing medical marijuana dispensary located in an area zoned Light Industrial which is in compliance with Section 16.38.020 (Medical Marijuana Dispensary) on or before April 1, 2020, will be an approved situs for a licensed recreational marijuana facility. This section expressly authorizes the operation of a licensed recreational marijuana facility in the following location zoned Light Industrial:

Tax Lot 2S129A 000500 - Parcel R0547705
15025 SW Tualatin-Sherwood Rd, Sherwood, OR 97140

b. The sale of any property listed at 16.38.030(9) (a) shall not terminate this exception and such exception shall run with the land. A purchaser of the applicable real estate may, but shall not be required, to undertake a "Change of Ownership" review by the Oregon Liquor Control Commission. A subsequent purchaser of the applicable real estate may seek a new recreational marijuana license from the Oregon Liquor Control Commission unconnected with the license maintained by the prior owner(s).

10. One or more licensed Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) shall be permitted on the same tax lot, subject to the proximity restrictions under 16.38.030(D)(7).

D. Specific Standards for Recreational Marijuana Retail Sales Facilities

1. All new construction of recreational marijuana retail facilities shall comply with 16.90 Site Planning, unless such facility is exempted from 16.90 Site Planning under 16.38.030(C)(1)(a).

2. Public Access Prohibited. Access to a retail sales facility shall be limited to employees, personnel, and customers over the age of 21.

a. A OHA-registered medical marijuana patient or caregiver at least 18 years of age shall be permitted to enter a retail sales facility for the purposes of purchasing medical marijuana.

3. Hours of Operation

a. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 8:00 p.m. Sunday through Thursday.

b. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 10:00 p.m. Friday and Saturday.

c. An individual facility may set hours within those specified, but may not be open outside those parameters.

4. Security Measures Required

a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.

b. Exterior lighting shall be provided and continuously maintained consistent with Section 16.154.

c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.

5. Mobile or Temporary Businesses Prohibited. A retail sales facility may not operate as a mobile or temporary business as defined in Section 16.10.020.

6. Drive-in or Drive-Through Facilities Only Permitted Where Authorized by OLCC. A retail sales facility may only operate a drive- in, or drive-through or "curbside delivery" retailer facility, as defined in Section 16.10.020. Nothing in this section shall prohibit a marijuana retailer from operating a delivery service which is compliant with state law and OLCC regulations concerning delivery by a recreational marijuana retailer.

7. Proximity Restrictions. A retail marijuana facility shall not be located within the specified proximity of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.

a. Schools. Within one thousand (1,000) feet of a public or private elementary or secondary school attended primarily by children under 19 years of age.

b. Other Retail Facilities. Within one thousand (1,000) feet of another retail recreational marijuana facility or any medical marijuana dispensary.

c. Public Plazas and Active Use Parks. Within one thousand (1,000) feet of a public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.

8. No recreational marijuana retail facility shall exceed an area of three thousand (3,000) square feet of publicly accessible areas associated with the retail sale of recreational marijuana. No additional size limitations on recreational retail marijuana facilities shall be imposed except as required by state law.

**16.38.040 Psilocybin Service Centers & Manufacturing of Psilocybin Products**

**A. Characteristics**

**1. A Psilocybin Service Center is defined in Section 16.10.020.**

**2. Manufacturing of Psilocybin Products is defined in Section 16.10.020**

**3. Registration and Compliance with Oregon Health Authority. A Psilocybin Service Center and manufacturing facility must have a current valid registration with the Oregon Health Authority under ORS 475A. Failure to comply with Oregon Health Authority, as applicable, is a violation of this Code.**

**B. Approval Process**

**1. Where permitted, a Psilocybin Service Center and the manufacturing of psilocybin products is subject to approval under Section 16.72.010.A.2, the Type II land use process, in addition to any other land use review process required by this Code.**

**C. General Standards for Psilocybin Service Centers and Manufacturing of Psilocybin Products**

**1. All new construction of Psilocybin Service Centers and sites manufacturing psilocybin products comply with 16.90 Site Planning.**

**2. In the case of production facilities, views from the exterior of the building into the production area are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.**

**3. Only indoor manufacturing of psilocybin production is allowed. Exterior growing is prohibited.**

**4. Public Access Prohibited. Access to sites manufacturing psilocybin products shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.**

**5. Security Measures Required**

**a. ~~Landscaping must be continuously maintained to provide clear lines of sight from a~~ public right- of-way to all building entrances.**

**b. Exterior lighting must be provided and continuously maintained.**

**c. Any security bars installed on doors or windows visible from a public right-of-way must be installed interior to the door or window in a manner that they are not visible from the public right-of-way.**

d. All storage shall be located within a permanent building and may not be located wtihin a trailer, tent or motor vehicle. Outdoor storage of any material assocaited with psilocybin service centers and the manufacturing of psilocybin products is prohibited.

6. Ordor Mitigation Measures Required. Production and processing facilities shall install and maintain

enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. Such systems shall include the following features:

a. Installation of activated carbon filters on all exhaust outlets to the building exterior;

b. Location of exhaust outlets a minimum of ten feet from the property line and ten feet above

finished grade; and

c. Maintenance of negative air pressure within the facility; or

d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

7. Co-location Prohibited

a. A Psilocybin Service Center and businesses engaged in the manufacturing of psilocybin products shall not be located at the same address.

8. Proximity Restrictions

A Psilocybin Service Center or manufacting facility may not be located within 1,000 feet of any of the uses listed below. For the purposes of paragraph, the distance specified is measured from the closet points between property lines of the affected properties.

a. Residential Zones. Any single-family residential or multi-family residential zone.

b. Schools. A public or private elementary or secondary school attended primarily by children under 19 years of age.

c. Public Plazas and Active Use Parks. A public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.

d. A Major Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having fifteen (15) or more legallypermitted businesses on the site.

9. Psilocybin Service Centers and the manufacturing of psilocybin products shall only be permitted in zones classified as General Industrial.

**10.** No Psilocybin Service Center or the manufacturing of psilocybin products may be located within the Old Town Overlay District.

11. No Psilocybin Service Center or the manufacturing of psilocybin products shall exceed an area of three thousand square feet.

D. Specific Standards for Psilocybin Service Centers and Manufacturing Facilities

1. Mobile and Delivery Businesses Prohibited

2. Drive-Through and Walk-Up Services. A Psilocybin Service Center and manufacturing facility may not engage in business services outside the facility or building through a walk-up window or drive-through access.

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# *Chapter 16.40 PLANNED UNIT DEVELOPMENT (PUD)**

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## 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 detached dwellings, duplexes, townhomes, zero-lot line housing and Multi-Family dwellings.
2. Related NC uses which are designed and located so as to serve the PUD district and neighborhood.
3. Private alleyways when designed and constructed to public alleyway standards in the City's Transportation System Plan (TSP).
4~~3~~. All other uses permitted within the underlying zoning district in which the PUD is located.

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.

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## 16.40.020 Preliminary Development Plan

A. A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs may be considered only:

1. On sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of:
   a. Natural features such as floodplains, wetlands, and extreme topography, or
   b. Man-made features, such as parcel configuration and surrounding development, but not including man-made features on or resulting from other parcels owned by any owner of the property subject to the PUD application;
2. On parcels of land within an Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or
3. In other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

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.
2. Listing of all property owners adjacent to the proposed 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.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
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.
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.
6. Privately maintained trails for public use shall conform to the public trails standards in the Transportation System Plan (TSP).
7. ~~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 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.

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# *Chapter 16.46 MANUFACTURED HOMES**

## 16.46.010 Manufactured Homes on Individual Residential Lots

A. Generally

One (1) manufactured home may be located on an individual lot zoned MDRL or MDRH, provided that the manufactured home meets the standards contained in Chapter 16.12 and ~~16.16 or 16.18, and~~ subsection B of this Section.

B. Standards

1. Each manufactured home shall be multi-sectional and have a minimum floor area of one thousand (1,000) square feet.
2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve (12) inches above the ground.
3. The manufactured home shall have a pitched roof, with a slope of no less than a nominal three (3) feet in height for each twelve (12) feet in width.
4. The manufactured home shall meet the residential design standards contained in Chapter 16.14. ~~, and attached or detached garage, shall have exterior siding and roofing which is similar in color, material and appearance to siding and roofing commonly used on residential dwellings within the City, or which is consistent with the predominant materials used on surrounding dwellings, as determined by the City.~~
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce energy levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 445.010.
6. The manufactured home shall have an attached or detached garage.
7. In addition to the provisions in paragraphs 1 to 6 of this subsection, the manufactured home and the lot upon which it is sited shall be subject to all other Code requirements to which a conventional single-family residential dwelling on the same lot would be subjected.

(Ord. 94-983-A § 3; 91-922, § 3)

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# *Chapter 16.64 DUAL USE REQUIRED SPACE**

## 16.64.010 Generally

~~Except as otherwise provided, no lot area, setback, yard, landscaped area, open space, off-street parking or loading area, which is required by this Code for one use, shall be allowed as the required lot area, yard, open space, off-street parking or loading area for another use.~~

A. Except as otherwise provided, no lot area, setback, yard, landscaped area, or open space required by this Code shall be considered as providing the required lot area, setback, yard, landscaped area, or open space for another lot or development site under the provisions of this Code.

B. No off-street parking or loading area required by this Code shall be permitted for another use except as provided in Section 16.94, Off-Street Parking and Loading.

C. No off-street parking or loading area required by this Code shall be permitted for storage,unless otherwise approved through land use review and approval.

(Ord. 91-922, § 3)

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# Division III. ADMINISTRATIVE PROCEDURES

## *Chapter 16.70 GENERAL PROVISIONS*

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### 16.70.020 Neighborhood Meeting

A. The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development.

B. Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Notification of the neighborhood meeting shall be mailed 14 calendar days prior to the meeting date.,-Affidavits of mailing, sign-in sheets and a summary of the meeting notes must be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.

1. Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in 16.72.020.

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# *Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS*

## 16.72.010 Generally

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C. Approval Criteria

1. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.

2. In addition to Section 1 above, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020, except for residential and multi-family land use applications, including subdivisions.~~.~~

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## Chapter 16.84 - VARIANCES

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16.84.030 - Types of Variances

As provided in this Section, there are three types of variances: Adjustments, Class A variance and Class B variance; the type of variance required depends on the extent of the variance request and the discretion involved in the decision making process.

A. Adjustments

1. Generally and Approval Process: The following Adjustments and Residential Design Checklist with Adjustment are reviewed using a Type I procedure, as governed by Chapter 16.72, using the approval criteria in Subsection 2, below:

   a. Front yard setbacks Up to a ~~10~~5 percent change to the front yard setback standard in the land use district.

   b. Rear yard setbacks Up to a ~~10~~ 5 percent reduction of the dimensional standards for the rear yard setbacks required in the base land use district so long as the three foot setback is maintained based on Building Code requirements where applicable.

   c. Interior side yard setbacks: Adjustments to interior side yard setbacks for all residential housing types are not allowed.

   d. Landscape area up to a ~~10~~ 5 percent reduction in landscape area (overall area or interior parking lot landscape area.

   e. A 5 percent increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section and not applicable at the time of the subdivision or partition approval.

   f. Up to a 5 percent adjustment to one or more of the residential design standards of Section 16.14, Table 16.14-1.A-C (no adjustments to the Detailed Design standards in 16.14, Table 16.14-1.D are permitted).

2. Approval Criteria: Adjustments subject to the provisions of this section shall be granted if the applicant demonstrates compliance with all of the following criteria:

   a. The adjustment requested is required due to the lot configuration, or other conditions of the site;

b. The adjustment does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;

c. The adjustment will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate adjustment request.

d. An application for an adjustment is limited to one lot or parcel per application.

e. No more than three adjustments may be approved for one lot or parcel in 12 months.

B. Class B Variances

1. Generally

a. The Class B variance standards apply to individual platted and recorded lots only.

b. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use zoning district.

c. Front yard setbacks: Up to a ~~20~~ 10 percent change to the front yard setback standard in the land use district.

d. Rear yard setbacks: Up to a ~~20~~ 10 percent reduction of the dimensional standards for the rear yard setbacks required in the base land use district so long as the three foot setback is maintained if required by the Building Code requirements.

e. Interior side yard setbacks: Variances to interior side yard setbacks for all residential housing types are not allowed.

f. A ~~20~~10% or less increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section.

g. Between 5 percent and 10 percent adjustment to one or more of the residential design standards of Section 16.14, Table 16.14-1.A-C .

2. Approval Process: Class B variances and Residential Design Checklist with Class B Variance shall be reviewed using a Type II procedure. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

3. Approval Criteria (subject to the provisions of this section): The City shall approve, approve with conditions, or deny an application for a Class B Variance based on the following criteria:

a. The variance requested is required due to the lot configuration, or other conditions of the site;

b. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;

c. The variance will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate variance request.

d. An application for a Class B variance is limited to three or fewer lots per application.

e. The variance will have minimal impact to the adjacent properties.

f. The variance is the minimum needed to achieve the desired result and the applicant has considered alternatives.

C. Class A Variances

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# *Chapter 16.86 TEMPORARY USES*[1]

## 16.86.010 Purpose

This section recognizes that temporary uses serve a useful purpose in the life of the community. Temporary uses are characterized by their short-term or seasonal nature and by the fact that permanent changes are not made to the site. Such activities have a potential to have adverse impacts on surrounding property created by the temporary activity therefore specific requirements are necessary as discussed herein.

(Ord. No. 2012-001, § 2, 1-3-2012)

## 16.86.020. Temporary Uses - No Permits Required

A. Applicability

1. Short-term events with an approved City of Sherwood Special Event Permit such as festivals, farmers markets and local events.
2. Short-term events, two (2) weeks in duration or less, including but not limited to fireworks sales, tent sales, sidewalk sales, book sales, craft sales, tree sales or rummage sales.
3. Tree and plant sales are limited to four (4) weeks in duration.

B. Criteria

1. No permit or review is required for short-term events that receive approval through the City of Sherwood Special Event Permit.
2. No permit or review is required for short-term events described in section A.2 and A.3 above, however, they must meet the following criteria;
    a. The operations take place on private property for which the applicant has permission to use. No part of the site or use shall be located in the public right-of-way, unless a right-of-way permit has been previously granted by the City Engineer.
    b. The event must take place on an improved site that has received site plan approval per Chapter 16.90.

[1]Editor's note(s)—Ord. No. 2012-001, § 2, adopted January 3, 2012, amended the Code by, in effect, repealing former Ch. 16.86, §§ 16.86.010 and 16.86.020, and adding a new Ch. 16.86. Former Ch. 16.86 pertained to similar subject matter, and derived from Ord. No. 86-851; Ord. No. 91-922; Ord. No. 98-1053; and Ord. No. 2010-015, adopted October 5, 2010.

c. The use shall not result in cars stacking onto a public street or interfering with on-site traffic circulation.

d. Pedestrian pathways such as sidewalks, bike path, walkways and breezeways shall not be blocked.

e. Wheelchair paths and handicapped parking spaces shall not be blocked.

f. The use shall not eliminate required off street parking.

g. Temporary uses shall obtain TVF&R approval, if applicable.

h. Temporary uses permitted by these criteria are not exempt from any other required permits such as temporary portable sign permits, City business license, sanitation facility permits, electrical permits, or any other required city, county or state permit.

i. The use shall comply with applicable noise, odor, nuisance, fire code and comply with other provisions of this Code.

j. Food vendors are only permitted when associated with an approved special event permit or permitted as permanent outdoor sales and subject to 16.98.040.A.1.

C. Enforcement

If a short-term event described in section A.2 and A.3 above is found to be out of compliance with the above criteria, the City shall enforce compliance or require the removal of the event in accordance with the City's code compliance procedures and 16.02.040.

(Ord. No. 2012-001, § 2, 1-3-2012)

### 16.86.030 Temporary Uses - Requiring Permits

A. Applicability

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as temporary sale ~~real estate~~ offices within a model home or trailer~~,~~ construction trailers and ~~construction~~ offices, and model homes~~-~~provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this Code. These activities are intended to be in use for a limited duration and shall not become a permanent part of a site.

B. Application and Fee

An application for a temporary use shall be filed with the City and accompanied by the fee specified in the adopted fee schedule. The applicant is responsible for submitting a complete application which addresses all review criteria. Temporary use permits shall be subject to the requirements set forth in Chapter 16.72 and shall be evaluated pursuant to a Type I procedure~~.~~

C. Permit Approval

1. Findings of Fact

A temporary use permit (TUP) may be authorized by the City Manager or his/her designee pursuant to Chapter 16.72 provided that the applicant submits a narrative and detailed site plan that demonstrates that the proposed use:

a. Generally conforms to the standards and limitations of the zoning district in which it is located.

b. Meets all applicable City and County health and sanitation requirements.

c. Meets all applicable Uniform Building Code requirements.

d. On-site real-estate offices, Construction offices and construction trailers shall not be approved until land use approval and building permits, if applicable, have been issued.

e. Complies with temporary outdoor sales standards, if applicable.

2. Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or his/her designee.

a. Temporary sale offices, construction offices~~,~~ and ~~construction~~ trailers, ~~and real estate offices~~ shall not be issued for a period exceeding one (1) year. The applicant may request a renewal for additional time to allow completion of the project provided that the applicant provides a narrative describing the need for additional time and an anticipated date of project completion.

b. Other temporary uses, not otherwise exempt per 16.86.020.B, shall be issued a permit for up to one (1) year to accommodate the duration of the proposed temporary use.

Renewals may be provided as follows:

(1) Temporary sales office: A renewal permit may be obtained for a period of one (1) year after providing a narrative discussing how the use will remain temporary and how the use is not and will not become permanent.

~~(b) A temporary use permit shall not be renewed for more than three consecutive years; however a renewal may be obtained annually for uses that do not exceed a four-month period of time per year.~~

(2) Model homes: A temporary use permit shall not be issued for a period exceeding two (2) years. The applicant may request a renewal for one (1) additional year provided that the applicant provides a narrative describing the need for additional time and the anticipated date to discontinue the model home use.

(3~~b~~) For all other temporary uses not defined as a temporary sales office or model home: a renewal permit may be obtained for a period of one year providing a narrative discussing how the use will remain temporary and how the use is not and will not become permanent.

(4) A~~A~~ temporary use permit shall not be renewed for more than three ~~than three~~ consecutive years; however, a renewal may be obtained annually for uses that do not exceed a ~~four-month~~four-month period of time per year.

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3. Conditions

In issuing a temporary use permit, the City Manager or his/her designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following:

a. increased yard dimensions;

b. fencing, screening or landscaping to protect adjacent or nearby property;

c. limiting the number, size, location or lighting of signs;

d. restricting certain activities to specific times of day; and

e. reducing the duration of the temporary use permit to less than one (1) year.

4. Revocation

Any departure from approved plans not authorized by the City Manager or his/her designee shall be cause for revocation of applicable building and occupancy permits. Furthermore, if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.

D. Model Homes

This section permits the construction of model homes in conjunction with preliminary approval of residential subdivisions pursuant to Chapter 16.120, Subdivisions, of this title. When the use of the model home is discontinued, the structure converts to the intended use as a residential dwelling unit.

1. Approval Criteria. A model home may be constructed and occupied only for the purposes set forth in this section and consistent with its definition prior to final plat recording and subject to the following approval criteria:

   a. Prior to the final plat recording, one model home may be constructed per legal lot of record if the lot had a previous residential home.

   b. If the model home is proposed prior to the final plat recording: The lot must be vacant, and the home foundation for the proposed model home(s) must be surveyed by a person who is registered in Oregon as a land surveyor and holds a valid certificate consistent with State Law. The surveys must establish the location of the model home structure consistent with the dimensional requirements of a lot on the approved preliminary residential subdivision.

   c. If the model home is proposed after the final plat recording, the applicant shall submit a plot plan showing the location of the model home structure is consistent with the dimensional requirements of a lot on the approved recorded plat.

   d. The proposed model home shall be in compliance with residential development standards in Chapter 16.12, including applicable dimensional requirements including, but not limited to, maximum height, minimum setbacks, and minimum lot size of the approved preliminary residential subdivision.

   e. Adequate parking shall be available to serve the model home site. No model home may be temporarily occupied where on-street parking is not available on a public right-of-way or private street that is immediately adjacent to the lot. Where adjacent on-street parking is inadequate, additional temporary off-street parking may be required. Temporary off-street parking must be removed and adequate landscaping installed consistent with this title, prior to any sale of the model home or lot. At least four parking spaces shall be provided for each model home, either off-street or on-street, and shall be shown on a site plan.

   f. Adequate emergency vehicle access shall be available to model home(s) during both construction and temporary occupancy, as approved by the City.

   g. Adequate water supply for firefighting, as approved by the City, shall be provided to each model home lot prior to installation of combustible materials.

   h. All required public and private utilities within the public right-of-way or private street shall be installed and accepted by the City prior to the model home being discontinued and converted to the intended use as a residential home. All utility installations must be inspected and accepted by the City consistent with this title.

   i. The number of model homes in a residential subdivision may be allowed as follows after plat recording:

1. Between one (1) and ten (10) residential lots, one model home;

2. Between eleven (11) and fifty (50) residential lots, three model homes;

3. Between fifty-one (51) and one hundred (100) residential lots, five model homes;

4. More than one hundred one (101) residential lots, seven model homes;

j. If more than one model home is proposed, the model homes shall be contiguous to one another and within the same platted phase of the development.

k. No variances under Chapter 16.84, Variances, shall be permitted to accommodate the model home.

l. Water meter connection for a model home is prohibited unless all public improvements required by the subdivision have been constructed, inspected, and accepted by the City Engineering Department. If all public improvements have been constructed, inspected and accepted by the City, the model home must connect to the city's water and sanitary sewer system. A water meter must be installed upon converting the model home to the intended use as a residential home.

m. Adequate pedestrian access must be available to the model homes, as approved by City of Sherwood Engineering Department.

2. Remedial Action. In the event that the City determines the model home has encroached on a property line or has violated any applicable standards, the following steps shall be taken to correct the violation:

a. The City shall provide notice to the applicant identifying the violation and requesting correction of the violation within sixty (60) days of the date of the notice. The City may require more or less time on a case-by-case basis. The time required to cure the encroachment does not extend or modify the timeline for submitting a final plat subject to section 16.120.050 or the termination of the model home approval as set forth below.

b. The applicant shall correct the violation within the time provided in the notice unless otherwise agreed to by the City in writing.

c. The City will not accept an application for a final plat until such time as the violation is corrected. In the event an application is already filed before the violation is detected, the City shall deny the final plat as not consistent with the preliminary approval unless the violation is corrected.

(Ord. No. 2012-001, § 2, 1-3-2012)

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# *Chapter 16.90 SITE PLANNING**

## 16.90.010 Purpose

Site planning review is intended to:

A. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.

B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:

1. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.

2. Vehicular and pedestrian ways and parking areas.

3. Existing or proposed alteration of natural topographic features, vegetation and water-ways.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

## 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 is not subject to Residential Design Checklist or Residential Design Review, does not meet the criteria of a minor or major modification per 16.90.030, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use. Exemptions noted below.

Site Plan Review is required for the following development:

1. Multi-dwelling

2. Commercial

3. Industrial

4. Mixed-use

For the purposes of Section 16.90.020, the terms "substantial change" and "substantial alteration" mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.

2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.

3. The activity involves non-conforming uses as defined in Chapter 16.48.

4. The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.

5. The activity is subject to site plan review by other requirements of this Code.

6. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

B. Exemption to Site Plan Requirement

1. Single Family detached and middle housing developments are exempt from Site Plan Review but are required to complete either a Residential Design Checklist or Residential Design Review per Chapter 16.89, unless otherwise noted.

2. Manufactured homes located on individual residential lots per Section 16.46.010, and including manufactured home parks.

C. Reserved

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.

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.

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.

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.

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.

6. The proposed commercial, Multi-Family dwelling, 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:

a. Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.

b. Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.

c. The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.

d. Multi-family development requires a minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way to include windows and entrance doors, and for the side building elevation, adjacent to a public right-of-way or public accessway, a minimum of 10 percent glazing of area is required.

ed. As an alternative to the standards in Section 16.90.020.D.6.a—dc, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—dc. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

COMMERCIAL DESIGN REVIEW MATRIX

| Design Criteria | Possible Points 0 | 1 | 2 | 3 | 4 |
|---|---|---|---|---|---|
| Building Design (21 Total Points Possible; Minimum 12 Points Required) These standards may be applied to individual buildings or developments with multiple buildings. | | | | | |
| Materials[1] | Concrete, artificial materials (artificial or "spray" stucco, etc.) | Cultured stone, brick, stone, decorative patterned masonry, wood | A mixture of at least two (2) materials (i.e. to break up vertical facade) | A mixture of at least three (3) materials (i.e. to break up vertical facade) | A mixture of at least three (3) of the following materials: brick, stone, cultured stone, decorative patterned masonry, wood |
| Roof Form[2] | Flat (no cornice) or single-pitch (no variation) | Distinctive from existing adjacent structures (not applicable to expansion of | Distinctive from existing adjacent structures (not applicable to expansion of | — | — |

[1]No aluminum or T-111 siding permitted.

[2]Pictures and/or artistic renderings must be submitted for review by the Planning Commission if metal roofs are proposed.

| | | | | | |
|---|---|---|---|---|---|
| | | same building) or either variation in pitch or flat roof with cornice treatment | same building) and either variation in pitch or flat roof with cornice treatment | | |
| Commercial Glazing[3] | 0—20% glazing on street-facing side(s) | >20% glazing on at least one street-facing side (inactive, display or façade windows) | >20% glazing on all street-facing sides (inactive, display or façade windows) | >20% glazing on at least one street-facing side (active glazing—actual windows) | >20% glazing on all street-facing sides (active glazing—actual windows) |
| Multi-Family Glazing | Multi-family development requires a minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way to include windows and entrance doors, and for side building elevations, adjacent to a public right-of-way or public accessway, a minimum of 10 percent glazing of area is required. | | | | |
| Fenestration on street-facing elevation(s) | One distinct "bay" with no vertical building elements | Multiple "bays" with one or more "bay" exceeding 30 feet in width | Vertical building elements with no "bay" exceeding 30 feet in width | Vertical building elements with no "bay" exceeding 20 feet in width | — |
| Entrance Articulation | No weather protection provided | Weather protection provided via awning, porch, etc. | — | Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered | Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance and covered |

[3] Two (2) points if there is only one street-facing side and it is >20% glazing with inactive windows.

| | | | | | |
|---|---|---|---|---|---|
| Structure Size[4] to discourage "big box" style development | Greater than 80,000 square feet | 60,000—79,999 square feet | 40,000—59,999 square feet | 20,000—39,999 square feet | Less than 20,000 square feet |
| Building Location and Orientation (6 Total Points Possible; Minimum 3 Points Required) | | | | | |
| Location[5] | Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening) | Building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors) | Buildings flush to all possible right-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner") | — | — |
| Orientation | Single-building site primary entrance oriented to parking lot | — | Single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area) | — | — |

[4]If multiple buildings are proposed, average the building sizes in the development.

[5]If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.

| | | | | | |
|---|---|---|---|---|---|
| | Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to parking lot | — | Multiple building site primary entrance to anchor tenant or primary entrance to development oriented to the pedestrian | — | — |
| Secondary Public Entrance[6] [6] | | | Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk | | |
| Parking and Loading Areas (13 Total Points Possible; Minimum 7 Points Required) | | | | | |
| Location of Parking | Greater than 50 percent of required parking is located between any building and a public street | 25—50 percent of required parking is located between any building and a public street | Less than 25 percent of required parking is located between any building and a public street | No parking is located between any building and a public street | — |
| Loading Areas | Visible from public street and not screened | Visible from public street and screened | Not visible from public street | — | — |
| Vegetation | At least one "landscaped" island every | At least one "landscaped" island every | At least one "landscaped" island every | At least one "landscaped" island every 6—7 | — |

[6]If primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance.

| | | | | | |
|---|---|---|---|---|---|
| | 13—15 parking spaces in a row | 10—12 parking spaces in a row | 8—9 parking spaces in a row | parking spaces in a row | |
| Number of Parking Spaces[7] | >120% | 101—120% | 100% | <100% (i.e. joint use or multiple reduction) (1 bonus) | — |
| Parking Surface | Impervious | Some pervious paving (10—25%) | Partially pervious paving (26—50%) | Mostly pervious paving (>50%) | — |
| Landscaping (24 Total Point Possible, Minimum 14 Points Required) | | | | | |
| Tree Retention[8] | Less than 50% of existing trees on-site retained | 51—60% of existing trees on-site retained | 61—70% of existing trees on-site retained | 71—80% of existing trees on-site retained | 81—100% of existing trees on-site retained |
| Mitigation Trees[9] | Trees mitigated off-site or fee-in-lieu | 25—50% of trees mitigated on-site | 51—75% of trees mitigated on-site | 76—100% of trees mitigated on-site | — |
| Landscaping Trees[10] | Less than one tree for every 500 square feet of landscaping | 1 tree for every 500 square feet of landscaping | 2 trees for every 500 square feet of landscaping | 3 trees for every 500 square feet of landscaping | 4 trees for every 500 square feet of landscaping |
| Landscaped Areas | Greater than 35% of landscaped areas are less than 100 square feet in size | Less than 25% of landscaped areas are less than 100 square feet in size | No landscaped areas are less than 100 square feet in size | — | — |
| Landscaping Trees greater than 3-inch Caliper | <25% | 25—50% | >50% | — | — |

[7]Percent of minimum required.

[8]Based on tree inventory submitted with development application.

[9]When no mitigation is required, the project receives zero points.

[10]In addition to mitigated trees on-site, does not include Water Quality Facility Plantings.

| | | | | | |
|---|---|---|---|---|---|
| Amount of Grass[11] | >75% of landscaped areas | 50—75% of landscaped areas | 25—49% of landscaped areas | <25% of landscaped areas | — |
| Total Amount of Site Landscaping[12] | <10% of gross site | 10—15% of gross site | 16—20% of gross site | 21—25% of gross site | >25% of gross site |
| Automatic Irrigation | No | Partial | Yes | — | — |
| Miscellaneous (10 Total Points Possible; Minimum 5 Points Required) | | | | | |
| Equipment Screening (roof) | Equipment not screened | Equipment partially screened | Equipment fully screened | Equipment fully screened by materials matching building architecture/finish | — |
| Fences and Walls[13] | Standard fencing and wall materials (i.e. wood fences, CMU walls etc.) | — | Fencing and wall materials match building materials | — | — |
| On-Site Pedestrian Amenities Not Adjacent to Building Entrances | No | Yes; 1 per building | Yes; more than 1 per building | — | — |
| Open Space Provided for Public Use | No | Yes; <500 square feet | Yes; 500—1,000 square feet | Yes; >1,000 square feet | — |
| Green Building Certification | | | | LEED, Earth Advantage, etc. (Bonus) | |

e. As an alternative to the standards in Sections 16.90.020.D.6.a—c, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.

f. As an alternative to the standards in Sections 16.90.020.D.6.a.—e, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed

[11]Shrubs and drought resistant ground cover are better.

Schools automatically receive the full 3 points and are not penalized for amount of grass.

[12]Includes visual corridor.

[13]Including retaining walls.

development meets or exceeds the objectives in Section 16.90.010.B of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing.

7. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and collector streets by reducing the "bulk" appearance of large buildings. Industrial design standards include the following:

   a. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) must meet any three ~~four~~ of the following five ~~six~~ design criteria:

      ~~(1) A minimum 15% window glazing for all frontages facing an arterial or collector.~~

      (1) Primary building entries – entries open to the general public

      Primary building entries should be readily identifiable and well-defined through the use of pedestrian scale improvements such as, but not limited to, projections, recesses, columns, roof structures, extra landscaping, hardscapes, seating, or other design elements.

      (2) A minimum of two (2) building materials used to break up vertical facade street facing frontages (no T-111 or aluminum siding).

      (3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).

      (4) Parking is located to the side or rear of the building when viewed from the arterial or collector.

      (5) Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or collector, it must be screened with vegetation or a screen made of materials matching the building materials.

   b. ~~(1)~~ A minimum 15% window glazing shall be required for all frontages facing an arterial or collector.

   c. ~~(6)~~ All roof-mounted equipment shall be required to be ~~is~~ screened with materials complimentary to the building design materials.

   d~~b~~. As an alternative to Section 16.90.020.D.7.a-c, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the applicable industrial design objectives below (this design review hearing will be processed as a Type IV review):

      (1) Provide high-value industrial projects that result in benefits to the community, consumers and developers.

      (2) Provide diversified and innovative working environments that take into consideration community needs and activity patterns.

      (3) Support the City's goals of economic development.

      (4) Complement and enhance projects previously developed under the industrial design standards identified in Section 16.90.020.D.7.

      (5) Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered "entrances" to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.

(6) Reduce the "bulk" appearance of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulation, windows and landscaping.

(7) Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole).

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## 16.90.030 Site Plan Modifications and Revocation

A. Modifications to Approved Site Plans

1. Major Modifications to Approved Site Plans

a. Defined. A major modification review is required if one or more of the changes listed below are proposed:

(1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);

(2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;

(3) A change in setbacks or lot coverage by more than ten (10) percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;

(4) A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;

(5) An increase in the floor area or height proposed for non-residential use by more than ten (10) percent;

(6) A reduction of more than ten (10) percent of the area reserved for common open space; or

(7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items identified in Section 16.90.030.A.1.a.(1)—(2) as determined by the Review Authority.

b. Approval Criteria. An applicant may request a major modification as follows:

(1) Upon the review authority determining that the proposed modification is a major modification, the applicant must submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.

(2) The application is subject to the same review procedure (Type II, III or IV) and~~,~~ decision making body as the initial project approval~~, and approval criteria used for the initial project approval,~~ except that adding a Conditional Use to an approved Type II project is reviewed using a Type III procedure. The approval criteria and standards in effect at the time of the current land use submittal apply to the modification request.

(3) The scope of review is limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot requires site design review only for the proposed parking

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**NEW = Underlined**

lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.

(4) Notice must be provided in accordance with Chapter 16.72.020.

(5) The decision maker approves, denies, or approves with conditions an application for major modification based on written findings of the criteria.

2. Minor Modifications to Approved Site Plans

a. A Minor Modification is any modification to a land use decision or approved development plan that is not within the description of a major modification.

b. Minor Modification Review Procedure. An application for approval of a minor modification is reviewed by the review authority using a Type I review procedure under Section 16.72.010.A. Minor modifications involve only clear and objective Code standards.

c. Minor Modification Applications. An application for minor modification must include an application form, filing fee and narrative, updated Clean Water Services (CWS) Service Provider Letter or equivalent acknowledgement from CWS, and a site plan using the same plan format as in the original approval if possible. The review authority may require other relevant information, as necessary, to evaluate the request.

d. Minor Modification Approval Criteria. The review authority approves, denies, or approves with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code in effect at the time of the current land use submittal and continues to comply with the conditions of approval ~~i~~on the original decision, and the modification is not a major modification.

B. Revocation

Any departure from an approved plan is cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, will be revoked.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2011-011, § 1, 10-4-2011)

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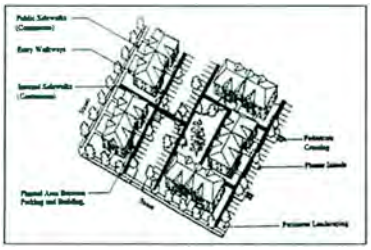
# *Chapter 16.96 ON-SITE CIRCULATION*

## 16.96.010 General Requirements for On-site Pedestrian Circulation

A. Purpose

All new development, (except single-family detached and middle housing types), shall provide a continuous system of private pathways/sidewalks. ~~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~~ The on-site facilities shall connect~~ing~~ 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 and middle housing types), shall provide a continuous system of private pathways/sidewalks.~~

On-Site Circulation System (Multi-Family Example)



B. Maintenance

No building permit or other City permit shall be issued until plans for pedestrian 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. Required ingress, egress and circulation improvements shall be kept clean and in good repair.

C. Joint Pedestrian Access

Two (2) or more uses, structures, or parcels of land may utilize the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied 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.

D. 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 with paved sidewalk.

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.

~~E. Maintenance of Required Improvements~~

~~Required ingress, egress and circulation improvements shall be kept clean and in good repair.~~

~~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.~~

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 6; Ord. 86-851)

### 16.96.020 Minimum Residential Pedestrian Circulation standards

Minimum standards for private, on-site pedestrian circulation improvements in residential developments:

~~A. Driveways~~

~~1. ADU/Single-Family Detached: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%.~~

~~2. Duplex: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each.~~

~~3. Townhomes: A maximum of one (1) driveway per unit improved with hard surface pavement with a minimum width of ten (10) feet. See also the provisions of 16.14.020.D.~~

~~4. Triplex and Quadplex: See the provisions of 16.14.030.A.~~

~~5. Multi-Family: Improved hard surface driveways are required as follows:~~

| ~~Number of Units~~ | ~~Number of Driveways~~ | ~~One Way Drive Width (Pair)~~ | ~~Two Way Drive Width~~ |
|---|---|---|---|

| | | | |
|---|---|---|---|
| 3—49 | 1 | 15 feet | 24 feet |
| 50 or more | 2 | 15 feet | 24 feet |

AB. Sidewalks, Pathways and Curbs

1. Single Family Detached, Duplex, Triplex, Quadplex, Townhome, Cottage Clusters, middle housing types, and Manufactured Homes on Individual Residential Lot: No on-site sidewalks and curbs are required when not part of a proposed partition or subdivision. Pedestrian ciruclation standards for subdivisions and partitions are located in Section 16.106.060 Sidewalks. For cottage clusters, on-site pedestrian pathways are required consistent with Section 16.14.040.

2. Multi-family:

   a. A system of private pedestrian sidewalks/pathways extending throughout the development site shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, adjacent developments, transit facilities within five hundred (500) feet of the site, and future phases of development. Main building entrances shall also be connected to one another.

   b. Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one (1) side of approved driveways connecting to the public sidewalk or curb of the public street that provides required ingress and egress. Curbs shall also be required at a standard approved by the Review Authority.

   c. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least five (5) feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump).

   d. Exceptions Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, §§ 5, 8; 91-922)

## 16.96.030 Minimum Non-Residential Pedestrian Circulation Standards

Minimum standards for private, on-site pedestrian circulation improvements in non-residential developments:

A. Driveways

1. Commercial: Improved hard surface driveways are required as follows:

| Required Parking Spaces | # Driveways | Minimum Width One Way Pair | Two Way |
|---|---|---|---|
| 1 - 49 | 1 | 15 feet | 24 feet |
| 50 & above | 2 | 15 feet | 24 feet |

~~2. Industrial: Improved hard surfaced driveways are required as follows:~~

| ~~Required Parking Spaces~~ | ~~# Driveways~~ | ~~Minimum Width One Way Pair~~ | ~~Two Way~~ |
|---|---|---|---|
| ~~1—249~~ | ~~1~~ | ~~15 feet~~ | ~~24 feet~~ |
| ~~250 & above~~ | ~~2~~ | ~~15 feet~~ | ~~24 feet~~ |

~~3. Surface materials are encouraged to be pervious when appropriate considering soils, anticipated vehicle usage and other pertinent factors.~~

A~~B~~. Sidewalks and Curbs

1. A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within five hundred (500) feet of the site, future phases of development, and whenever possible to parks and open spaces.
2. Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.
3. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.
4. Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 8; Ord. 86-851)

## 16.96.040 General Requirements for On-Site Vehicle Circulation

A. Maintenance

No building permit or other City permit shall be issued until plans for vehicle 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.

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.

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~~.

D. Maintenance of Required Improvements

Required vehicle ingress, egress and circulation improvements shall be kept clean and in good repair.

E. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-009 § 8)

## 16.96.050 Minimum Residential Vehicle Circulation Standards

Minimum standards for private, on-site vehicle circulation improvements in residential developments:

A. Driveways

1. ~~ADU/~~Single-Family Detached with or without an Accessory Dwelling Unit (ADU). One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet and maximum width of 24 ft., not to exceed a grade of 14%. Lots with more than 60 ft. of frontage on a public street are permitted a maximum width of 30 ft. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

2. Duplex: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.

3. Townhome: A maximum of one (1) driveway per unit improved with hard surface pavement with a minimum width of ten (10) feet. See also the provisions of 16.14.020.D.

4. Triplex and Quadplex: See the provisions of 16.14.030.A.

5. Cottage Clusters: See the provisions of 16.14.040.C

6~~5~~. Multi-Family: Improved hard surface driveways are required as follows:

| Number of Units | Number of Driveways | One Way Drive Width (Pair) | Two Way Drive Width |
|---|---|---|---|
| 5—49 | 1 | 15 feet | 24 feet |
| 50 or more | 2 | 15 feet | 24 feet |

## 16.96.060 Minimum Non-Residential Vehicle Circulation Standards

Minimum standards for private, on-site circulation improvements in non-residential developments:

A. Driveways

1. Commercial and Mixed-Use: Improved hard surface driveways are required as follows:

| Required Parking Spaces | Number of Driveways | Minimum Width One-Way (Pair) | Minimum Width Two-Way |
|---|---|---|---|
| 1—49 | 1 | 15 feet | 24 feet |
| 50 or more | 2 | 15 feet | 24 feet |

2. Industrial: Improved hard surfaced driveways are required as follows:

| Required Parking Spaces | Number of Driveways | Minimum Width One-Way (Pair) | Minimum Width Two-Way |
|---|---|---|---|
| 1—249 | 1 | 15 feet | 24 feet |
| 250 or more | 2 | 15 feet | 24 feet |

3. Surface materials are encouraged to be pervious when appropriate, considering soils, anticipated vehicle usage, and other pertinent factors.

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# Division VII. LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS[1]

## *Chapter 16.120 SUBDIVISIONS[2]*

### 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.

(Ord. No. 2011-011, § 1, 10-4-2011)

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(Ord. No. 2011-011, § 1, 10-4-2011)

### 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.

B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

C. The plat complies with 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).

D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

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[1]Editor's note(s)—Ord. No. 2011-011, § 1, adopted October 4, 2011, amended the title of Div. VII.

[2]Editor's note(s)—Ord. No. 2011-011, § 1, adopted October 4, 2011, amended the Code by, in effect, repealing former Ch. 16.120, §§ 16.120.010 and 16.120.020, and adding a new Ch. 16.120. Former Ch. 16.120 pertained to general provisions, and derived from Ord. 86-851; Ord. 98-1053; and Ord. No. 2010-015, adopted October 5, 2010.

F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

H. The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.

I. A minimum of five percent (5%) open space has been provided per Section 16.142.030 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.

J. Privately maintained trails for public use shall conform to the public trails standards in the Transportation System Plan (TSP).

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-011, § 1, 10-4-2011)

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# *Chapter 16.122 LAND PARTITIONS*[1]

## 16.122.010 Generally

A. Approval Required

A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a partition application has been approved by the City Manager or his/her designee.

B. City Action

The City Manager or his/her designee shall review the partition applications submitted in accordance with Section 16.70 and shall approve, approve with conditions or deny the application.

(Ord. No. 2011-011, § 1, 10-4-2011)

## 16.122.020 Approval Criteria: Preliminary Plat

Partitions shall not be approved unless:

A. The partition complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX, and complies with Chapter 16.128 (Land Division Design Standards).

B. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.

C. The applicant must demonstrate ~~A~~adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land~~, as determined by the City and are in compliance with City standards~~. For the purposes of this section:

1. Adequate water service shall mean: the ability to connect ~~Connection~~ to the City water supply system and the City water supply system has the capacity to provide service in compliance with City standards. ~~shall be deemed to be adequate water service.~~

2. Adequate sanitary sewer service shall mean: the~~: a~~A~~A~~bility to connect~~Connection~~ to the City sanitary sewer system and the City sanitary sewer system has the capacity to provide service in compliance with City standards ~~shall be deemed to be adequate sanitary sewer service~~ if City

[1]Editor's note(s)—Ord. No. 2011-011, § 1, adopted October 4, 2011, amended the Code by, in effect, repealing former Ch. 16.122, § 16.122.010, and adding a new Ch. 16.122. Former Ch. 16.122 pertained to preliminary plats, and derived from Ord. 86-851; Ord. 91-922; Ord. 94-991; Ord. 98-1053; Ord. No. 2010-015, adopted October 5, 2010; and Ord. No. 2011-009, adopted July 19, 2011.

sanitary sewer lines are located within three-hundred (300) feet of any point of the lot lines of the partition. ~~or if the lots created are less than 15,000 square feet in area.~~

3. Installation of private on-site septic sewage disposal facilities shall be deemed adequate ~~on~~ when the lots proposed are ~~of~~ 15,000 square feet or more if the private on-site septic system is permitted by Washington County Health and City sewer lines are not within three-hundred (300) feet.

~~3~~4. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

D. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

E. Future Development Ability

In addition to the findings required by Section 16.122.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

(Ord. No. 2011-011, § 1, 10-4-2011)

## 16.122.030 Final Partition Plat

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# Division VIII. ENVIRONMENTAL RESOURCES

## *Chapter 16.132 GENERAL PROVISIONS AND CONFORMANCE*

### 16.132.010 Purpose

This Division is intended to protect, preserve, and otherwise properly manage the City's natural and environmental resources for the benefit of the general public, to regulate land development so as to protect the public from natural and environmental hazards, and to establish performance standards allowing the City to properly and uniformly assess the impact of residential, commercial, industrial, and institutional development and activities on the quality of the City's environment.

~~(Ord. 91-922, § 3)~~

### 16.132.020 Applicability

The standards of this Chapter, and applicable portions of the Comprehensive Plan, shall apply to all Chapters in Division VIII. Environmental Resources, except for Chapter 16.134 Floodplain Overlay, for any new uses or changes to existing uses in commercial, industrial and institutional zones.

(Ord. 91-922, § 3)

### 16.132.030 Conformance

Conformance with the standards of this Chapter shall, at a minimum, be certified in writing by a professional engineer and submitted with the application for site plan review required by Chapter 16.90, except as per Section 16.136.050. The written certification shall include:

A. Statement certifying that the proposed commercial, industrial or institutional use, if properly managed and operated, will comply with City environmental performance standards, and citing evidence supporting the certification.

B. Copies of any applicable State permits or recent test results, if available, which would indicate compliance with City environmental performance standards.

(Ord. 91-922, § 3)

### 16.132.040 Additional Information

A. Prior to accepting any land use application to which this Chapter applies, the City Manager or his/her designee, may determine that additional expertise in evaluating the application, due to the complexity of its impact on environmental resources, is warranted. Under such circumstances, the City may contract with a

professional engineer or other qualified consultant to evaluate and make recommendations on specific application elements relative to City environmental resource standards.

B. Upon the City's determination that additional expertise is needed, the applicant shall deposit a sum equal to the estimated cost, as determined by the City, of such professional services. If the actual cost of such services is more than estimated, the applicant shall be responsible for the difference, provided however, that the applicant's financial responsibilities will not exceed ten percent (10%) of the estimate without prior written authorization. If the cost of such services is less than the estimate, the balance of the deposit shall be returned to the applicant upon final action on their land use application.

## 16.132.050 Referenced Statutes and Rules

The Federal, State or regional statutes and rules cited in this Chapter are made part of this Code by reference. The statutes and rules cited are as current at the time of adoption of this Code. If a referenced statute or rule is amended by Federal, State or regional agencies, this Code must be amended for the new statute or rule to take precedence.

## 16.132.060 Exceptions

The City shall make an initial determination whether a proposed development is subject to any of the standards of this Chapter, or whether the development is exempt. The City Manager or his/her designee is authorized to waive all or some of these standards when a proposed development clearly does not represent a substantial impact on the City's environmental resource standards as per this Chapter. The findings of the City Manager or his/her designee shall be made in writing, and copies shall be forwarded to the applicant and the Commission. The action of the City Manager or his/her designee may be appealed as per Chapter 16.76.

# *Chapter 16.134 FLOODPLAIN (FP) OVERLAY*

**Sections:**

## 16.134.010 Generally

Special resource zones are established to provide for preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for Washington County, Oregon and Incorporated Areas," (flood insurance study) dated October 19, 2018, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file with the Sherwood City Engineer at Sherwood City Hall.

(Ord. No. 2018-009, § 2, 10-16-2018; Ord. No. 2018-006, § 2, 10-2-18; Ord. No. 2016-013, § 1, 10-18-2016; Ord. 91-922, § 3)

## 16.134.020 Purpose

The purpose of this ordinance is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by complying with the provisions of this chapter.

A. The FP zoning district is an overlay district that controls and regulates flood hazard areas in order to protect the public health, safety and general welfare; to reduce potential flood damage losses; and to protect floodways and natural drainageways from encroachment by uses which may adversely affect water quality and water flow and subsequent upstream or downstream flood levels. The FP zone shall be applied to all areas within the base flood, and shall supplement the regulations of the underlying zoning district.

B. FP zoning districts are areas within the base flood as identified by the Federal Emergency Management Agency (FEMA) in a Flood Insurance Study (FIS) and in Flood Insurance Rate Maps (FIRM) published for the City and surrounding areas, or as otherwise identified in accordance with Section 16.134.020C. These FEMA documents are adopted by reference as part of this Code, and are on file at the City.

C. When base flood elevation data is not available from the FIS or FIRM, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, and standards developed by the FEMA, in order to administer the provisions of this Code.

D. In areas where a regulatory floodway has not been designated, and where the Flood Insurance Study indicates that it is possible to calculate a floodway, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2000-1092, § 3; 88-870)

## 16.134.030 Greenways

The FP zoning districts overlaying the Rock Creek and Cedar Creek floodplains are designated greenways in accordance with Chapter 5 of the Community Development Plan. All development in these two floodplains shall be governed by the policies in Division V, Chapter 16.142 of this Code, in addition to the requirements of this Section and the Clean Water Services Design and Construction Standards R&O 07-20, or its replacement.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2000-1092, § 3; 88-879)

## 16.134.040 Development Review and Floodplain Administrator Duties

A. The City Engineer is the designated local Floodplain Administrator and is responsible for maintaining local floodplain management records for the City.

B. Provided land is not required to be dedicated as per Section 16.134.030, a conditional use permit (CUP) is required before any use, construction, fill, or alteration of a floodplain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in Section 16.134.050.

C. Application for a CUP for development in a floodplain shall conform to the requirements of Chapter 16.82 and may include, but is not limited to, plans and scale drawings showing the nature, location, dimensions,

and elevations of the area in question, existing or proposed structures, fill, storage of materials, and drainage facilities.

D. The following specific information is required in a floodplain CUP application and shall be certified and verified by a registered civil engineer or architect. The City shall maintain such certifications as part of the public record. All certifications shall be based on the as-built elevations of lowest building floors.

1. Elevations in relation to the current FIRM and FIS of the lowest floor (including basement) of all structures;

2. Elevations in relation to the current FIRM and FIS to which any structure has been flood proofed.

3. That the flood proofing methods for any structure meet the requirements of this section, Floodplain Structures.

4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

5. A base flood survey and impact study made by a registered civil engineer.

6. Proof all necessary notifications have been sent to, and permits have been obtained from, those federal, state, or other local government agencies for which prior approval of the proposed development is required.

7. Any other information required by this section, by any applicable federal regulations, or as otherwise determined by the City to be necessary for the full and proper review of the application.

E. The floodplain administrator shall review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 16.134.070.F are met.

F. Where base flood elevation data is provided through the Flood Insurance Study, FIRM or required under Section 16.134.020.C the local Floodplain Administrator shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

2. If the structure has been floodproofed in accordance with Sections 16.134.090.A.3 and D.1.a, then obtain the elevation (in relation to mean sea level) to which the structure was floodproofed, and

3. Maintain all elevation and floodproofing certificates required under Section 16.134.040.D, and

4. Maintain for public inspection all records pertaining to the provisions of this ordinance.

G. Where elevation data is not available as per subsection D of this section, or from other sources as per Section 16.134.020.C, a floodplain CUP shall be reviewed using other relevant data, as determined by the City, such as historical information, high water marks, and other evidence of past flooding. The City may require utility structures and habitable building floor elevations, and building flood proofing, to be at least two feet above the probable base flood elevation, in such circumstances where more definitive flood data is not available.

H. The floodplain administrator shall:

1. Notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration as required in Section 16.134.100.C.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

I. The floodplain administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

J. Variances to any standard within the floodplain overlay shall comply with the provisions of the Code of Federal Regulations (CFR) section 44 CFR 60.6(a)(1)—(7).

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; 88-879)

## 16.134.050 Permitted Uses

In the FP zone the following uses are permitted outright, and do not require a CUP, provided that floodway flow, or floodplain capacity, will not be impeded, as determined by the City, and when greenway dedication is not required as per Section 16.134.030.

A. Agricultural uses, provided that associated structures are not allowed, except for temporary building and boundary fences that do not impede the movement of floodwaters and flood-carried materials.

B. Open space, park and recreational uses, and minor associated structures, if otherwise allowed in the underlying zoning district that do not impede the movement of floodwaters and flood-carried materials.

C. Public streets and appurtenant structures, and above and underground utilities, subject to the provisions of Sections 16.134.080 and 16.134.090.

D. Other accessory uses allowed in the underlying zoning district that do not involve structures, and will not, in the City's determination, materially alter the stability or storm drainage absorption capability of the floodplain.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2000-1092, § 3; 91-922)

## 16.134.060 Conditional Uses

In the FP zone the following uses are permitted as conditional uses, subject to the provisions of this Section and Chapter 16.82, when greenway dedication is not required as per this Section.

Greenways:

A. Any permitted or conditional use allowed in the underlying zoning district, when located in the flood fringe only, as specifically defined by this Code.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; 88-879)

## 16.134.070 Prohibited Uses

In the FP zone the following uses are expressly prohibited:

A. The storage or processing of materials that are buoyant, flammable, contaminants, explosive, or otherwise potentially injurious to human, animal or plant life.

B. Public and private sewerage treatment systems, including drainfields, septic tanks and individual package treatment plants.

C. Any use or activity not permitted in the underlying zoning district.

D. Any use or activity that, in the City's determination, will materially alter the stability or storm drainage absorption capability of the floodplain.

E. Any use or activity that, in the City's determination, could create an immediate or potential hazard to the public health, safety and welfare, if located in the floodplain.

F. Any use, activity, or encroachment located in the floodway, including fill, new construction, improvements to existing developments, or other development, except as otherwise allowed by Section 16.134.050 and unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the use, activity, or encroachment will not result in any increase to flood levels during the occurrence of the base flood discharge.

   a. If paragraph F of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard provisions of Sections 16.134.080 and .090, or ASCE 24, whichever is more stringent.

G. The storage of recreational vehicles. This is the most restrictive provision wherein.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

## 16.134.080 Floodplain Development

A. Floodplain Alterations

1. Floodplain Survey

   The floodplain, including the floodway and flood fringe areas, shall be surveyed by a registered land surveyor or civil engineer, and approved by the City, based on the findings of the flood insurance study and other available data. Such delineation shall be based on the current FIRM and FIS data and be field-located from recognized valid benchmarks.

2. Grading Plan

   Alteration of the existing topography of floodplain areas may be made upon approval of a grading plan by the City. The plan shall include both existing and proposed topography and a plan for alternate drainage. Contour intervals for existing and proposed topography shall be included and shall be not more than one foot for ground slopes up to five percent (5%) and for areas immediately adjacent to a stream or drainage way, two feet for ground slopes between five and ten percent (5% to 10%), and five feet for greater slopes.

3. Fill and Diked Lands

   a. Proposed floodplain fill or diked lands may be developed if a site plan for the area to be altered within the floodplain is prepared and certified by a registered civil engineer and approved by the Commission pursuant to the applicable provisions of this Code.

b. Vehicular access shall be provided from a street above the elevation of the base flood to any proposed fill or dike area if the area supports structures for human occupancy. Unoccupied fill or dike areas shall be provided with emergency vehicle access.

4. Alteration Site Plan

a. The certified site plan prepared by a registered civil engineer or architect for an altered floodplain area shall show that:

(1) Proposed improvements will not alter the flow of surface water during flooding such as to cause a compounding of flood hazards or changes in the direction or velocity of floodwater flow.

(2) No structure, fill, storage, impervious surface or other uses alone, or in combination with existing or future uses, will materially reduce the capacity of the floodplain or increase in flood heights.

(3) Proposed floodplain fill or diked areas will benefit the public health, safety and welfare and incorporate adequate erosion and storm drainage controls, such as pumps, dams and gates.

(4) No serious environmental degradation shall occur to the natural features and existing ecological balance of upstream and downstream areas.

(5) On-going maintenance of altered areas is provided so that flood-carrying capacity will not be diminished by future erosion, settling, or other factors.

b. Applicants must obtain a conditional letter of map revision (CLOMR) from FEMA before any encroachment, including fill, new construction, substantial improvement, or other development, in the regulatory floodway is permitted. Applicants are responsible for preparing technical data to support the CLOMR application and paying any processing or application fees to FEMA.

5. Subdivisions and Partitions

All proposed subdivisions or partitions including land within an FP zone must establish the boundaries of the base flood by survey and dedicate said land as per Section 16.134.030. The balance of the land and development must:

a. Be designed to include adequate drainage to reduce exposure to flood damage, and have public sewer, gas, electrical and other utility systems so located and constructed to minimize potential flood damage, as determined by the City.

b. Provide for each parcel or lot intended for structures, a building site which is at or above the base flood elevation, and meets all setback standards of the underlying zoning district.

c. Where base flood elevation data is not provided, or is not available from an authoritative source, it shall be generated by the applicant for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five acres, whichever is less.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

## 16.134.090 Floodplain Structures

Structures in the FP zone permitted in accordance with this section, shall be subject to the following conditions, in addition to the standards of the underlying zoning district:

A. Generally

1. All structures, including utility equipment, and manufactured housing dwellings, shall be anchored to prevent lateral movement, floatation, or collapse during flood conditions, and shall be constructed of flood-resistant materials, to standards approved by the City, State Structural and Plumbing Specialty Codes and applicable building codes.

2. The lowest floor elevation of a structure designed for human occupancy must be at least one and one-half feet above the base flood elevation and the building site must comply with the provisions of Section 16.134.080.A.

3. The lower portions of all structures shall be flood proofed according to the provisions of the State Structural and Plumbing Specialty Code to an elevation of at least one and one-half feet above the base flood elevation.

4. The finished ground elevation of any under floor crawl space shall be above the grade elevation of an adjacent street, or natural or approved drainage way unless specifically approved by the City. A positive means of drainage from the low point of such crawl space shall be provided.

5. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

B. Utilities

1. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities located within structures shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2. Electrical service equipment, or other utility structures, shall be constructed at or above the base flood elevation. All openings in utility structures shall be sealed and locked.

3. Water supply and sanitary sewer systems (not prohibited under section 16.134.070.B shall be approved by the Washington County Health Department, and shall be designed to minimize or eliminate the infiltration of floodwaters into the systems, or any discharge from systems into floodwaters.

    a. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with Washington County Health Authority and Oregon Department of Environmental Quality.

C. Residential Structures

1. All residential structures shall have the lowest floor, including basement, elevated to at least one and one-half feet above the base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are not permitted unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered engineer or architect, or must meet or exceed the following minimum criteria:

    a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

    b. The bottom of all openings shall be no higher than one foot above grade.

    c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.

3. Shall be constructed with materials resistant to flood damage.

D. Non-Residential Construction

1. All commercial, industrial or other non-residential structures shall have either the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

   a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

   c. Be certified by a Registered Professional Engineer or Architect that the design and methods of construction are in accordance with accepted standards of practice for meeting all provisions of this Section. A record of such certificates shall be maintained by the Floodplain Administrator in accordance with Section 16.134.040.A.

   d. Nonresidential structures that are elevated and not flood proofed must meet the same standards for space below the lowest floor as per Section 16.134.090.C.2.

E. Manufactured Dwellings

1. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with paragraph C.2 of this section;

2. The bottom of the longitudinal chassis frame beam in A zones (excluding coastal A zones), shall be at or above BFE;

3. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;

4. Electrical crossover connections shall be a minimum of 12 inches above BFE.

F. Recreational Vehicles

Except where prohibited under Section 16.134.070.G Recreational vehicles placed on sites are required to:

1. Be on the site for fewer than 180 consecutive days, and

2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the requirements of paragraph E of this section and the elevation and anchoring requirements for manufactured dwellings.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

## 16.134.100 Additional Requirements

A. Dimensional standards or developments in the FP zone are the same as in the underlying zoning district, except as provided in Section 16.134.100.

B. Approval of a site plan pursuant to Chapter 16.90 that includes portions of the FP overlay may be conditioned by the City to protect the best interests of the surrounding area or the community as a whole, and to carry out the terms of the Comprehensive Plan. These conditions may include, but are not limited to:

1. Increasing the required lot sizes, yard dimensions, modifying street widths, or off-street parking spaces.
2. Limiting the height, size, or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Limiting the number, size, location, or lighting of signs.
5. Requiring diking, fencing, screening, landscaping, or other facilities to protect the proposed development, or any adjacent or nearby property.
6. Designating sites for open space or water retention purposes.
7. Construction, implementation, and maintenance of special drainage facilities and activities.

C. FEMA Notification.

1. Notify FEMA within six months of project completion when a conditional letter of map revision (CLOMR) has been obtained from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified base flood elevations. This notification shall be provided as a letter of map revision (LOMR).
2. The applicant is responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.
3. The floodplain administrator is under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this Code and all applicable state and federal laws.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

## ~~Chapter 16.136 PROCEDURES*~~

~~Sections:~~

### ~~16.136.010 Applicability~~

~~The standards of this Chapter, and applicable portions of Chapter 5 of the Community Development Plan, shall apply to any new uses or changes to existing uses in commercial, industrial and institutional zones, except as per Section 16.136.050.~~

~~(Ord. 91-922, § 3)~~

### ~~16.136.020 Conformance~~

~~Conformance with the standards of this Chapter shall, at a minimum, be certified in writing by a professional engineer and submitted with the application for site plan review required by Chapter 16.90, except as per Section 16.136.050. The written certification shall include:~~

A. Statement certifying that the proposed commercial, industrial or institutional use, if properly managed and operated, will comply with City environmental performance standards, and citing evidence supporting the certification.

B. Copies of any applicable State permits or recent test results, if available, which would indicate compliance with City environmental performance standards.

(Ord. 91-922, § 3)

### 16.136.030 Additional Information

A. Prior to accepting any land use application to which this Chapter applies, the City Manager or his or her his/her designee, may determine that additional expertise in evaluating the application, due to the complexity of its impact on environmental resources, is warranted. Under such circumstances, the City may contract with a professional engineer or other qualified consultant to evaluate and make recommendations on specific application elements relative to City environmental resource standards.

B. Upon the City's determination that additional expertise is needed, the applicant shall deposit a sum equal to the estimated cost, as determined by the City, of such professional services. If the actual cost of such services is more than estimated, the applicant shall be responsible for the difference, provided however, that the applicant's financial responsibilities will not exceed ten percent (10%) of the estimate without prior written authorization. If the cost of such services is less than the estimate, the balance of the deposit shall be returned to the applicant upon final action on their land use application.

(Ord. 91-922, § 3)

### 16.136.040 Referenced Statutes and Rules

The Federal, State or regional statutes and rules cited in this Chapter are made part of this Code by reference. The statutes and rules cited are as current at the time of adoption of this Code. If a referenced statute or rule is amended by Federal, State or regional agencies, this Code must be amended for the new statute or rule to take precedence.

### 16.136.050 Exceptions

The City shall make an initial determination whether a proposed development is subject to any of the standards of this Chapter, or whether the development is exempt. The City Manager or his or her his/her designee is authorized to waive all or some of these standards when a proposed development clearly does not represent a substantial impact on the City's environmental resource standards as per this Chapter. The findings of the City Manager or his or her his/her designee shall be made in writing, and copies shall be forwarded to the applicant and the Commission. The action of the City Manager or his or her his/her designee may be appealed as per Chapter 16.76.

(Ord. 91-922, § 3)

## *Chapter 16.136~~8~~ MINERAL RESOURCES**

**Sections:**

## 16.1368.010 Permitted Activities

Mineral extraction and processing, including sand and gravel pits, rock crushers, concrete and asphalt mixing plants, are permitted in the GI zone as conditional uses, subject to Chapter 16.82, and the following special conditions.

(Ord. 91-922, § 3)

## 16.1368.020 Special Conditions

The following special conditions apply to mineral extraction and processing activities:

A. The applicant shall provide a plan for the land from which the sand and gravel will be excavated showing contours on at least five (5) foot intervals, and all improvements on the land and within three-hundred (300) feet of the property.

B. Mineral extraction and processing shall not be permitted closer than thirty (30) feet to the boundary of adjacent property, nor closer than three-hundred (300) feet to any existing residence, unless the owner or owners of such adjacent property sign a written consent to a lesser distance, and the Commission approves such lesser distance. The Commission may set greater separations as warranted by specific site conditions.

C. The Commission shall specify depth, degree of bank slopes and the distance from any public structures, for all excavations made in or near stream beds. The Commission shall determine setbacks from public rights-of-way when excavations are near such rights-of-way.

D. Sand and gravel shall be excavated in such a manner so as to leave an average of two (2) feet, or more if specified by the Commission, of undisturbed material over the entire excavation tract. Excavations shall be conducted so that excavated areas will not collect and retain stagnant water.

E. After dry pit sand and gravel excavations have been completed, the operator shall evenly spread excess waste materials over the bottom of the pit, and then shall evenly spread topsoil to a minimum depth of one and one-half (1-½) feet, unless evidence is produced that the land excavated had less than one and one-half (1-½) feet of topsoil prior to commencement of operations.

F. Haulage roads within the excavation tract shall be maintained in a reasonably dust-free condition. Hours of operation, unless otherwise specified by the Commission, shall be from 6:00 AM to 7:00 PM.

G. Rock crushers, concrete and asphalt mixing plants may be permitted, providing that the crushers and plants are accessory to the sand and gravel operations and primarily use materials excavated on-site.

H. The operator shall post security in a form acceptable to the City in a sum equal to the number of acres within the excavation tract, multiplied by five-hundred dollars ($500.00), to ensure full compliance with all of the terms and regulations pertaining to the extraction and processing of sand and gravel. The minimum amount of such bond shall be two-thousand, five-hundred dollars ($2,500.00) and the maximum amount twenty-five thousand dollars ($25,000.00).

I. The operator shall furnish evidence of liability insurance of not less than fifty-thousand dollars ($50,000.00) for any negligent act or omission in the operation or maintenance of sand and gravel pit, and the extraction and production of sand and gravel, and all activities connected with, or incidental thereto.

J. Prior to ~~Commission~~ action on a conditional use permit, the action shall be advertised as a Type III application per Chapter 16.72 ~~and the property shall be posted as to the proposed use for a period of fifteen (15) days. This posting shall consist of a sign or signs, the number of which shall be determined~~

~~by the City, three (3) feet by four (4) feet, posted in conspicuous locations visible from public rights-of-way.~~

# *Chapter 16.13~~40~~ SOLID WASTE**

**Sections:**

## 16.13~~40~~.010 Solid Waste Facilities

Solid waste facilities are defined in 16.10.020 of this Code and are permitted in the General Industrial (GI) and Light Industrial (LI) zones as described in those sections of the Code. Permitted solid waste facilities are subject to the review procedures, site improvements and other standards of this Chapter.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 93-966, § 3)

## 16.13~~40~~.020 Solid Waste Incinerators

The operation of solid waste incinerators for any commercial, industrial, or institutional purpose is prohibited in the City. For the purposes of this section, solid waste is defined as per ORS 459.005(24), and includes infectious wastes as per ORS 459.386(4). Provided said incineration or burning is otherwise properly permitted, this prohibition shall not apply to furnaces, incinerators, or stoves burning wood or wood-based products, petroleum products, natural gas, or to other fuels or materials not defined as solid waste, to yard debris burning, or to small-scale specialized incinerators utilizing solid waste produced as a by-product on-site and used only for energy recovery purposes. Said small-scale specialized incinerators must be integral to and part of, but clearly ancillary secondary and incidental to, a permitted or conditionally permitted use in the City, and cannot utilize infectious wastes or any fuels derived from infectious wastes. This prohibition shall not apply to solid waste incinerators lawfully permitted to operate prior to September 5, 1990, but shall apply to any expansion, alteration, or modification of such a use or any applicable permits.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3)

## 16.13~~40~~.030 Accessory Use Solid Waste Facilities

A. The following solid waste facilities are permitted, subject to the applicable regulations of the zone, as an accessory use to a permitted or conditional use without being subject to the conditional use review:

   1. Household hazardous waste depot, provided the facility is accessory to a public facility or to a use in an industrial zone.

   2. Small scale specialized incinerator, provided the facility complies with Section 16.140.020 and does not accept more than two-hundred twenty (220) pounds per day of waste from off-site.

   3. Recycling drop boxes, provided they also comply with Section 16.140.090.E.5.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 93-966, § 3; 91-922)

## 16.13~~40~~.040 Multiple Purpose Solid Waste Facility

A solid waste facility may include more than one kind of facility as defined in Section 16.10.020, Definitions. Any application that includes more than one kind of facility is permitted in a given zone only if all of the uses

proposed in the facility are permitted in that zone. If any of the uses proposed are allowed only as a conditional use in the zone, then all of the uses proposed shall be considered conditional uses.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 93-966, § 3; 91-922)

## 16.13840.050 Temporary Solid Waste Facility

A. The following solid waste facilities may be approved as a temporary use in any zone without being subject to conditional use review if the use operates not more than three (3) days per calendar month, subject only to the dimensional requirements of the underlying zone (e.g., setbacks and height), and the applicable provisions of Section 16.13840.090, Site Improvements and the appropriate requirements of Sections 16.140.060 through 16.13840.080:

1. Household hazardous waste.
2. Resource Recovery Facility.
3. Yard debris depot.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 93-966, § 3; 91-922)

## 16.13840.060 Application Contents

A. In addition to submitting land use application forms provided by the City of Sherwood, and in accordance with other sections of this Code, the applicant shall describe at least the following features of the proposed facility:

1. Capacity and project life.
2. The population or industries to be served.
3. The amount of solid waste that is expected to be accommodated at the facility from the population or industries to be served, including maximum daily and monthly amounts and average annual volume and weight of waste to be received.
4. For a landfill, planned future uses of the site after closure.
5. The quantity of each type of waste stream projected to be accommodated at the facility. Examples of waste streams include domestic waste, commercial and institutional waste, industrial waste, construction and demolition waste, agricultural waste, sewage sludge, and contaminated clean-up materials.
6. The operating characteristics of the facility, including equipment used, hours of operation, and volume, distribution, and type of traffic associated with the use and a traffic study, if required by Section 16.13840.090 of this Code.
7. The kind or kinds of facility or facilities proposed based on the solid waste facility definitions in Section 16.10.020, Definitions.

B. The applicant shall submit the following information as part of the application, unless the City Manager or his or her designee ~~Planning Director~~ finds that, given the scale and nature of the facility, a requested item will not materially aid the approval authority in reviewing the proposal, and the item is not otherwise required to be submitted under this Code.

1. A written description of the location of the site with respect to known or easily identifiable landmarks and access routes to and from the area the facility will serve.

2. A legal description of the tract or tracts to be used for the facility.

3. Except for an accessory facility, a map or maps showing the location of the site, existing and approved land uses within a minimum two-hundred fifty (250) foot radius of the boundary of the site inside the regional urban growth boundary or within a minimum five-hundred (500) foot radius of the site outside the regional urban growth boundary; public water supply wells, surface waters, access roads within that radius; historic sites, areas of significant environmental concern or resources, or significant environmental features identified in the Community Development Plan, Part 2, within the applicable radius; other existing or approved manmade or natural features relating to the facility; and a north arrow, bar scale, and drawing table.

4. Except for an accessory use or temporary facility, an aerial photograph of the site and the area within the relevant radius with the boundary of the site outlined.

5. Except for an accessory or temporary facility, a map or maps showing the existing topography of the site with contour intervals not to exceed two (2) feet if slopes are less than five percent (5%), not to exceed five (5) feet if slopes are more than five percent (5%), and not to exceed ten (10) feet if slopes are more than twenty percent (20%); natural features of the site including water bodies wetlands; the boundary of the one-hundred (100) year floodplain based on Federal Emergency Management Agency data; public easements of record; manmade features including buildings, utilities, fences, roads, parking areas, and drainage features; boundaries of existing waste disposal areas and soil borrow areas, if any; locations of borings, piezometers, monitoring wells, test pits, water supply wells, and facility monitoring or sampling points and devices; a benchmark; and a north arrow, bar scale, and drawing date.

6. For a landfill, data regarding average and monthly precipitation and evaporation and prevailing wind direction and velocity, based on data from the National Oceanic and Atmospheric Administration or other federal or state agency, or from on-site measurements.

7. For a landfill, information regarding minimum, maximum, and average annual flow rates and monthly variations of streams on the site, based on stream gauging data collected by the U.S. Geological Service or other federal or state agency supplemented with reliable site specific data as available.

8. A map or maps showing and describing the type and size of existing vegetation on the site, and identifying vegetation to be removed and retained.

9. A grading plan showing site elevations when grading is completed, including any modifications to drainage channels and any required retaining walls or other means of retaining cuts or fills.

10. A site plan showing proposed structures, signs, parking, outdoor storage, landscaping, berms, fencing, and other features of the facility.

11. Responses to the applicable standards of Section 16.13840.090 of this Code.

12. If other local, state or federal permits are required for construction and operation of the proposed facility:

    a. The applicant shall submit a copy of such permit(s); or

    b. The applicant shall submit:

        (1) A schedule for submitting the required permits; a description of the requirements of the laws and regulations applicable to such other local, state or federal permits; a summary of how the applicant proposes to comply with the requirements; a list of which regulations require local land use approval; and a list of potentially conflicting local, state or federal standards; and

(2) A copy of any application filed for another local, state or federal permit for the proposed facility within ten (10) working days after it is filed with the local, state or federal agency; and

c. A copy of any written correspondence or published notice from the local, state or federal agency regarding that application within ten (10) working days after the applicant receives that correspondence or notice from the local, state or federal agency.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 93-966, § 3; 91-922)

## 16.13840.070 Review Procedures and Burden of Proof

A. Before accepting an application as complete, the ~~Planning Director~~City Manager or his/her designee may decide additional expertise is warranted to evaluate it due to exceptional circumstances, the complexity of the proposed facility, or its potential impacts. The City Manager or his/her designe ~~Planning Director~~ may hire a professional engineer with the necessary expertise to make a written evaluation of the specific application elements required pursuant to this Code.

1. The written evaluations shall be available no later than thirty (30) days after the applicant submits a deposit to pay for the work. Within ten (10) days after the written evaluation is available, the ~~Planning Director~~City Manager or his/her designee shall determine whether the application is complete and advise the applicant in writing accordingly, listing any additional information required to make the application complete.

2. The City Manager or his/her dei~~Planning Director~~ shall draft a work program and estimate the cost of hiring a professional engineer with the necessary expertise for the written evaluation and shall advise the applicant of that cost, which shall not exceed ten (10) times the application fee (or other reasonable limit) unless approved by the applicant. The applicant shall deposit a sum equal to the estimated cost of such services before the application is deemed complete. If the cost of such services is less than estimated, the City shall refund any excess to the applicant. If the cost of such services is more than estimated, the City shall bill the applicant for such additional cost; provided the cost of such services shall not exceed one-hundred ten percent (110%) of the estimated cost unless the applicant or the City agrees in writing to assume such additional cost.

3. The provision does not authorize the City to collect money from an applicant for independent evaluation of on-going operations or performance review of a facility. A fee may be required pursuant to Section 16.13840.080F before renewal, but not at the time of application or approval.

B. An application for a solid waste facility under this Code is complete if any written evaluation required under this Section has been completed, and if:

1. The application includes substantial evidence that the proposed facility will comply with the applicable development standards in Section 16.13840.090 or conditions that may be necessary to ensure compliance; or

2. The application includes substantial evidence that the proposed facility is likely to comply with the applicable development standards in Section 16.140.090, identifies any necessary evidence not yet submitted, and provides a reasonable schedule for its submission.

3. The application includes information required to be submitted under Section 16.140.060 of this Code, except to the extent waived by the ~~Planning Director~~City Manager or his/her designee.

C. The City shall provide public notice and an opportunity for submission of written information and/or for a public hearing to consider compliance within the terms of this Code.

D. An applicant for a solid waste facility bears the burden of proving that a facility complies with this Code. The following presumptions and procedures apply when evaluating compliance with the burden of proof:

1. An applicant is rebuttably presumed to have met the burden of proof if the application includes substantial evidence that the facility will comply with the standards for establishment of the facility in Section 16.1384~~40~~.090 and conditions proposed by the ~~Planning Director~~City Manager or his/her designee to ensure such compliance.

2. Substantial evidence can be rebutted only by evidence of equal or greater probative value. For instance, testimony from a professional engineer about a given subject in which an engineer has expertise may be rebutted only by testimony or evidence from another professional engineer or a person similarly qualified about that subject. Testimony from an expert witness regarding matters relevant to the expertise of the witness cannot be rebutted by testimony from a non-expert witness. This subsection does not limit what may be introduced as testimony; it affects the weight to be accorded that testimony.

3. If evidence of equal probative value is offered that a given facility does and does not comply with a given standard or that a proposed condition is or is not adequate to ensure compliance, the approval authority shall weight the evidence, identify which evidence it accepts as the basis for its decision, and explain why that evidence is accepted and why contrary evidence is rejected.

4. The approval authority shall issue all necessary land use compatibility statements to the applicant or to applicable local, state, or federal agencies, and a final decision with appropriate findings, conclusions and conditions of approval if, after the appropriate review process, it finds there is substantial evidence that the facility complies with all applicable provisions of this Code and City laws incorporated by reference, subject to appropriate conditions, and that such evidence was not effectively rebutted and does not need to be supplemented.

5. If, after a public hearing (or another initial level of review; for instance, the close of the public record following public notice and an opportunity to file written comments), the approval authority finds that:

   a. There is substantial evidence that the facility complies with some applicable provisions of this Code and such evidence was not rebutted and does not need to be supplemented to resolve disputes.

   b. There is not substantial evidence that the facility complies with one or more applicable provisions of this Code, or evidence necessary for approval was rebutted or requires augmenting to resolve disputes; and

   c. It is likely that the applicant will provide the remaining necessary substantial evidence within six (6) months, the approval authority shall:

      (1) Issue a written final decision approving the proposed facility in concept that, among other things:

         (a) Identifies standards with which the application complies and provide findings and conclusions showing why it complies, based on substantial evidence in the record, and subject to appropriate conditions of approval;

         (b) Identifies evidence the applicant must submit to show the proposed facility complies with other applicable provisions of this Code, imposes a schedule for its submission, and includes any requirements pursuant to subsection A above; and

         (c) Describes how that substantial evidence will be reviewed, including any public notice and hearing requirements.

(2) Issues all necessary land use compatibility statements to the applicant or to applicable local, state or federal agencies.

6. The approval authority shall issue a final decision that denies the application if, after the appropriate review process, it finds that:

a. The record does not contain substantial evidence that the facility complies with all applicable provisions of this Code or could comply given the imposition of conditions, in which case the decision shall identify the section(s) about which the record does not contain substantial evidence; or

b. There is more persuasive and at least equally substantial evidence contrary to evidence that the proposed use complies with applicable standards of this Code or could comply given the imposition of conditions, in which case the decision shall identify the provisions for which evidence against the facility overwhelmed the evidence in favor, and

c. The applicant declines to supplement the record regarding standards identified pursuant to subsections D and 6a and 6b above, or it is not likely that substantial evidence necessary to address standards identified pursuant to subsections D and 6a and 6b above will be available within six (6) months after the date of the decision.

(Ord. 93-966, § 3; 91-922)

## 16.13840.080 Conditions of Approval and Enforcement

A. The approval authority may approve an application for a facility subject to conditions of approval. Conditions of approval shall be reasonably related to impacts of the facility, the requirements of this Code and provisions incorporated herein. In no instance may an approval authority impose as a condition of approval a requirement that a facility be publicly or privately owned. All facilities approved pursuant to this Code shall be subject to a condition requiring that landscaping, air and water quality structures and devices, signs, structures, paved areas, and other features of the facility be maintained in good condition, and that such features be replaced if they fail to survive or are rendered ineffective over time.

B. Conditions of approval may require an applicant to submit a written statement or permit from state or federal agencies responsible for administering a regulation to which the proposed facility is subject, if the record does not contain such a statement or permit.

1. Such a condition may fulfill provisions of Code Sections relating to Noise, Odors, Ground and Surface Water, Air Quality and Treatment and Storage that the facility comply with state or federal regulations, subject to a further condition that the applicant submit a written statement or permit showing the proposed facility complies with the applicable state or federal regulation before a building permit is issued for the facility; and

2. Such a condition shall require appropriate review and allow modification of the decision and conditions of approval regarding the application if a state or federal permit substantially changes a proposed facility from what was approved by the City in ways relevant to applicable provisions of Section 16.13840.090.

C. All facilities approved pursuant to this Code shall comply with applicable state and federal regulations as a condition of approval. Approval of a facility pursuant to this Code does not preclude imposition of more stringent state or federal regulations adopted after the effective date of this Code.

D. Any facility that is required to obtain a franchise or license from the Metropolitan Service District (Metro) shall obtain the franchise or license and provide a copy of it to the City before a building permit is issued for the facility.

E. The City shall enforce the conditions of approval pursuant to Section 16.02.040, Violations. If Metro issues a franchise or license for the facility, the City shall send to Metro a copy of any written correspondence or notices City sends to the applicant regarding enforcement of conditions of approval. Metro may remedy violations of conditions of approval regarding the facility and charge the franchisee or licensee for the cost of such remedial action unless provided otherwise in the franchise or license.

F. The City may periodically conduct a performance review of an approved facility to determine whether it continues to comply with the criteria and standards then applicable and to modify conditions of approval that apply to the facility so that it continues to comply. The approval authority shall specify the time for any performance review. The City may impose a fee for performance review.

(Ord. 93-966, § 3; 91-922)

## 16.13~~840~~.090 Site Improvement

A. Setbacks, Landscaping and Site Design Impacts:

1. The facility shall comply with the setback requirements and height limits of the underlying zone. However, if the facility adjoins a commercial zone, the minimum setback shall be one-hundred (100) feet, and if the facility adjoins a residential or open space zone, the minimum setback shall be two-hundred (200) feet.

2. Structures, exterior storage and processing areas, and vehicle maneuvering and parking are prohibited in setbacks required pursuant to subsection A1 above, except that:

   a. The approval authority may reduce the required setback if it finds that a lesser setback will not adversely affect the privacy, use, or visual character of existing uses on adjoining land, based on the scale and design of the use or structure(s), landscaping and buffers, or on the topography, vegetation, or other natural features of the site.

   b. Minor building features such as eaves, chimneys, fire escapes, bay windows, uncovered stairs, wheelchair ramps, and uncovered decks no more than three (3) feet above grade may extend up to twenty percent (20%) into a required setback.

   c. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps may extend into a required setback, except adjoining or across a street from an abutting residential zone.

   d. Fences, walls, berms, landscaping, access drives, and an entry sign(s) are permitted in the setback; and

   e. Notwithstanding the preceding, structures shall be situated so they comply with the Uniform Building Code, State of Oregon Structural Specialty Code, as adopted in Oregon.

3. Exterior building surfaces shall be finished. Metal used on the exterior of the building shall be anodized or painted; galvanized or coated steel shall not be left unpainted.

4. Buildings with walls containing more than twenty-five hundred (2,500) square feet above grade shall incorporate fascias, canopies, arcades, or multiple colors or building materials to break up large wall surfaces visually into areas of one-thousand (1,000) square feet or less, unless it would be contrary to the purpose of the wall, such as for retaining earth or for structural support.

5. Attached mechanical structures and roof-mounted equipment shall be screened from ground-level view at adjoining public streets and property zoned residential or open space. Screening may include landscaping, sight obscuring fencing or other features.

6. The facility shall not cause glare or lights to shine off-site in excess of one-half (0.5) footcandle onto non-industrial zoned land, based on a written statement certified by a professional engineer.

7. Structures shall not obstruct scenic views or vistas identified in the Community Development Plan, Part 2, although structures may be visible from off-site.

8. Major activity areas of the site, such as loading and delivery areas, shall be oriented away from adjoining land zoned for residential or open space uses.

9. At least twenty percent (20%) of the facility site shall be landscaped with living vegetation in an appropriate medium, such as yard debris compost. Landscaped areas shall have a permanent irrigation system equipped with automatic controls. Where landscaping is situated in required setbacks or adjoins buildings and other structures, it shall include evergreen species at least six (6) feet above grade at planting and situated not farther apart than the radius of the crown of a mature specimen. The approval authority may waive or reduce the level of landscaping where necessary to allow sight distance for vehicular traffic, to enable views of signs or other features of the facility that should be visible to enhance the function of the facility, or to protect solar access to adjoining property. The approval authority may require larger or more numerous trees where necessary to reduce the potential adverse visual effects of a facility. Existing significant vegetation shall be retained, where feasible, and may substitute for other required vegetation. Landscaping in setbacks and parking lots counts toward the twenty percent (20%).

B. Historic Resource Impacts

The facility shall not adversely affect historic resources listed in Division IX of this code ~~the Community Development Plan, Part 2~~ (or inventory of historic resources adopted by the City). A facility complies with this standard if the site and adjoining land do not contain an identified historic resource and are not in an historic district. If the site or adjoining land contains such a resource, then the applicant shall show the facility design preserves the historic resource character.

C. Operating Impacts

1. Exterior activities are prohibited between 10:00 PM and 7:00 AM daily, except that vehicles may continue to enter and exit the site and maintenance may be conducted at all hours if they do not violate applicable provisions of Chapters 16.144~~2~~, Noise, 16.146~~4~~, Vibration, and subsections A6, A8 and I2 of this Section during any hours.

2. For a solid waste transfer station, most solid waste may be stored in an open pit or floor inside a building for up to twenty-four (24) hours or in a sealed container on the site for up to seventy-two (72) hours. Separated recycled materials may be stored on the site for up to thirty (30) days in unsealed containers.

D. Signage Impacts

1. Signs shall comply with sign regulations of Chapter 16.102, except as provided herein.

2. If the facility is open to the public, the applicant shall provide a sign(s) at each public entrance to the facility that is clearly legible and visible from the adjoining public road. The sign shall identify the name of the facility, the name and telephone number of the operator, and hours of operation of the facility. The entry sign(s) may be up to thirty-two (32) square feet per side and up to ten (10) feet above grade, unless the zone allows larger signs. Directional information to orient drivers shall be included on the entry sign(s) or on interior signs.

3. A sign(s) describing recommended access routes to the facility, materials accepted, instructions for correct preparation of accepted materials, recycling services, and fees for disposing materials shall be posted at the facility. Signs interior to the site shall be coordinated and consistent in appearance.

4. Signs that use recycled materials, including recycled plastic, are encouraged. Sign quality and appearance shall be appropriate to the character of the area, as determined by the approval authority.

E. Outdoor Storage Impacts

1. No mixed solid waste or recovered material shall be stored outside in unsealed containers, except;

   a. In a landfill or composting facility approved for that purpose.

   b. Solid waste or recovered material that is inert; or

   c. As otherwise allowed in subsection E of this Section. In all circumstances, outdoor storage of hazardous waste is prohibited.

2. Source-separated materials other than yard debris and wood waste shall be stored in containers in an area enclosed on at least three (3) sides and roofed except that in a rural zone, such material shall be enclosed on any side visible from adjoining public or private property and roofed.

3. Wood waste, yard debris, and solid waste in sealed containers may be stored outdoors if it complies with the applicable dimensional and design standards. Yard debris shall be removed from the site on at least a weekly basis.

4. Storage areas larger than two (2) cubic yards for recovered materials shall be enclosed.

5. Drop boxes for recyclable materials on the site of a solid waste facility shall be painted and maintained in good repair, situated on a paved surface and emptied before collected items exceed the height of the box or within five (5) days of becoming full. The applicant shall post a notice on any recycling drop box, stating that only domestic recyclable or reusable materials, such as paper, cardboard, glass, tin, aluminum, plastic and clothing are permitted. The notice shall also state that yard debris, appliances, or other large items that may be repairable, recyclable or reusable are prohibited, unless the box is designed for that purpose. The name and telephone number of the operator shall also be posted on the box.

6. Outdoor storage areas shall not be visible when viewed from a height of five (5) feet at the edge of the property, except as provided above. A facility complies with this standard when outdoor storage is enclosed within a sight obscuring fence, wall, berm, or landscaping at least six (6) feet high, but not more than ten (10) feet high. A wood fence is sight obscuring when attached vertical or horizontal fence boards are separated by not more than one-fourth (¼) inch. A metal fence consisting of chain link or woven fabric is sight obscuring when water and insect resistant wood or plastic slats are inserted in the fence material so they are separated by not more than three-eighths (⅜) inch. Landscaping is sight obscuring when it includes evergreen material at least six (6) feet high and not more than two (2) feet on center at planting.

F. Litter Impacts

1. For purposes of litter control, an area described as the "Primary Impact Area" shall be established around the proposed facility. The Primary Impact Area is the area within which litter and illegally dumped solid waste is presumed to be a result of the presence of a solid waste facility. Illegally dumped waste consists of solid waste in excess of two (2) cubic yards at a given location and litter includes lesser amounts of solid waste at a given location.

2. The Primary Impact Area shall extend at least one-half (½) mile from the facility boundary along primary routes to the facility, as identified in the traffic study. The approval authority may expand the Primary Impact Area based on specific conditions or if otherwise warranted based on annual review of illegal dumping and litter patterns in the area.

3. Except as specified in Subsection 5 of this Section, the applicant shall submit to the City a plan to eliminate litter in the Primary Impact Area. The plan shall include at least the following:

a. A proposed delineation of the Primary Impact Area.

b. Appropriate gates, signs and other traffic control devices to direct traffic to the facility along approved routes that, to the extent possible, avoid public parks, residential and retail districts and major public attractions.

c. Establishment of a patrol to remove litter along designated routes within the Primary Impact Area on a schedule that, in the opinion of the approval authority, is sufficient to prevent accumulation of litter.

d. Provisions for the removal of illegally dumped waste within the primary impact area within twenty-four (24) hours of discovery.

e. Provisions to make available written information that describes access routes to the facility, fees for wastes permitted at the facility, surcharges for delivery of uncovered loads, if appropriate, and recycling incentives; and

f. For a landfill, a description of measures to be used to minimize blowing of litter from the site, such as periodic application of cover material, spraying with liquid, or use of portable fencing.

4. The facility operator shall be responsible for the cost of collecting, removing and disposing of litter and illegally dumped waste within the Primary Impact Area. In addition, the operator shall take reasonable measures to assist the City in identifying sources of illegal waste. If the City identifies a source of illegal waste, the City may take measures to reimburse the operator for the cost of collection and proper disposal of the waste.

5. The requirements of this subsection shall not apply to a facility that is not open to the public and receives waste only in sealed containers, or to any facility involved exclusively in recycling.

G. Vector Control Impacts

For any facility where solid waste could sustain or attract rodents or insects, because of the solid waste in question or the environmental characteristics of the site, the applicant shall submit and implement a plan to reduce the potential for rodent and insect propagation using methods designed to minimize nuisance conditions and health hazards.

H. Traffic Circulation and Access

1. Access requirements for a facility shall be based on the number and type of vehicle trips generated by the facility. The number of trips generated per day shall be based on the most recent version of the Trip Generation Manual of the Institute of Traffic Engineers, except that the applicant may submit a trip generation study certified by a professional traffic engineer of other similar facilities as the basis for trip generation by the proposed facility. If a proposed facility is not listed in the Trip Generation Manual and a trip generation study of other similar facilities is not available, then the number and type of vehicle trips generated by the proposed facility shall be based on the figures for the use most similar to the proposed facility for which the Trip Generation Manual contains data.

2. The applicant shall identify designated routes for vehicular traffic generated by the proposed facility and shall provide written information to facility users describing and promoting use of those routes. Designated routes shall be selected to minimize traffic on non-arterial streets and shall not include streets in residential zones if nonresidential streets provide access.

3. For a facility that generates more than two-hundred (200) vehicle trips per day, the applicant shall submit a traffic study by a professional engineer that shows the facility will not cause traffic volumes that exceed the capacity of the street based on the capacity assumptions of the Transportation Master Plan of the City, or that cause any intersection affected by that traffic to have a Level of Service E. If the proposed facility will cause street capacity to be exceeded or create a Level of Service E at any

intersection, the applicant shall propose street modifications acceptable to the City to meet the requirements of this subsection. Unless otherwise provided by agreement with the City, all expenses related to street improvements necessitated by the proposed facility shall be borne by the applicant.

4. A facility in an urban zone shall provide for a deceleration/turn lane at proposed access points to separate facility-bound traffic from other traffic if deemed warranted by the traffic study required in subsection H.3 of this Section. The lane shall accommodate at least two (2) stacked vehicles and shall taper at a ratio of not less than twenty-five in one (25:1) to match the standard roadway width.

I. Odor Impacts

1. The applicant shall demonstrate that the facility meets the requirements of Chapter 16.152, and:

   a. Will incorporate the best practicable design and operating measures to reduce the potentials or odors detectable off-site from such things as waste stored or being processed on site, spillage of waste, venting of dust, residual amounts of waste in operating areas of the site, and vehicle odors in stacking, maneuvering and staging areas; and

   b. Will not cause unusual or annoying odors, considering the density of the surrounding population, the duration of the emissions, and other factors relevant to the impact of such emissions.

2. Open burning of solid waste will not be allowed unless:

   a. Open burning is consistent with standards of the DEQ; or

   b. The facility is outside the area where open burning is banned, and a permit is not required by DEQ.

J. Ground and Surface Water Impacts

1. The applicant shall demonstrate that the facility will:

   a. Collect all waste water from production, washing down of equipment and vehicles, and similar activities and discharge the water to a public sanitary sewer if:

      (1) The sewer adjoins or can be extended to the site based on applicable rules of the sewer service provider, and

      (2) The sewer has the capacity to accommodate waste water from the facility as determined by the sewer service provider or by a professional civil engineer; or

   b. Incorporate an alternative sanitary waste disposal method that is or will be approved by DEQ; or

   c. Incorporate an alternative waste disposal method that is consistent with applicable water quality standards and will not cause drinking water supplies to violate applicable water quality standards; or

   d. Not generate waste water, and will divert and/or contain storm water so that it does not enter solid waste on the site.

2. Prior to construction of the facility, the applicant shall obtain all required permits relating to discharges of waste water and storm water from the facility. The operator of the facility shall comply with all directives of state and federal agencies related to protection of ground and surface water resources potentially affected by the facility.

3. At the request of the approval authority, the applicant shall submit to the approval authority copies of any groundwater self-monitoring programs and analyses of potential surface and groundwater impacts related to the facility that are required to be submitted to the DEQ.

4. At the request of the approval authority, an applicant for a landfill, mixed waste compost facility, wood waste recycling facility, yard debris depot or processing facility shall submit copies of its leachate collection and treatment plan and program prepared by a professional civil engineer for submittal to the DEQ, if one has been required by the DEQ.

5. An applicant for a household hazardous waste depot, hazardous waste treatment and storage facility, material recovery facility, solid waste depot or transfer station shall submit and implement a plan and program prepared by a professional civil engineer to collect, pre-treat and dispose waste water from the floor or operating area of such facility and to prevent surface water from mixing with solid waste spills.

6. The applicant shall submit and implement a plan prepared by a professional civil engineer to reduce the amount of waste water caused by hosing down equipment, tipping areas, platforms and other facility features, such as by using high pressure/low flow washing systems, compressed air or vacuum equipment for cleaning.

7. The applicant shall submit and implement a plan prepared by a professional civil engineer or landscape architect to collect storm water from all impervious areas of the site and to properly manage storm water. The applicant shall comply with state and federal regulations governing storm water discharges, and obtain required storm water discharge permits in a timely fashion. To the extent consistent with a storm water discharge permit issued for the facility, storm water shall be managed in the following manner:

    a. Storm water disposal shall comply with the Storm Drainage Master Plan of the City.

    b. If a storm sewer with adequate capacity is not available, the applicant shall:

        (1) Retain storm water on site; and/or

        (2) Detail storm water on-site and discharge it from the site at no greater rate than before development of the facility; or

        (3) Discharge storm water at full rate to public drainage features, such as a roadside ditch or regional drainage facility, if there is adequate capacity to accommodate it as determined by a professional civil engineer or landscape architect. If discharging water at full rate would exceed the capacity of downstream drainage features, the applicant shall:

            (a) Provide a detention pond or ponds to contain water in excess of the system's capacity; and/or

            (b) Identify improvements to downstream drainage features necessary to accommodate the increased volume or rate of flow without adversely affecting adjoining property and either:

                (i) Provide such improvements before operation of the facility, or

                (ii) Contribute necessary funds to the City and USA so that the City and USA can undertake such improvements.

            (c) If off-site improvements are required to accommodate storm water from the site, prior to issuance of a building permit for the facility, the applicant, the City and USA shall execute an agreement to pay back the applicant for the cost of improvements to the extent those improvements exceed the storm drainage needs generated by the facility.

8. Except as otherwise provided by the storm drainage master plan of the City and USA, the collection and disposal system shall be sized to accommodate peak flows from a twenty-five (25) year storm event, based on the flow from the area that includes the site and the basin that drains onto it, assuming

permitted development of that area, as determined by a professional civil engineer or landscape architect.

9. Before storm water is discharged from the site or into the ground, the applicant will direct it through features to remove sediment, grease and oils, and water soluble materials in the water. Such features shall comply with the storm drainage standards of the City and USA.

10. The applicant shall submit and implement a plan prepared by a professional civil engineer or landscape architect to reduce the potential for erosion along natural and constructed drainageways and across slopes during and after construction.

11. For a landfill, the approval authority may require that the applicant submit a copy of its closure plan as prepared for submittal to the DEQ.

K. Methane Gas Impacts

1. The applicant shall submit a statement from a professional engineer that the facility will not generate significant quantities of methane gas emissions; or

2. The applicant shall submit and implement a methane gas control program prepared by a professional engineer that describes how:

   a. The facility will not generate methane gas in excess of twenty-five percent (25%) of the lower explosive limit for methane in facility structures or in excess of the lower explosive limit at the facility boundary;

   b. The gas shall be collected and vented, incinerated, or put to or prepared for a productive use; and

   c. Methane will be measured in structures and at the facility boundary, consistent with applicable DEQ standards.

L. Air Quality Impacts

A facility shall not cause detrimental air quality impacts. A facility complies with this standard if the applicant obtains all required Air Contaminant Discharge Permits and the facility is operated in conformance with Chapter 16.150 and all applicable DEQ air quality standards and requirements.

M. Treatment and Storage Facilities (Hazardous Waste)

The applicant for a proposed treatment and storage facility shall comply with Oregon Administrative Rules Chapter 340, Division 340, Division 120, and any other applicable state or federal law, by obtaining all state and federal permits necessary for operation of the facility.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 93-966, § 3)

# *Chapter 16.140~~2~~ PARKS, TREES AND OPEN SPACES*[1]

## 16.140~~2~~.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 the City's adopted Comprehensive

[1]Editor's note(s)—Ord. No. 2012-003, § 2, adopted May 1, 2012, amended the Code by retitling Ch. 16.142. Formerly, Ch. 16.142 was entitled "Parks and Open Spaces."

Plan~~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).

(Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2006-021; 91-922, § 3)

## 16.14~~02~~.020 Multi-Family Dwelling Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new Multi-Family dwelling residential developments to the following standards:

1. Open Space

   A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.

2. Recreation Facilities

   A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass or otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.

3. Minimum Standards

   Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.

4. Terms of Conveyance

   Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3)

## 16.14~~02~~.030 All 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.

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.

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.

D. The density of a 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.

E. If a proposed residential subdivision contains or is adjacent to a site identified as open space or park and receation area in a Concept Plan or Parks and Recreation Master Plan, ~~"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.

F. If the proposed residential subdivision does not contain or is not adjacent to a site identified as open space or parks and recreation area in a Concept Plan or Parks and Recreation Master Plan, ~~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.

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.

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.*

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2011-009, § 2, 7-19-2011)

## 16.14~~02~~.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.

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.140~~2~~.060, shall be planted in the corridor by the developer. The improvements shall be included in the compliance agreement. In no case shall trees be removed from the required visual corridor.

C. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor.

E. Pacific Highway 99W Visual Corridor

1. Provide a landscape plan for the highway median paralleling the subject frontage. In order to assure continuity, appropriate plant materials and spacing, the plan shall be coordinated with the City Planning Department and ODOT.

2. Provide a visual corridor landscape plan with a variety of trees and shrubs. Fifty percent (50%) of the visual corridor plant materials shall consist of groupings of at least five (5) native evergreen trees a minimum of ten (10) feet in height each, spaced no less than fifty (50) feet apart, if feasible. Deciduous trees shall be a minimum of four (4) inches DBH and twelve (12) feet high, spaced no less than twenty-five (25) feet apart, if feasible.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2009-005, § 2, 6-2-2009; Ord. 2006-021)

Editor's note(s)—Ord. No. 2011-009, § 2, adopted July 19, 2011, amended the Code by adding a new § 16.142.030, and renumbering former §§ 16.142.030—16.142.080 as new §§ 16.142.040—16.142.090.

## 16.140~~2~~.050 Park Reservation

Within a time period not to exceed three (3) years, the City may purchase open space and park and recreation areas in adopted Concept Plans and the Parks and Recreation Master Plan, which have not been dedicated pursuant to Sections 16.140.030 or 16.134.020. An applicant shall make a request to the City's Parks and

Recreation Advisory Board for the purchase of open space and/or park and recreation land. After the request is heard, the City's Parks and Recreation Advisory Board will make a recommendation to City Council. The Sherwood City Council is the final decision-maker.

~~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.~~

(Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 91-922, § 3)

Note(s)—See editor's note, § 16.142.040.

## 16.140~~2~~.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 16.140~~2~~.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.

B. Removal and Replacement of Street Trees.

The removal of a street tree shall be limited and in most cases, necessitated by the tree. A person may remove a street tree as provided in this section. The person removing the tree is responsible for all costs of removal and replacement. Street trees less than five (5) inches DBH can be removed by right by the property owner or ~~his or her~~ his/her assigns, provided that they are replaced. A street tree that is removed must be replaced within six (6) months of the removal date.

1. Criteria for All Street Tree Removal for trees over five (5) inches DBH. No street tree shall be removed unless it can be found that the tree is:

   a. Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or

   b. Obstructing public ways or sight distance so as to cause a safety hazard, or

   c. Interfering with or damaging public or private utilities, or

   d. Defined as a nuisance per City nuisance abatement ordinances.

2. Street trees between five (5) and ten (10) inches DBH may be removed if any of the criteria in 1. above are met and a tree removal permit is obtained.

   a. The Tree Removal Permit Process is a Type I land use decision and shall be approved subject to the following criteria:

      (1) The person requesting removal shall submit a Tree Removal Permit application that identifies the location of the tree, the type of tree to be removed, the proposed replacement and how it qualifies for removal per Section 1. above.

      (2) The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.

      (3) If an objection to the removal is submitted by the City or to the City during the ten (10) calendar day period, an additional evaluation of the tree will be conducted by an arborist to determine whether the tree meets the criteria for street tree removal in Section 1. above. The person requesting the Tree Removal Permit shall be responsible for providing the arborist report and associated costs.

      (4) Upon completion of the additional evaluation substantiating that the tree warrants removal per Section 1. above or if no objections are received within the ten-day period, the tree removal permit shall be approved.

(5) If additional evaluation indicates the tree does not warrant removal, the Tree Removal Permit will be denied.

3. Street trees over ten (10) inches DBH may be removed through a Type I review process subject to the following criteria.

a. The applicant shall provide a letter from a certified arborist identifying:

(1) The tree's condition,

(2) How it warrants removal using the criteria listed in Section 1. above, and identifying any reasonable actions that could be taken to allow the retention of the tree.

b. The applicant shall provide a statement that describes whether and how the applicant sought assistance from the City, HOA or neighbors to address any issues or actions that would enable the tree to be retained.

c. The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.

d. Review of the materials and comments from the public confirm that the tree meets the criteria for removal in Section 1. above.

C. Homeowner's Association Authorization.

The Planning Commission may approve a program for the adoption, administration and enforcement by a homeowners' association (HOA) of regulations for the removal and replacement of street trees within the geographic boundaries of the association.

1. An HOA that seeks to adopt and administer a street tree program must submit an application to the City. The application must contain substantially the following information:

a. The HOA must be current and active. The HOA should meet at least quarterly and the application should include the minutes from official HOA Board meetings for a period not less than eighteen (18) months (six (6) quarters) prior to the date of the application.

b. The application must include proposed spacing standards for street trees that are substantially similar to the spacing standards set forth in 16.14~~02~~.060.A above.

c. The application must include proposed street tree removal and replacement standards that are substantially similar to the standards set forth in 16.14~~02~~.060.B above.

d. The application should include a copy of the HOA bylaws as amended to allow the HOA to exercise authority over street tree removal and replacement, or demonstrate that such an amendment is likely within ninety (90) days of a decision to approve the application.

e. The application should include the signatures of not less than seventy-five (75) percent of the homeowners in the HOA in support of the application.

2. An application for approval of a tree removal and replacement program under this section shall be reviewed by the City through the Type IV land use process. In order to approve the program, the City must determine:

a. The HOA is current and active.

b. The proposed street tree removal and replacement standards are substantially similar to the standards set forth in 16.14~~02~~.060.B above.

c. The proposed street tree spacing standards are substantially similar to the standards set forth in 16.1402.060.A above.

d. The HOA has authority under its bylaws to adopt, administer and enforce the program.

e. The signatures of not less than seventy-five (75) percent of the homeowners in the HOA in support of the application.

3. A decision to approve an application under this section shall include at least the following conditions:

a. Beginning on the first January 1 following approval and on January 1 every two (2) years thereafter, the HOA shall make a report to the city planning department that provides a summary and description of action taken by the HOA under the approved program. Failure to timely submit the report that is not cured within sixty (60) days shall result in the immediate termination of the program.

b. The HOA shall comply with the requirements of Section 12.20 of the Sherwood Municipal Code.

4. The City retains the right to cancel the approved program at any time for failure to substantially comply with the approved standards or otherwise comply with the conditions of approval.

a. If an HOA tree removal program is canceled, future tree removals shall be subject to the provisions of section 16.1402.060.

b. A decision by the City to terminate an approved street tree program shall not affect the validity of any decisions made by the HOA under the approved program that become final prior to the date the program is terminated.

c. If the city amends the spacing standards or the removal and replacement standards in this section (SZCDC 16.1402.060) the City may require that the HOA amend the corresponding standards in the approved street tree program.

5. An approved HOA tree removal and replacement program shall be valid for five (5) years; however the authorization may be extended as approved by the City, through a Type II Land Use Review.

D. Exemption from Replacing Street Trees.

A street tree that was planted in compliance with the Code in effect on the date planted and no longer required by spacing standards of section A.4. above may be removed without replacement provided:

1. Exemption is granted at the time of street tree removal permit or authorized homeowner's association removal per Section 16.1402.060.C. above.

2. The property owner provides a letter from a certified arborist stating that the tree must be removed due to a reason identified in the tree removal criteria listed in Section 16.1402.060.B.1. above, and

3. The letter describes why the tree cannot be replaced without causing continued or additional damage to public or private utilities that could not be prevented through reasonable maintenance.

E. Notwithstanding any other provision in this section, the city manager or the manager's designee may authorize the removal of a street tree in an emergency situation without a tree removal permit when the tree poses an immediate threat to life, property or utilities. A decision to remove a street tree under this section is subject to review only as provided in ORS 34.100.

F. Trees on Private Property Causing Damage.

Any tree, woodland or any other vegetation located on private property, regardless of species or size, that interferes with or damages public streets or utilities, or causes an unwarranted increase in the maintenance costs of same, may be ordered removed or cut by the City Manager or ~~his or her~~ his/her designee. Any order for the

removal or cutting of such trees, woodlands or other vegetation, shall be made and reviewed under the applicable City nuisance abatement ordinances.

G. Penalties. The abuse, destruction, defacing, cutting, removal, mutilation or other misuse of any tree planted on public property or along a public street as per this Section, shall be subject to the penalties defined by Section 16.02.040, and other penalties defined by applicable ordinances and statutes, provided that each tree so abused shall be deemed a separate offense.

(Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 91-922, § 3)

Note(s)—See editor's note, § 16.140~~2~~.040.

## 16.140~~2~~.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.

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.

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.

2. Required Tree Canopy - All Residential Developments subject to Type II—IV land use review.

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 $\pi r^2$ 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.

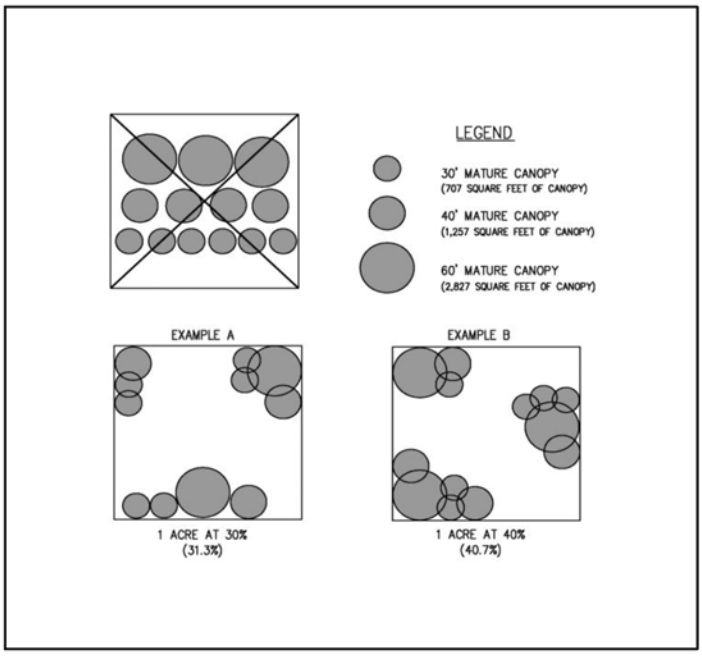
3. Required Tree Canopy - Non-Residential and Multi-Family Dwelling Developments

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation $\pi r^2$ to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping 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 required canopy cover. A certified arborist or other qualified professional shall provide an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

| | Residential (single family detached & duplex developments) subject to Residential Design Checklist or Type I review | Residential (single family detached & duplex developments) subject to Type II-IV review | Old Town & Infill developments | Commercial, Industrial, Institutional Public and Multi-Family dwelling |
|---|---|---|---|---|
| Canopy Requirement | N/A | 40% | N/A | 30% |
| Counted Toward the Canopy Requirement | | | | |

| | | | | |
|---|---|---|---|---|
| Street trees included in canopy requirement | N/A | Yes | N/A | No |
| Landscaping requirements included in canopy requirement | N/A | N/A | N/A | Yes |
| Existing trees onsite | N/A | Yes x2 | N/A | Yes x2 |
| Planting new trees onsite | N/A | Yes | N/A | Yes |
| Mature Canopy in Square Feet Equation πr 2 or (3.14159*radius 2) (This is the calculation to measure the square footage of a circle.<br><br>The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half. | | | | |
| Canopy Calculation Example: Pin Oak<br>Mature canopy = 35'<br><br>(3.14159* $17.5^2$ ) = 962 square feet | | | | |




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.

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.

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.

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.

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).

F. Additional Preservation Incentives

1. General Provisions. To assist in the preservation of trees, the City may apply one or more of the following flexible standards as part of the land use review approval. To the extent that the standards in this section conflict with the standards in other sections of this Title, the standards in this section shall apply except in cases where the City determines there would be an unreasonable risk to public health, safety, or welfare. Flexibility shall be requested by the applicant with justification provided within the tree preservation and protection report as part of the land use review process and is only applicable to trees that are eligible for credit towards the effective tree canopy cover of the site. A separate adjustment application as outlined in Section 16.84.030.A is not required.

2. Flexible Development Standards. The following flexible standards are available to applicants in order to preserve trees on a development site. These standards cannot be combined with any other reductions authorized by this code.

a. Lot size averaging. To preserve existing trees in the development plan for any Land Division under Division VII, lot size may be averaged to allow lots less than the minimum lot size required in the underlying zone as long as the average lot area is not less than that allowed by the underlying zone. No lot area shall be less than 80 percent of the minimum lot size allowed in the zone;

b. Setbacks. The following setback reductions will be allowed for lots preserving existing trees using the criteria in subsection (1) below. The following reductions shall be limited to the minimum reduction necessary to protect the tree.

(1) Reductions allowed:

(a.) Front yard - up to a 25 percent reduction of the dimensional standard for a front yard setback required in the base zone. Setback of garages may not be reduced by this provision.

(b.) Interior setbacks - up to a 40 percent reduction of the dimensional standards for an interior side and/or rear yard setback required in the base zone.

(c.) Perimeter side and rear yard setbacks shall not be reduced through this provision.

c. Approval criteria:

(1.) A demonstration that the reduction requested is the least required to preserve trees; and

(2.) The reduction will result in the preservation of tree canopy on the lot with the modified setbacks; and

(3.) The reduction will not impede adequate emergency access to the site and structure.

3. Sidewalks. Location of a public sidewalk may be flexible in order to preserve existing trees or to plant new large stature street trees. This flexibility may be accomplished through a curb-tight sidewalk or a meandering public sidewalk easement recorded over private property and shall be reviewed on a case by case basis in accordance with the provisions of the Engineering Design Manual, Street and Utility Improvement Standards. For preservation, this flexibility shall be the minimum required to achieve the desired effect. For planting, preference shall be given to retaining the planter strip and separation between the curb and sidewalk wherever practicable. If a preserved tree is to be utilized as a street tree, it must meet the criteria found in the Street Tree section, 16.140~~2~~.060.

4. Adjustments to Commercial and Industrial development Standards. Adjustments to Commercial or Industrial Development standards of up to 20 feet additional building height are permitted provided;

a. At least 50% of a Significant Tree stand's of canopy within a development site (and not also within the sensitive lands or areas that areas dedicated to the City) is preserved;

b. The project arborist or qualified professional certifies the preservation is such that the connectivity and viability of the remaining significant tree stand is maximized;

c. Applicable buffering and screening requirements are met;

d. Any height adjustments comply with state building codes;

e. Significant tree stands are protected through an instrument or action subject to approval by the City Manager or the City manager's designee that demonstrates it will be permanently preserved and managed as such;

(1.) A conservation easement;

(2.) An open space tract;

(3.) A deed restriction; or

(4.) Through dedication and acceptance by the City.

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.

H. Penalties

Violations of this Section shall be subject to the penalties defined by Section 16.02.040, provided that each designated tree or woodland unlawfully removed or cut shall be deemed a separate offense.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2006-021; Ord. 91-922, § 3)

Note(s)—See editor's note, § 16.1402.040.

## 16.1402.080 Trees on Private Property—Not Subject to a Land Use Action

A. Generally

In general, existing mature trees on private property shall be retained unless determined to be a hazard to life or property. For the purposes of this section only, existing mature trees shall be considered any deciduous tree greater than ten (10) inches diameter at the breast height (dbh) or any coniferous tree greater than twenty (20) inches dbh.

B. Residential (Single Family Detached and Duplex) Standards

In the event a property owner determines it necessary to remove existing mature trees on their property that are not a hazard, they may remove the trees as described below;

1. Removal of up to five (5) trees, or up to 10 percent of the number of trees on site, whichever is greater, within a twelve month period. No review or approval required provided that trees are not located within a wetland, floodplain or protected through prior land use review per section 3.b.(1.) - (5.) below, that the planning department is notified in writing 48 hours prior to removing the tree, including the property address, property owner name and contact information, and provided with the type and size of the tree. Failure to notify the Planning Department shall not result in a violation of this code unless it is determined that the tree removal is located within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, or in excess of that permitted outright.
2. Removal of six (6) or more trees, or more than 10 percent of the number of trees on site, whichever is greater, within a twelve month period except as allowed in subsection 1, above.
    a. The applicant shall submit the following;
        (1.) A narrative describing the need to remove the tree(s),
        (2.) A statement describing when and how the Homeowner's Association (HOA) was informed of the proposed tree cutting and their response. If there is not an active HOA, the applicant shall submit as statement indicating that there is not a HOA to contact.
        (3.) A plan showing the location of the tree and

(4.) The applicant shall submit a replacement tree plan. Half of the number of trees removed shall be replaced on site with native trees within six months from the date of removal.

3. The City may determine that, regardless of B.1 through B.2, that certain trees or stands of trees may be required to be retained.

a. If removal is proposed within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, the applicant shall submit documentation from a licensed qualified professional in natural resources management such as a wetland scientist, a botanist, or biologist, discussing the proposed tree removal and how it would or would not compromise the integrity of the resource. It shall also discuss the feasibility and practicality of tree removal relative to policies and standards of the City Comprehensive Plan, listed in section 3.b. below.

b. The basis for such a City decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical relative to other policies and standards of the City Comprehensive Plan, and are:

(1.) 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

(2.) 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

(3.) 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

(4.) Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or

(5.) 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.

C. Non-Residential and Multi-Family Dwelling Standards

In the event a property owner determines it necessary to remove existing mature trees on their property that are not a hazard, they may remove the trees as described below;

1. Trees required by a land use decision after the effective date of this code can be removed. Any trees removed shall be replaced within six months of removing the tree with an appropriate tree for the area.

2. Trees that were not required by land use or planted prior to the effective date of this code can be removed after receiving approval from the City of Sherwood.

a. Removal of up to 25 percent of the trees on site can be removed and replaced through a Type I review process. The applicant shall submit the following;

(1.) A narrative describing the need to remove the trees,

(2.) A plan showing the location of the trees and

(3.) A replacement tree plan. One-half (1/2) of the number of trees removed shall be replaced. The replacement shall take place on site with similar trees within six months from the date of removal.

(4.) Exemption to replacement. If less than one-half (1/2) of the trees removed will be replanted due to site crowding and constraints precluding the healthy growth of additional trees, a report from a qualified professional shall describe the site specific crowding or constraints, and provide a report to the City requesting the exemption in order to be exempt from replacing the removed trees.

b. Removal of more than 25 percent of the trees on site can be removed and replaced through a type II review process. The applicant shall submit the following;

(1.) An arborists report describing the need to remove the trees. The cause for removal must be necessitated by the trees,

(2.) A plan showing the location of the tree and

(3.) A replacement tree plan. Two-thirds of the number of trees removed shall be replaced on site with similar trees within six months from the date of removal.

(4.) Exemption to replacement. If less than one-half (½) of the trees removed will be replanted due to site crowding and constraints precluding the healthy growth of additional trees, a report from a qualified professional shall describe the site specific crowding or constraints, and provide a report to the City requesting the exemption in order to be exempt from replacing the removed trees.

3. The City may determine that, regardless of C.1 through C.2, that certain trees or stands of trees may be required to be retained.

a. The applicant shall submit documentation from a licensed qualified professional in natural resources management such as wetland scientist, botanist or biologist, discussing the proposed tree removal within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, listed in section 3.b. below.

b. The basis for such a City 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:

(1.) 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

(2.) 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

(3.) 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

(4.) Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or

(5.) 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.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010)

Note(s)—See editor's note, § 16.142.040.

## 16.1402.090 Recommended Street Trees

A. Recommended Street Trees:

| Common Name | Botanical Name | Canopy Spread (feet) |
|---|---|---|
| **Acer - Maple** | | |
| Cavalier Norway Maple | Acer platanoides cavalier | |
| Cleveland Norway Maple | p. Cleveland | 30 |
| Cleveland II Norway Maple | p. Cleveland | 25 |
| Columnar Norway Maple | p. columnare | 15 |
| Fairway Sugar Maple (sugar maple) | p. fairway | 40 |
| Olmsted Norway Maple | p. olmsted | 20—25 |
| Roughbark Maple | Acer triflorum | 20 |
| Trident Maple | Acer buergeranum | 20 |
| Rocky Mountain Glow Maple | Acer grandidentatum 'Schmidt' | 15 |
| David's Maple | Acer davidii | 20 |
| Metro Gold Hedge Maple | Acer campestre 'Panacek' | 25 |
| Red Sunset Maple (Old Town) | Acer rubrum red sunset - Red Sunset Maple (Old Town) (Provided that a root barrier is installed) | 25—40 |
| Royal Red Maple | r. royal red | 20—25 |
| Gerling Red Maple | r. gerling | 25—35 |
| Tilford Red Maple | r. tilford | 30 |
| **Carpinus - Hornbeam** | | |
| Pyramidal European Hornbeam | Carpinus betulus pyramidalis | 30—40 |
| Pyramidal European Hornbeam | b. columnaris | 15 |
| Pyramidal European Hornbeam | b. fastigiata | 15—20 |
| Eastern Redbud | Cercic, canadenis - Canadian Red Bud | 10—20 |
| ~~**Fraxinus - Ash**~~ | | |
| ~~Dr. Pirone Ash~~ | ~~augustifolia dr. pirone~~ | ~~35—50~~ |
| ~~Raywood Ash~~ | ~~raywoodi~~ | ~~20~~ |
| ~~Oregon Ash~~ | ~~latifolia~~ | ~~25—40~~ |
| **Ginkgo** | | |
| Autumn Gold | biloba | 25—35 |
| Fairmount | biloba | 15—25 |
| **Gleditsia** | | |
| Honey Locust | triacanthos sunburst | 20—30 |
| **Liquidamber** | | |
| American Sweetgum | styraciflua | 40 |
| **Liriodenrod** | | 30—50 |
| **Magnolia** | | |
| Evergreen Magnolia | grandiflora vars | |
| Southern Magnolia | grandiflora | 40 |
| Dr. Merrill Magnolia | kobus dr. merrill | 15—20 |

| | | |
|---|---|---|
| Edith Bogue Magnolia | Magnolia grandiflora 'Edith Bogue' | 15 |
| **Purnus - Cherry - Plum** | | |
| Double Flowering Cherry | avium plena | 30—40 |
| Scanlon Globe Cherry | avium scanlon | 30—40 |
| Japanese Cherry | serrulata vars (nonweeping) | 15—30 |
| Okame Cherry | okame | 20—30 |
| Blireana Plum | blireana | 20 |
| Pissardi Plum | pissardi | 10 |
| Krauter's Vesuvius Plum | Vesuvius | 15 |
| Amur Chokecherry | maacki | 25—30 |
| Redbark Cherry | serrula | 20—30 |
| European Birdcherry | padus | 35 |
| Bigflowered Birdcherry | grandiflora | 10—20 |
| Rancho Birdcherry | berg | 15—20 |
| Purpleleaf Birdcherry | purpurea | 10—20 |
| Prairifire Crabapple | Malus 'Prairifire' | 20 |
| **Quercus** | | |
| Crimson Spire Oak | Quercus alba x Q. robur 'Crimschmidt' | 15 |
| Pin Oak | palustris | 35 |
| **Tilia - Linden** | | |
| American Linden | americana | 35—40 |
| Little Leaf Linden | cordata | 40 |
| Crimean Linden | euchlora | 20—30 |
| Silver Linden | tomentosa | 40 |
| Bicentennial Linden | bicentennial | 30 |
| Greenspire Linden | greenspire | 20 |
| Salem Linden | salem | 20—30 |
| Chancellor Linden | Tiliacordata 'Chancole' | 20 |

B. Recommended Street Trees under Power Lines:

Acer ginnala — Amur Maple 20' spread

Acer campestre — Hedge Maple 30' spread

Acer palmatum — Japanese Maple 25' spread

Acer griseum — Paperbark Maple 20' spread

Acer circinatum — Vine Maple 25' spread

Amelanchier x grandiflora — Apple Serviceberry 20' spread

Amelanchier Canadensis — Shadblow Serviceberry 20' spread

Cercis Canadensis — Eastern Redbud 25—30' spread

Clerodendrum trichotomum — Glorybower Tree 20' spread

Cornus florida — Flowering Dogwood 20-25' spread

Cornus kousa — Japanese Dogwood 25' spread

Crataegus phaenopyrum — Washington Hawthorn 25' spread

Crataegus x lavellei — Lavelle Hawthorn 20' spread

Fraxinus excelsior globosum — Globe-Headed European Ash 12—15' spread

~~Fraxinus ornus — Flowering Ash 20—30' spread~~

~~Fraxinus oxycarpa aureopolia — Golden Desert Ash 18' spread~~

Koelreuteria paniculata — Goldenrain Tree 10—20' spread

Laburnum x waterii — Golden Chain Tree 15' spread

Malus — Flowering Crabapple 20-25' spread

Prunus — Flowering Cherry 20—25' spread

Pyrus calleryana — Flowering Pear "Cleveland Select" 20' spread

Styrax japonica — Japanese Snowbell 25' spread

Syringa reticulata — Japanese Tree Lilac 20—25' spread

C. Prohibited Street Trees:

Acer, Silver Maple

Acer, Boxelder

Ailanthus, gladulosa - Tree-of-heaven

Betula; common varieties of Birch

Ulmus; common varieties of Elm

Morus; common varieties of Mulberry

Salix; common varieties of willow

Coniferous Evergreen (Fir, Pine, Cedar, etc.)

Populus; common varieties of poplar, cottonwood and aspen

Female Ginkgo

D. Alternative Street Trees: Trees that are similar to those on the recommended street tree list can be proposed provided that they are non-fruit bearing, non-invasive and not listed on the prohibited street tree list. A letter from a certified arborist must be submitted, explaining why the tree is an equivalent or better street tree than the recommended street trees that are identified in this section.

(Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010)

Note(s)—See editor's note, § 16.142.040.

# *Chapter 16.1424 WETLAND, HABITAT AND NATURAL AREAS**

**Sections:**

## 16.1424.010 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.

(Ord. 2006-021; 2001-1119 § 1; 91-922)

## 16.1424.020 Standards

A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:

1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.

a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.

b. Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.

c. A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.

2. If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.

B. The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:

1. The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).

2. The facility will comply with applicable requirements of the zone.

3. The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.

4. The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.

5. Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its

replacement, provided Section 16.140.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.

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:

1. Verifying boundaries of inventoried riparian habitat. Locating habitat and determining its riparian habitat class is a four-step process:

    a. Located the Water Feature that is the basis for identifying riparian habitat.

        1. Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.

        2. Locate all flood areas within 100 feet of the property.

        3. Locate all wetlands within 150 feet of the property based on the Local Wetland Inventory map and on the Metro 2002 Wetland Inventory map (available from the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232). Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers.

    b. Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas or are within 100 feet of flood areas. Vegetative cover status shall be as identified on the Metro Vegetative Cover map. In the event of a discrepancy between the Metro Vegetative Cover map and the existing site conditions, document the actual vegetative cover based on the following definitions along with a 2002 aerial photograph of the property;

        1. Low structure vegetation or open soils — Areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).

        2. Woody vegetation — Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown-closure) located within 300 feet of a surface stream.

        3. Forest canopy — Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.

    c. Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% (using the Clean Water Services Vegetated Corridor methodology); and

    d. Identify the riparian habitat classes applicable to all areas on the property using Table 8-1 below:

| | Development/Vegetation Status |
|---|---|

| Distance in feet from Water Feature | Developed areas not providing vegetative cover | Low structure vegetation or open soils | Woody vegetation (shrub and scatted forest canopy) | Forest Canopy (closed to open forest canopy) |
|---|---|---|---|---|
| Surface Streams | | | | |
| 0-50 | Class II | Class I | Class I | Class I |
| 50-100 | | Class II | Class I | Class I |
| 100-150 | | Class II if slope >25% | Class II if slope >25% | Class II |
| 150-200 | | Class II if slope >25% | Class II if slope >25% | Class II if slope >25% |
| Wetlands (Wetland feature itself is a Class I Riparian Area) | | | | |
| 0-100 | | | Class I | Class I |
| 100-150 | | | | Class II |
| Flood Areas (undeveloped portion of a flood area is a Class I Riparian area) | | | | |
| 0-100 | | | Class II | Class II |

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.

(Ord. 2006-021; 2001-1119, § 1; 91-922)

## 16.1424.030 Exceptions to Standards

In order to protect environmentally sensitive areas that are not also governed by floodplain, wetland and Clean Water Services vegetated corridor regulations, the City allows flexibility of the specific standards in exchange for the specified amount of protection inventoried environmentally sensitive areas as defined in this code.

A. Process

The flexibility of standards is only applicable when reviewed and approved as part of a land use application and shall require no additional fee or permit provided criteria is addressed. In the absence of a land use application, review may be processed as a Type 1 administrative interpretation.

B. Standards modified

1. Lot size — Not withstanding density transfers permitted through Chapter 16.40, when a development contains inventoried regionally significant fish and wildlife habitats as defined in Section 16.1424.020 above, lot sizes may be reduced up to ten percent (10%) below the minimum lot size of the zone when an equal amount of inventoried resource above and beyond that already required to be protected is held in a public or private open space tract or otherwise protected from further development.

2. Setbacks — For residential zones, the setback may be reduced up to thirty percent (30%) for all setbacks except the garage setback provided the following criteria are satisfied:

a. The setback reduction must result in an equal or greater amount of significant fish and/or wildlife habitat protection. Protection shall be guaranteed with deed restrictions or public or private tracts.

b. In no case shall the setback reduction supersede building code and/or Tualatin Valley Fire and Rescue separation requirements.

c. In no case shall the setback be reduced to less than five feet unless otherwise provided for by the underlying zone.

3. Density — per Section 16.10.020 (Net Buildable Acre definition), properties with environmentally sensitive areas on site may opt to exclude the environmentally sensitive areas from the minimum density requirements provided the sensitive areas are protected via tract or restrictive easement. A proposal to remove said area from the density calculation must include: a delineation of the resource in accordance with Section 16.142~~4~~.020C, the acreage being protected, and the net reduction below the normally required minimum for accurate reporting to Metro.

4. Parking — Per Section 16.94.020.B.6, 10-25% of the required parking spaces may be reduced in order to protect inventoried regionally significant fish and wildlife habitat areas, provided these resources are protected via deed restrictions or held in public or private tracts.

5. Landscaping — Per Section 16.92.030.B.6, exceptions may be granted to the landscaping standards in certain circumstances as outlined in that section.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021)

# *Chapter 16.144~~6~~ NOISE**

**Sections:**

## 16.144~~6~~.010 Generally

All otherwise permitted commercial, industrial, and institutional uses in the City shall comply with the noise standards contained in OAR 340-35-035. The City may require proof of compliance with OAR 340-35-035 in the form of copies of all applicable State permits or certification by a professional acoustical engineer that the proposed uses will not cause noise in excess of State standards.

(Ord. 91-922, § 3)

## 16.144~~6~~.020 Noise Sensitive Uses

When proposed commercial and industrial uses do not adjoin land exclusively in commercial or industrial zones, or when said uses adjoin special care, institutional, or parks and recreational facilities, or other uses that are, in the City's determination, sensitive to noise impacts, then:

A. The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.

B. The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise sources on the site are operating simultaneously.

C. If the use exceeds applicable noise standards as per subsection B of this Section, then the applicant shall submit a noise mitigation program prepared by a professional acoustical engineer that shows how and when the use will come into compliance with said standards.

(Ord. 91-922, § 3)

### 16.1446.030 Exceptions

This Chapter does not apply to noise making devices which are maintained and utilized solely as warning or emergency signals, or to noise caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travel ways, flight paths or other routes. This Chapter also does not apply to noise produced by humans or animals. Nothing in this Chapter shall preclude the City from abating any noise problem as per applicable City nuisance and public safety ordinances.

(Ord. 91-922, § 3)

## *Chapter 16.1468 VIBRATIONS**

**Sections:**

### 16.1468.010 Generally

All otherwise permitted commercial, industrial, and institutional uses shall not cause discernible vibrations that exceed a peak of 0.002 gravity at the property line of the originating use, except for vibrations that last five (5) minutes or less per day, based on a certification by a professional engineer.

(Ord. 91-922, § 3)

### 16.1468.020 Exceptions

This Chapter does not apply to vibration caused by construction activities including vehicles accessing construction sites, or to vibrations caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travelways, flight paths or other routes. Nothing in this Chapter shall preclude the City from abating any vibration problem as per applicable City nuisance and public safety ordinances.

(Ord. 91-922, § 3)

## *Chapter 16.14850 AIR QUALITY**

**Sections:**

### 16.14850.010 Generally

All otherwise permitted commercial, industrial, and institutional uses shall comply with applicable State air quality rules and statutes:

A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.

B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.

C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.

(Ord. 91-922, § 3)

### 16.14850.020 Proof of Compliance

Proof of compliance with air quality standards as per Section 16.14850.010 shall be in the form of copies of all applicable State permits, or if permits have not been issued, submission by the applicant, and acceptance by the City, of a report certified by a professional engineer indicating that the proposed use will comply with State air quality standards. Depending on the nature and size of the use proposed, the applicant may, in the City's determination, be required to submit to the City a report or reports substantially identical to that required for issuance of State Air Contaminant Discharge Permits.

(Ord. 91-922, § 3)

### 16.14850.030 Exceptions

Nothing in this Chapter shall preclude the City from abating any air quality problem as per applicable City nuisance and public safety ordinances.

(Ord. 91-922, § 3)

## *Chapter 16.1502 ODORS**

**Sections:**

### 16.1502.010 Generally

All otherwise permitted commercial, industrial, and institutional uses shall incorporate the best practicable design and operating measures so that odors produced by the use are not discernible at any point beyond the boundaries of the development site.

(Ord. 91-922, § 3)

### 16.1502.020 Standards

The applicant shall submit a narrative explanation of the source, type and frequency of the odorous emissions produced by the proposed commercial, industrial, or institutional use. In evaluating the potential for adverse impacts from odors, the City shall consider the density and characteristics of surrounding populations and uses, the duration of any odorous emissions, and other relevant factors.

(Ord. 91-922, § 3)

### 16.1502.030 Exceptions

Nothing in this Chapter shall preclude the City from abating any odor problem as per applicable City nuisance and public safety ordinances.

(Ord. 91-922, § 3)

# *Chapter 16.1524 HEAT AND GLARE**

**Sections:**

## 16.1524.010 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 such glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.

(Ord. 93-966, § 3; 91-922)

## 16.1524.020 Exceptions

Nothing in this Chapter shall preclude the City from abating any heat and glare problem as per applicable City nuisance and public safety ordinances.

(Ord. 93-966, § 3; 91-922)

# *Chapter 16.1546 ENERGY CONSERVATION**

## 16.1546.010 Purpose

This Chapter and applicable portions of Comprehensive Plan ~~Chapter 5 of the Community Development Plan~~ provide for natural heating and cooling opportunities in new developments. The requirements of this Chapter shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.

(Ord. 91-922, § 3)

## 16.1546.020 Applicability

The standards in this Chapter shall apply to any new uses or changes to existing uses in multi-dwelling, commercial, industrial and institutional zones. The standards in this Chapter do not apply to accessory dwelling unit or single detached development in residential zones.

(Ord. No. 2021-010 , § 2, 12-7-2021)

Editor's note(s)—Ord. No. 2021-010 , § 2, adopted December 7, 2021, amended the Code by adding a new 16.156.020, and renumbering former §§ 16.156.020 and 16.156.030 as new §§ 16.156.030 and 16.156.040.

## 16.15~~4~~6.030 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.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. 91-922, § 3)

Note(s)—Former § 16.156.020. See editor's note, § 16.156.020.

## 16.15~~4~~6.040 Variance to Permit Solar Access

Variances from zoning district standards relating to height, setback and yard requirements approved as per Chapter 16.84 may be granted by the Commission through a Type IV review where necessary for the proper functioning of solar energy systems, or to otherwise preserve solar access on a site or to an adjacent site.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. 91-922, § 3)

Note(s)—Former § 16.156.030. See editor's note, § 16.156.020.

City of Sherwood Oregon
Home of the Tualatin River National Wildlife Refuge

# ORDINANCE 2023-002

## AMENDING DIVISIONS I, II, III, IV, VII, AND VIII OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE AND REPEALING ORDINANCE 2022-006 ESTABLISHING TIME, PLACE, AND MANNER RESTRICTIONS ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURING OF PSILOCYBIN PRODUCTS

**WHEREAS**, The Sherwood Zoning and Community Development Code has not undergone a general code cleanup since 2018; and

**WHEREAS**, the City has undertaken a work program to create a development code that meets new state laws, corrects previous errors, increases consistency between sections and clarifies language; and

**WHEREAS**, the Sherwood Planning Commission helped guide the proposed amendments with the opportunity for public input; and

**WHEREAS**, the proposed amendments establish, time, place, and manner restrictions on psilocybin service centers and the manufacturing of psilocybin products within the Sherwood Zoning and Community Development Code; and

**WHEREAS**, the proposed amendments were subject to full and proper notice and review, and a public hearing was held before the Planning Commission on January 24, 2023; and

**WHEREAS** the proposed amendments were reviewed for compliance and consistency with the Comprehensive Plan, and regional and state regulations and found to be in compliance; and

**WHEREAS,** the Sherwood Planning Commission recommended approval of the proposed text amendments to City Council; and

**WHEREAS,** the Sherwood City Council held two public hearings on February 21, 2023, and March 7, 2023, to take public testimony and deliberate; and

**WHEREAS,** the Sherwood City Council has received and reviewed the land use record prepared before the Planning Commission, and, after considering the applicable standards, the City Council determined that the proposed development code update meets the required criteria for approval; and

**WHEREAS**, the Planning Commission findings to support the final decision are included as Exhibit 2 to this ordinance;

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1**. After full and due consideration of the application, the Planning Commission recommendation, the record, and evidence presented at the public hearings, the City Council finds that the proposed text amendments of the indicated sections of the Sherwood Zoning and Community Development Code meet the applicable criteria. The findings of fact relied upon by the City Council are attached as Exhibit 2 to this ordinance

**Section 2**. The proposed amendments to the Sherwood Zoning and Community Development Code in Exhibit 1, attached to this Ordinance, are hereby **APPROVED**.

**Section 3.** 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 March 7, 2023.**

_____ _____
Tim Rosener, Mayor Date

Attest:

_____
Sylvia Murphy, MMC, City Recorder

| | AYE | NAY |
|---|---|---|
| Standke | ____ | ____ |
| Giles | ____ | ____ |
| Scott | ____ | ____ |
| Young | ____ | ____ |
| Brouse | ____ | ____ |
| Mays | ____ | ____ |
| Rosener | ____ | ____ |

**CITY OF SHERWOOD**
**JANUARY 24, 2023**
**PLANNING COMMISSION RECOMMENDATION**

**DEVELOPMENT CODE UPDATE**
**PLANNING CASE FILE: LU 2022-011-PA**

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Hearing Date (PC): January 24, 2023
Hearing Date (CC): February 21, 2023

**PLANNING COMMISSION HEARING SUMMARY:** The Planning Commission held a public hearing on January 24, 2023, to take testimony and consider on planning case file LU 2022-011-PA. No testimony on the hearing matter was taken, and the Commission voted to close the public hearing. However, Chair Simson stated during the hearing that the commission held four work sessions that were open to the public and the commission did receive public input to review and consider through the work session process. After considering the application materials and the findings in the staff report, the Planning Commission voted to recommend the text amendments to the City Council for adoption with the following modifications.

1) Modify and clarify Chapter 16.86, Temporary Uses, section 16.86.030.C.2.b, Time Limits, for the following: 1) temporary sales offices; 2) model homes; 3) all other temporary uses not determined to be a sales office; and 4) maximum limit of a temporary use permit.
2) Modify Chapter 16.90, Site Planning, section 16.90.020.D, Required Findings. Add an additional criterion to section 16.90.020.D6.e that would require the same multi-family glazing standards as proposed in the Commercial Design Review Matrix.
3) Modify Chapter 16.90, Site Planning, Commercial Review Matrix. Split the Glazing row into two categories 1) Glazing for Commercial uses and 2) Glazing for Multi-Family uses.
4) Modify Chapter 16.90, Site Planning, section 16.90.7a.1 to include verbiage relating to pedestrian scale.

J M Simson, Chair
Jean Simson, Planning Commission Chair

02/08/2023
Date

**Proposal:** The code clean-up seeks to create development code standards to implement Ballot Measure 109, correct errors, increase consistency between sections, create needed definitions, and clarify code language and intent for implementation. The following are code sections proposed to be amended.

Division I: General Provisions
- 16.10 Definitions

Division II: Land Use and Development
- 16.31 Industrial Land Uses
- 16.38 Special Uses
- 16.40 Planned Unit Developments
- 16.46 Manufactured Homes
- 16.16 Dual Use of Required Space

Division III: Administrative Procedures
- 16.70 General Provisions
- 16.72 Procedures for Processing Development Permits

Division IV: Planning Procedures
- 16.84 Variances
- 16.86 Temporary Uses

Division V: Community Development
- 16.90 Site Planning
- 16.90.030 Site Pan Modification
- 16.96 On-Site Circulation Chapter

Division VII: Land Divisions, Subdivisions, Partitions, Lot Line Adjustments and Modifications
- 16.120 Subdivisions
- 16.122 Land Partitions

Division VII: Environmental Resources
- 16.132 General Provisions
- 16.134 Floodplain Overlay
- 16.136 Procedures
- 16.138 Mineral Resources
- 16.140 Solid Waste
- 16.142 Parks, Trees, Open Spaces
- 16.144 Wetland, Habitat and Natural Areas
- 16.146 Noise
- 16.148 Vibrations

16.150 Air Quality
16.152 Odors
16.154 Heat and Glare
16.156 Energy Conservation

There are four substantive changes in the amendment package 1) proposed criteria for model homes in Chapter 16.86 (Temporary Uses) 2) reducing Adjustment and Class B variance percentages in Chapter 16.84 (Variances); 3) a new proposed industrial design criterion in Chapter 16.90 (Site Planning); and 4) allowing psilocybin uses with development standards in the general industrial zone.

## I. BACKGROUND

A. Applicant: This is a city-initiated amendment; therefore, the applicant is the City of Sherwood

B. Location: The proposed amendments are to the text of the Development Code and generally apply city-wide; however, a new proposed industrial design criterion is proposed for Chapter 16.90, Site Planning, that would only apply to industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector.

C. Review Type: The proposed text amendments require a Type V review, which involves public hearings before the Planning Commission and City Council. The Planning Commission will make a recommendation to the City Council, which will make the final decision. Any appeal of the City Council decision would go directly to the Land Use Board of Appeals.

D. Public Notice: Notice of the application was provided in accordance with § 16.72.020 of the Sherwood Zoning and Development Code (SZDC) as follows: notice was distributed in five locations throughout the City and notice of the application was also published in a local newspaper (Tigard Times) on January 5, and January 19, 2023. City also sent e-notice to the Planning Department news and announcement distribution list.

While the amendments apply citywide, they do not affect the permissible uses of any property; therefore, Measure 56-notice was not required or provided. DLCD was noticed on 12/23/2022

E. Review Criteria: The required findings for the Plan Amendment are identified in Section 16.80.030 of the Sherwood Zoning and Community Development Code (SZCDC).

F. History and Background: The City's Zoning and Community Development Code is regularly reviewed and updated to ensure it complies with regional and state laws, addresses local issues and in response to certain land use applications, cross-references are correct, standards are clear, and any typographical errors are corrected. In addition, over time, trends and values change, and it is necessary to evaluate standards to endure they address current community needs. To that end, the Planning Commission and staff identified needed amendments to the Development Code to create development code standards to implement Ballot Measure 109, correct errors, increase consistency between sections, create needed definitions, and clarify code language and intent.

## II. AFFECTED AGENCY AND PUBLIC COMMENTS

A. Agency Comments - Notice of the application was sent to affected agencies via email on December 27, 2022. The following responses were received:
   1. Scott McKie, Building Official. Email on 12/27/2022. Mr. McKie had a question about model home verbiage. Planning staff has clarified the language in section 16.86.030.D.j per Mr. McKie's comment. See Exhibit A.

B. Public Testimony - as of the date of this report, no public testimony was received.

## III. APPLICABLE CODE PROVISIONS

The applicable Plan Text Amendment review criteria are 16.80.030.1 and 3

**16.80.030.1 - Text Amendment Review**
**An amendment to the text of the Comprehensive Plan shall be based upon the need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the Comprehensive Plan, and with all other provisions of the Plan and Code, and with any applicable State or City statutes and regulations.**

As discussed briefly above, the proposed Code amendments identified are to clarify and create greater flexibility and community design within Sherwood. The Planning Commission held a series of work sessions to discuss the proposed changes and considered public input before the modifications were recommended. The following

discussion separates the chapters that have been amended within the Development Code and provides an additional summary.

*Division I. General Provisions*

*Chapter 16.10, Definitions*
A definition of a model home is proposed. This provides clarity where the Code had been previously silent, ambiguous, or without a clear distinction of what a model home is.

*Division II. Land Use Development*

*Chapter 16.31, Industrial Land Uses & 16.38, Special Uses*
These two chapters have been updated to allow for Psilocybin Service Centers and special standards to apply to these facilities for their use and operation. These changes are proposed due to the voter-approved Ballot Measure 109, the Oregon Psilocybin Services Act. The standards mimic the recreational marijuana facility code language.

*Chapter 16.40, Planned Unit Development (PUD)*
The Development Code has allowed for the use alleys, but the City recently adopted a public alley cross-section within its' Transportation System Plan. After adopting a design cross-section for an alley, the Commission asked where they would be used. There are two developments in Sherwood other than the historic downtown core that has utilized alleyways -- Arbor Terrace and Cedar Brook PUDs. The Commission discussed the use of alleys and has recommended the use of private alleys in PUDs that are constructed to public standards. The use of alleys in PUDs means that both the Commission and Council will have the opportunity to review the development. The proposed amendment would allow private alleyways, when designed and constructed to public alleyway standards in the City's Transportation System Plan (TSP), to be permitted outright in residential PUDs.

Another proposed amendment to this chapter is to ensure that privately maintained trails are accessible to the public and utilize the public trail standards in the TSP. This allows clarity on the trail easement widths in PUDs.

*Chapter 16.46, Manufactured Homes*
Manufactured homes on individual lots were not addressed during the residential design code update. The proposed code amendment ensures that manufactured homes placed on individual lots (not in spaces manufactured homes parks) will need to meet the residential design standards in §16.14. The existing language in this code section is not clear and objective and does not meet Oregon Revised Statute (ORS) 197.307(4) that requires that local governments adopt and apply clear and objective standards, conditions, and procedures regulating the development of "needed housing."

*Chapter 16.64, Dual Use of Required Space*

During the Housing Choices development code update, Chapter 16.64, Dual Use of Required Space, was mistakenly deleted from the code. The chapter has been rewritten for clarity purposes.

*Division III. Administrative Procedures*

*Chapter 16.70, General Provisions*
Staff receives inquiries about when to send out neighborhood meeting notices. The code does not address a mailing timeframe. This ensures neighbors receive advanced notification about the meeting and can plan accordingly. The proposed amendment requires notification of neighborhood meeting to be mailed 14 calendar days prior to the meeting date.

*Chapter 16.72, Procedures for Processing Development Permits*
As stated above, ORS 197.307(4) requires housing standards to be clear and objective. The proposed amendment exempts Type IV housing applications to demonstrate compliance with Conditional Use Permit criteria because it is not clear and objective.

*Division IV. Planning Procedures*

*Chapter 16.84, Variances*
During the public hearing process to adopt Residential Design Standards, the Planning Commission recommended reducing both the Adjustment and Class B Variance percentages. However, this recommendation was not carried forward through the final staff report and recommendation to Council for consideration at that time. It was a staff oversight. This proposed amendment reduces adjustments from 10% to 5% and Class B Variances from 20% to 10%.

*Chapter 16.86, Temporary Uses*
The development code does not have standards and criteria for the use of model homes, but Planning Staff had an internal policy for this use through the temporary use chapter. The code amendment codifies the internal department policy for model homes as a temporary use.

*Division V. Community Design*

*Chapter 16.90, Site Planning*
(SZCDC 16.90.D.7) The Commission recommends that roof-mounted equipment be screed as a requirement. More often than not, it is a design criterion that is always met in new industrial development. This would reduce the number of design criteria from 6 to 5. The Commission did not want to reduce the number of design criteria but proposed another criterion that focused on the pedestrian scale of front entries of industrial buildings that only applies to industrial development within 200 feet of an arterial or collector street

and is visible to the arterial or collector. The intent of the Industrial design standards is to enhance areas visible from arterial and collector streets by reducing the bulk appearance of large buildings. Building entries should be oriented toward the predominant public view, usually the street frontage. This allows the public to more easily determine where the front entrance is located and provides a more attractive street frontage.

(SZCDC 16.90.020.D.d) As an alternative to the urban design standards in SZCDC 16.90.020.D.6.a-c the Commercial Design Matrix may be applied to any commercial, multi-family, institutional, or mixed use development. Residential Design Standards were adopted per Ordinance 2021-010. The Sherwood Planning Commission discussed the need for residential design standards for many years, and the new standards were supported by the Sherwood 2040 Comprehensive Plan update, and the community had an overall desire for residential design standards through a 2021 Visual Preference Survey and Virtual Open House. The proposed amendment to this section would require multi-family developments that choose to apply the Design Matrix criteria to require a minimum of 15 percent of the area of the primary building elevation adjacent to a public right of way to include windows or entrance doors, and for side building elevations, adjacent to a public right-of-way or public accessway, a minimum of 10 percent glazing of the area is required. This criterion is the same standard applied to all residential housing types (single-family detached/attached, plexes, and townhomes).

(SZCDC 16.90.030) The proposed amendment requires that approval criteria and standards in effect at the time of land use submittal for a modification apply to the request. The amendment makes it clear that current standards apply to a modification request.

*Chapter 16.96, On-Site Circulation*
Primarily the proposed amendments re-organize code sections and title headings for clarity. The amendments make it clear that on-site pedestrian access is reviewed for all types of development. It is reorganized for general flow and readability. It also ensures that the provisions are consistent with the Housing Choices amendments for vehicle circulation.

*Division VII. Land Divisions, Subdivisions, Partitions, Lot Line Adjustments and Modifications.*

*Chapter 16.120 Subdivisions*
Added the criteria that privately maintained trails shall conform to public trail standards in the TSP. This allows clarity and consistency on the trail easement widths in Subdivisions and Planned Unit Developments.

*Chapter 16.122 Land Partitions*
The amendments to the chapter are for clarity and consistency and are minor in nature.

*Chapter 16.132 General Provisions*

Chapter 16.136, Procedures, was struck and merged with Chapter 16.132, General Provisions. The new title is Chapter 16.132, General Provisions and Conformance. Staff is recommending this change to the organizational structure of the code because it was confusing and unclear what standards in this Division applied to what chapter. The amendment brings the conformance criteria into the first chapter of this Division for clarification and better readability and implementation of all the chapters in this Division.

In addition, language was updated referencing the Comprehensive Plan, and the parks reservation process is more clearly defined. The amendments propose removing Ash Trees from the recommended street tree list due to invasive Emerald Ash Borer infestations that can cause significant tree damage. Ash trees can be placed back on the street tree list when the Emerald Ash Borer infestations are no longer considered a risk.

***Consistency with Comprehensive Plan***

The proposed amendments to the Zoning and Community Development Code have been identified by the staff and Planning Commission as areas that need to be corrected. The proposed amendments are in accordance with the intent and purpose of the zoning districts, and the policies of the Comprehensive Plan, which promote the efficient administration of the Plan and implementing ordinances. The majority of the proposed amendments are administrative updates intended to correct errors and provide clarity. Three of the amendments propose substantive changes to the Code. There do not appear to be any Comprehensive Plan requirements that would conflict with the proposed code language in any of the chapters.

The City's Comprehensive Plan vision is organized around six theme areas. The proposed amendments are consistent with the following six themes and associated goals and policies.

Comprehensive Plan Themes

Strong Community, Culture, and Heritage

This theme explores the topics of community engagement, historic and heritage resources, as well as civic, arts, and cultural spaces. This theme complies with the following Statewide Land Use Goals: Goal 1, Citizen Involvement; Goal 5, Historic Resources; and Goal 11, Public Facilities and Services. The Planning Commission has held four work sessions on the proposed amendments (September 13, 2022, October 11, 2022, November 8, 2022, and December 13, 2022). All work sessions were noticed and advertised to the public. The proposed amendment package project page on the City's website was created on December 27, 2002. The public hearings are noticed in compliance with city standards.

Strategic and Collaborative Governance

This theme explores the topics of urbanization, land use planning and procedures, as well as community health, safety, and natural hazards. This theme complies with the following

Statewide Land Use Goals: Goal 2, Land Use Planning; Goal 7, Natural Hazards, Goal 11, Public Facilities and Services; and Goal 14, Urbanization. As stated above, the Planning Commission has held four work sessions on the proposed amendments, and planning staff has provided open and transparent governance by assuring information is available on the proposed amendment package. Coordination with local service providers, jurisdictions, and regional and state agencies occurred in compliance with city standards.

The code amendments to SZCDC 16.31.020, Industrial Land Districts, and SZCDC 16.90, Site Planning, encourage both multi-family and industrial development to be designed with pedestrian scale elements which include building designs along the public right of ways to be inviting and engaging, which promotes friendly and safe urban design practices.

Code amendments to Division VIII, Environmental Resources, removing the Ash tree from the City's street tree list minimizes impacts and risk to life and property from natural caused hazards. The reorganization of this Division makes it clear what provisions apply to development applications.

***Applicable Regional (Metro) Standards***

There are no known Metro standards that would conflict with the proposed amendments.

***Consistency with applicable Statewide Planning Goals***

Because the comprehensive plan goals and policies are not changing and the Plan has been acknowledged by the State, there are no known conflicts with the proposed text amendments. Staff is unaware of any other state or local regulations that the proposed amendment would conflict with. The language has been drafted in a manner that strives to provide clarity within the Code to staff, property owners, and developers.

Goal 1 – Public Involvement

As stated above, the Planning Commission held four work sessions on the proposed amendments, all of which were public meetings, and the proposed draft amendment package was posted on the website on December 27, 2022, routed to agency partners on December 27, 2022, for review and comment. The public hearing dates were noticed in, *The Times*, a newspaper of general circulation, on January 5 and 19, 2023.

Goal 2 – Land Use Planning

Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations. Cities must build their comprehensive plans on a factual base and follow their plan when making decisions on appropriate zoning. City and county plans must be consistent with one another. Special district and state agency plans, and programs must be coordinated with comprehensive plans.

As described above, the proposed amendment package is not in conflict with goals and policies within the City's adopted Comprehensive Plan, which implements Sherwood

Zoning and Community Development Code. The proposed amendments have been coordinated with local, regional, and state agencies for review and comment.

The proposed amendments have been discussed in several public venues, and staff has always been available to discuss the proposed changes and has invited public comments throughout the course of the discussion. As a whole, the proposed amendments are consistent with Goal 1 (Citizen Involvement) and Goal 2 (Land Use Planning).

Goal 3 - Agricultural Lands
This goal does not apply to the City of Sherwood

Goal 4 - Forest Lands
This goal does not apply to the City of Sherwood

Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces
Goal 5 is a broad statewide planning goal that covers more than a dozen resources. The resources range from wildlife habitats to historic places, and gravel mines. To protect and plan for them, local governments are asked to create a number of inventories. Natural resources are then reviewed, and the jurisdiction develops land use programs to conserve and protect "significant" Goal 5 resources. A few significant resources in Sherwood include the floodplain, wetlands, riparian corridors, and Old Town (historic area).

The proposed amendments are not in direct conflict with Goal 5. As discussed below in Goal 6, Sherwood takes great pride in its urban canopy. The proposed amendment strike Ash trees from the city's street tree list will serve to protect the existing Ash trees from the Emerald Ash Borer infestation in the State that is destroying Ash tree populations.

Goal 6 - Air, Water, and Land Resources Quality
Goal 6 instructs local governments to consider the protection of air, water, and land resources from pollution and pollutants when developing comprehensive plans. The pollutants addressed in Goal 6 Include solid waste, water waste, noise and thermal pollution, air pollution, and industry-related contaminants. The City of Sherwood has existing regulations to protect air, water, and land resources from pollution and pollutants. The proposed amendments to the chapters within Division VIII. Environmental Resources make the development code stronger and clearer to implement.

Goal 7 - Areas Subject to Natural Hazards
Goal 7 requires local comprehensive plans to address Oregon's natural hazards. Protecting people and property from natural hazards requires knowledge, planning, coordination, and education. The proposed amendments are not in direct conflict with this goal.

Goal 8 – Recreational Needs
Goal 8 requires local governments to plan for the recreation needs of their residents and visitors. The City is in compliance with Goal 8, through its adopted Parks and Recreation

Master Plan. The City's development code sets standards for recreation and open space dedication through the development process to create spaces for residents and visitors to enjoy. The proposed amendments to the PUD and Subdivision chapters of the development code seek to ensure that privately maintained trails are accessible to the public and utilize the public trail standards in the TSP. This standard will help create a uniform trail easement width in planned unit developments and subdivisions. None of the proposed amendments are in direct conflict with this goal.

Goal 9 - Economic Development

The purpose of Goal 9 planning is to make sure cities and counties have enough land available to realize economic growth and development opportunities. The city has adopted an Economic Opportunities Analysis and is in the process of a small update to this technical document. The proposed amendments are not in conflict with Goal 9.

Goal 10 - Housing

Goal 10 is to ensure that Sherwood has a housing supply that meets community needs is one that offers people a range of different places to live, and different densities to choose from, and does not overburden the financial resources of any group living there. The City has an adopted Housing Needs Analysis 2019-2039 (HNA), Ordinance 2020-10, which meets the requirements of State Land Use Goal 10, Housing and its Administrative Rule 660-007. The proposed amendments will not reduce the amount of land for residential housing or change the City's General Plan/Zoning Map affecting the residential housing supply.

The proposed amendments to Chapter 16.86, Temporary Uses, allow for model homes and sets clear criteria for developers to utilize. Often developers want to showcase a home within a new subdivision and use part of it as a sales office to show customers floor plans and amenities. Establishing a model home as a temporary use is not in direct conflict with Goal 10, Housing.

The proposed amendment to Chapter 16.90, Site Planning, requires multi-family developments to have a minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way to include windows or entrance doors, and for side building elevations, adjacent to a public right-of-way or public accessway, a minimum of 10 percent glazing of the area is required. This is the same standard the city applies to all residential housing which is required to meet residential building designs in Chapter 16.14.

The proposed amendments will not change lot dimensional standards, residential densities, or change residential land use designations on the City's General Plan/Zoning Map. The proposed amendments will not further decrease the city's housing supply. The proposed amendments are not in direct conflict with Goal 10.

Goal 11 – Public Facilities and Services

Cities in Oregon with a population greater than 2,500 are required to create public facilities plans (water, sanitary sewer, stormwater) that meet current and long-range needs. The proposed amendments are not in conflict with this statewide planning goal.

Goal 12 – Transportation
Goal 12 requires cities, counties, and the state to create a transportation system plan that takes into account all relevant modes of transportation: mass transit, air, water, rail, highway, bicycle, and pedestrian. The resulting plan should support a variety of transportation modes so residents are not limited in how they can access the jobs, goods, or services available in different parts of their community.

The City has an adopted Transportation System Plan, which directs policy, programs, and transportation system enhancement projects. The proposed amendments are not in direct conflict with this statewide planning goal.

Goal 13 – Energy
Goal 13 requires local governments to consider the effects of their comprehensive planning on energy consumption. There are no statewide administrative goals to implement Goal 13, but Sherwood's adopted Comprehensive Plan has goals and policies that strive to conserve energy through land use goals and policies. The proposed amendments are not in direct conflict with this goal.

Goal 14 – Urbanization
The purpose of Goal 14, Urbanization, is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. Goal 14 requires the establishment and maintenance of an Urban Growth Boundary (UGB) to ensure the efficient use of land, accommodation of a 20-year projected population and employment growth, and an orderly transition from rural to urban land uses. Metro is responsible for managing the UGB and evaluating whether it needs to be adjusted to accommodate growth over the 20-year planning period under state law. The City must demonstrate that the regional household and employment growth allocated by Metro can be accommodated in an orderly and efficient manner that preserves and enhances livability.

The City's adopted Comprehensive Plan manages residential and employment growth impacts, promotes efficient urban development, and protects natural resources from sprawl. In planning for future growth, the City prepared policies that promote the efficient transition between urban and rural land, planning for and providing adequate public services, and encouraging a mix of housing.

The proposed amendments are not in direct conflict with this statewide planning goal.

Goal 15 - Willamette River Greenway

Goal 16 - Estuarine Resources
Goal 17 - Coastal Shorelands
Goal 18 - Beaches and Dunes
Goal 19 - Ocean Resources

Statewide Planning Goals 15-19 establish requirements for specific geographic areas for the Willamette Valley Greenway and Coastal areas managed by the Oregon Coastal Management Program. The City's adopted Comprehensive Plan does not involve land or resources in these areas; therefore, there are no policies related to these statewide land use planning goals within the Comprehensive Plan document.

**Findings for consistency with applicable Statewide Planning Goals:** As described above, the proposed amendments to the Sherwood Zoning and Community Development Code do not directly conflict with Statewide Planning Goals.

***Transportation Planning Rule Consistency***

**The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Analysis (TIA) shall be prepared pursuant to Section 16.106.080.**

**Finding:** This standard is not applicable to the proposed amendments. The City is not proposing zone changes or impacts to the transportation system pursuant to OAR 660-012-0060. The city's adopted Comprehensive Plan is consistent with the City's adopted TSP and satisfies this standard.

## V. CONCLUSIONS AND RECOMMENDATIONS

Based upon the review of the submittal information, review of the code, agency comments, and consideration of the Planning Commission's recommendation, staff finds case file LU 2022-11 fully complies with and meets the intent of all applicable local, regional, and state criteria. **Therefore, staff recommends approval of LU 2022-011**.

**CITY COUNCIL ALTERNATIVES**

1. Approve the proposed development code amendments with the findings in this staff report
2. Modify the proposed development code amendments and/or findings and approve as modified in compliance with all applicable criteria.
3. Deny the proposed development code amendments based on the Commission's findings
4. Continue the Public Hearing to date certain if more information is needed

# *Chapter 16.10 DEFINITIONS*

## 16.10.010 Generally

All words used in this Code, except where specifically defined herein, shall carry their customary meanings. Words used in the present tense include the future tense; words used in the future tense include the present tense; the plural includes the singular, and the masculine includes the feminine and neuter. The word "building" includes the word "structure"; the word "shall" is mandatory; the words "will" and "may" are permissive; the words "occupied" and "uses" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings.

(Ord. No. 2018-009, § 2, 10-16-2018; Ord. No. 2016-013, § 1, 10-18-2016)

## 16.10.020 Specifically

The following terms shall have specific meaning when used in this Code:

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Psilocybin manufacturing facility: A building or structure used in whole or in part for the means of manufacturing, planting, cultivation, growing, harvesting, production, preparation, propagation, compounding, conversion, or processing of psilocybin or a psilocybin product, either directly or indirectly by, extraction from substances of natural origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of psilocybin or a psilocybin product or labeling or relabeling of its container.

***

Model home: A structure constructed as and intended to be occupied as a residential dwelling unit that is temporarily used as an example of the type of residential dwelling units to be constructed in a subdivision prior to the completion of required public improvements. A model home may also include a sales office within the unit.

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Psilocybin Service Centers: an establishment defined under ORS 475A.220 which provides psilocybin services to clients before, during, and after the client's consumption of a psilocybin product and may include preparation administration and integration sessions.

## 16.31.020 Uses

A. The table below identifies the land uses that are permitted outright (P), permitted conditionally (C) and not permitted (N) in the industrial zoning districts. The specific land use categories are described and defined in Chapter 16.88.

B. Uses listed in other sections of this Code, but not within this specific table are prohibited.

C. Any use not otherwise listed that can be shown to be consistent or associated with the uses permitted outright or conditionally in the industrial zones or contribute to the achievement of the objectives of the industrial zones may be permitted outright or conditionally, utilizing the provisions of Chapter 16.88.

D. Additional limitations for specific uses are identified in the footnotes of this table.

| Uses | LI | GI | EI[1] |
|---|---|---|---|
| **RESIDENTIAL** | | | |
| • Single dwelling unit, including a manufactured home, for one (1) security person employed on the premises and their immediate family | P | P | P |
| **CIVIC** | | | |
| • Hospitals | C | N | N |
| • Police and fire stations and other emergency services | C | C | C |
| • Vehicle testing stations | C | C | C |
| • Postal services - Public | C | C | C |
| • Postal substations when located entirely within and incidental to a use permitted outright | C | C | C |
| • Public and private utility structures, including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells, and public work yards | P | P | C |
| • Small-scale power generation facilities | P | P | P |
| • Large-scale power generation facilities | C | P | C |
| • Public recreational facilities including parks, trails, playfields and sports and racquet courts on publicly owned property or under power line easements | C | C | C |
| **COMMERCIAL** | | | |
| • Commercial Trade Schools, commercial educational services and training facilities | P | P | C |
| Entertainment/recreation | | | |
| • Country clubs, sports and racquet clubs and other similar clubs | C | C | C |
| • Indoor recreation facilities such as arcades, mini-golf, or bounce house facilities[2,3] | C | C | C |
| Hospitality and lodging | | | |
| • Hotel/Motel | C[12] | N | N |
| Motor vehicle related | | | |
| • Motorized vehicle and sport craft repairs and service | C | C | N |
| • Motorized vehicle and sport craft repair and service clearly incidental and secondary to and customarily associated with a use permitted outright or conditionally | P | P | P |
| • Automotive, boat, trailer and recreational vehicle storage | C | C | C[4] |
| • Vehicle fueling stations or car wash facilities[5] | C | C | C |
| • Junkyards and salvage yards | N | N | N |
| • Manufactured home sales and display area | N | N | N |
| Office and professional support services | | | |
| • Business and professional offices[3] | P | P | P |

| | | | |
|---|---|---|---|
| • Business support services such as duplicating, photocopying, mailing services, fax and computer facilities[3] | P | P | P |
| • Any incidental business, service, processing, storage or display, not otherwise permitted, that is essential to and customarily associated with a use permitted outright, provided said incidental use is conducted entirely within an enclosed building | P | P | P |
| Childcare | | | |
| • Day cares, preschools, and kindergartens, when clearly secondary to a permitted use | P | P | P |
| • Day cares, preschools, and kindergartens as a stand-alone use[3] | C | C | C |
| General retail - sales oriented | | | |
| • Incidental retail sales or display/showroom directly associated with a permitted use and limited to a maximum of 10% of the total floor area of the business[3] | P | P | P |
| • Medical marijuana dispensary, not exceeding 3,000 square feet of gross square footage | P[6] | P[6] | N |
| • Tool and equipment repair, rental and sales, including truck rental[7] | P | P | P |
| • Retail plant nurseries and garden supply stores (excluding wholesale plant nurseries) | P | P | N |
| • Wholesale building material sales and service | C | P | N |
| • Retail building material sales and lumber yards[3] | C | P | N |
| Personal services | | | |
| • Health clubs and studios less than 5,000 square feet in size | P | P | P |
| • Psilocybin Service Centers | N | P[13] | N |
| • Personal services catering to daily customers where patrons pay for or receive a service rather than goods or materials, including but not limited to financial, beauty, pet grooming, and similar services[8] | C | C | C |
| • Public or commercial parking (non-accessory) | N | N | N |
| • Veterinarian offices and animal hospitals | C | C | C |
| • Animal boarding/kennels and pet daycare facilities with outdoor recreation areas[8] | C | C | C |
| Eating and drinking establishments: | | | |
| • Restaurants, taverns, and lounges without drive-thru[3] | C | C | C |
| • Restaurants with drive-thru services | N | N | N |
| • On-site cafeteria that is secondary to, and serving employees of, a permitted use | P | P | P |
| **INDUSTRIAL** | | | |
| • Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products contained wholly within an enclosed building provided exterior odor and noise is consistent with municipal code standards and there is no unscreened storage and not otherwise regulated elsewhere in the code | P | P | P |
| • Manufacture, compounding, processing, assembling, packaging, treatment, fabrication of products not otherwise prohibited elsewhere in the code provided other off-site impacts are compliant with local, state and federal regulations | C | P | C |
| • Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of acids, paints, dyes, soaps, ammonia, chlorine, sodium compounds, fertilizer, herbicides, insecticides and similar chemicals | N | C | N |
| • Psilocybin Manufacturing Facilities | N | P[13] | N |
| • Distribution, warehousing and storage associated with a permitted use operating on the same site | P | P | P |
| • Distribution and warehousing up to 150,000 square feet, provided product(s) are stored within an enclosed building[9] | P | P | P |
| • Distribution and warehousing greater than 150,000 square feet provided product(s) are stored within an enclosed building[9] | N | P | C |
| • Mini-warehousing or self-storage | N | P | N |

| | | | |
|---|---|---|---|
| • Medical or dental laboratories, including biomedical compounding | P | P | P |
| • Laboratories (not medical or dental) | P | P | P |
| • Research and development and associated manufacturing | P | P | P |
| • Contractors' storage and equipment yards | C | P | C[4] |
| • Building, heating, plumbing or electrical contractors and suppliers, building maintenance services, and similar uses[10] | P | P | P |
| • Industrial laundry, dry cleaning, dyeing, or rug cleaning plants | C | P | N |
| • Sawmills | C | C | N |
| • Sand and gravel pits, rock crushing facilities, aggregate storage and distribution facilities or concrete or asphalt batch plants | N | C | N |
| • Solid waste transfer stations | N | C | N |
| The following uses are specifically prohibited in all industrial zones because they have been determined to have adverse environmental, public and aesthetic impacts and are not suitable for location in any of the industrial zones in the City | | | |
| • Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of toxins or explosive materials, or any product or compound determined by a public health official to be detrimental to the health, safety and welfare of the community | N | N | N |
| • Pulp and paper mills | N | N | N |
| • Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products | N | N | N |
| • Metal rolling and extraction mills, forge plants, smelters and blast furnaces | N | N | N |
| • Meat, fish, poultry and tannery processing | N | N | N |
| • General purpose solid waste landfills, incinerators, and other solid waste facilities not otherwise permitted in this Code | N | N | N |
| **WIRELESS COMMUNICATION FACILITIES** | | | |
| • Radio, television, and similar communication stations, including associated transmitters | C | C | C |
| • Wireless communication towers[11] and transmitters | C | C | C |
| • Wireless communication facilities on City-owned property | C | C | C |
| • Wireless communication antennas co-located on an existing tower or on an existing building or structure not exceeding the roof of the structure | P | P | P |
| **OTHER** | | | |
| Agricultural uses including but not limited to: | | | |
| • Farm equipment sales and rentals | N | N | N |
| • Farming and horticulture | P | P | P |
| • Raising of animals other than household pets | N | N | N |
| • Truck and bus yards | N | P | N |

[1] See special criteria for the EI zone, 16.31.050 and the Tonquin Employment Area (TEA), 16.31.060.

[2] If use is mixed with another, such as a restaurant, it is considered secondary to that use and permitted, provided it occupies less than fifty (50) percent of the total area.

[3] Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

[4] On constrained land where structures would not otherwise be permitted, provided that no natural resources such as wetland or floodplains are impacted.

[5] Limited to Cardlock, wholesale or facilities incidental to and solely serving an associated permitted or conditional use - no public retail fuel sales.

[6] See Special Criteria for Medical Marijuana Dispensary under Section 16.38.020.

[7] Sales and rental area Limited in size to five thousand (5,000) square feet in a single outlet and no more than twenty thousand (20,000) square feet in multiple outlets in the same development project.

[8] Animal boarding/kennels and pet daycare facilities entirely within an enclosed building are considered "other personal service."

[9] For standalone warehousing and distribution only. Warehousing and distribution associated with another approved use is ancillary and permitted without size limitations.

[10] These businesses are involved in the servicing and supplying of materials and equipment primarily intended for industrial, institutional, or commercial businesses. On-site sales are limited as most activity occurs electronically or off-site. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products are generally delivered to the customer. Few customers, especially the general public, come to the site.

[11] Except for towers located within one thousand (1,000) feet of the Old Town District which are prohibited.

[12] See special standard criteria for hospitality and lodging uses within the Light Industrial Land Use District SZCDC 16.31.040.

[13]See Special Criteria for Psilocybin Service Centers and manufacturing facilities under Section 16.38.040

(Ord. No. 2020-006 , § 2, 7-21-2020; Ord. No. 2016-008, § 2, 6-21-2016; Ord. No. 2015-005, § 2, 5-5-2015; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2012-011, § 2, 8-7-2012)

# *Chapter 16.38 SPECIAL USES*

## 16.38.010 General Provisions

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying zoning district, the standard for the special use shall apply.

(Ord. 86-851, § 3)

## 16.38.020 Medical Marijuana Dispensary

A. Characteristics

1. A medical marijuana dispensary is defined in Section 16.10.020.

2. Registration and Compliance with Oregon Health Authority and Oregon Liquor Control Commission Rules. A medical marijuana dispensary must have a current valid registration with the Oregon Health Authority under ORS 475B.858 or a current valid designation as an exclusively medical license holder by the Oregon Liquor Control Commission under ORS 475B.131. Failure to comply with Oregon Health Authority and Oregon Liquor Control Commission regulations, as applicable, is a violation of this Code.

B. Approval Process

Where permitted, a medical marijuana dispensary is subject to approval under Section 16.72.010.A.2, the Type II land use process. A medical marijuana dispensary which has already obtained such approval and which is converting from Oregon Health Authority registration to Oregon Liquor Control Commission licensure with an exclusively medical designation, or vice versa, is not required to obtain additional land use approval from the City under this section solely as a result of such license conversion.

C. Standards

1. Hours of Operation. A medical marijuana dispensary may not be open to the public before 10:00 a.m. and not later than 8:00 p.m. all days of the week.

2. Security Measures Required

a. Landscaping must be continuously maintained to provide clear lines of sight from a public right-of-way to all building entrances.

b. Exterior lighting must be provided and continuously maintained.

c. Any security bars installed on doors or windows visible from a public right-of-way must be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.

3. Co-location Prohibited

a. A medical marijuana dispensary may not be located at the same address as a marijuana manufacturing facility, including a grow operation.

b. A medical marijuana dispensary may not be located at the same address with any facility or business at which marijuana is inhaled or consumed

4. Mobile and Delivery Businesses Prohibited

    a. A dispensary may not operate as a mobile business as defined in Section 16.10.020.

    b. A dispensary may not operate to deliver marijuana.

5. Drive-Through and Walk-Up. A medical marijuana dispensary may not engage in product sales outside of the facility or building through means of a walk-up window or drive-through access.

6. Proximity Restrictions

    A medical marijuana dispensary may not be located within 1,000 feet of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between the property lines of the affected properties:

    a. An educational institution: public or private elementary, secondary, or career school that is attended primarily by children under 18 years of age.

    b. Another medical marijuana dispensary.

    c. A public park or plaza.

(Ord. No. 2018-008, § 2, 10-2-2018; Ord. No. 2015-005, § 2, 5-5-2015)

## 16.38.030 Recreational Marijuana Facilities

A. Characteristics

1. Five types of recreational marijuana facilities are defined in Section 16.010.20.

2. Recreational marijuana facilities must be licensed by the Oregon Liquor Control Commission. A facility not licensed by the Oregon Liquor Control Commission is not permitted in any zone.

B. Approval Process. Where permitted, recreational marijuana facilities are subject to approval under 16.72.010.A2, the Type II process in addition to any other required land use review process required by this Code. Applications for approval shall include detailed responses to the applicable standards listed in this section.

1. An existing Medical Marijuana Dispensary in compliance with Section 16.38.020 (Medical Marijuana Dispensary) which completes a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant O.R.S. 475B et seq. shall be exempted from the requirement to complete a Type II process and shall only be required to complete a Type I process under 16.72.010.A1.

C. General Standards for Recreational Marijuana Facilities

1. All new construction of recreational marijuana facilities shall comply with 16.90 Site Planning.

    a. A medical marijuana dispensary which is in compliance with Section 16.38.020 (Medical Marijuana Dispensary) on or before April 1, 2020, and which maintains such compliance until completion of a conversion to a recreational marijuana licensee under regulation by the Oregon Liquor License Commission pursuant to O.R.S. 475B et seq. shall be exempted from 16.90 Site Planning for any new or modified recreational marijuana facilities.

2. In the case of production facilities, views from the exterior of the building into the production area are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.

3. Only indoor recreational marijuana production is allowed. Exterior growing is prohibited for commercial distribution.

4. Public Access Prohibited. Access to any production, processing, testing laboratory and wholesale facility shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.

5. Security Measures Required

    a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.

    b. Exterior lighting shall be provided and continuously maintained.

    c. Any security bars installed on doors or windows visible from the public right-of-way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.

    d. No outdoor storage of marijuana is allowed at any recreational marijuana facilities.

6. Odor Mitigation Measures Required. Production and processing facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. Such systems shall include the following features:

    a. Installation of activated carbon filters on all exhaust outlets to the building exterior;

    b. Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade; and

    c. Maintenance of negative air pressure within the facility; or

    d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

7. Proximity Restrictions. A recreational marijuana production, processing, testing laboratory or wholesale sales facility shall not be located within 1000 feet of any single-family residential or multi-family residential zone. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.

8. No recreational marijuana facility may be located within the Old Town Overlay District.

9. Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) licensed by the Oregon Liquor Control Commission shall only be permitted in zones classified as General Industrial.

    a. Exception. Any existing medical marijuana dispensary located in an area zoned Light Industrial which is in compliance with Section 16.38.020 (Medical Marijuana Dispensary) on or before April 1, 2020, will be an approved situs for a licensed recreational marijuana facility. This section expressly authorizes the operation of a licensed recreational marijuana facility in the following location zoned Light Industrial:

        Tax Lot 2S129A 000500 - Parcel R0547705
        15025 SW Tualatin-Sherwood Rd, Sherwood, OR 97140

    b. The sale of any property listed at 16.38.030(9) (a) shall not terminate this exception and such exception shall run with the land. A purchaser of the applicable real estate may, but shall not be required, to undertake a "Change of Ownership" review by the Oregon Liquor Control

Commission. A subsequent purchaser of the applicable real estate may seek a new recreational marijuana license from the Oregon Liquor Control Commission unconnected with the license maintained by the prior owner(s).

10. One or more licensed Recreational Marijuana Facilities (Retailer, Processor, Wholesaler, Producer, or Laboratory) shall be permitted on the same tax lot, subject to the proximity restrictions under 16.38.030(D)(7).

D. Specific Standards for Recreational Marijuana Retail Sales Facilities

1. All new construction of recreational marijuana retail facilities shall comply with 16.90 Site Planning, unless such facility is exempted from 16.90 Site Planning under 16.38.030(C)(1)(a).

2. Public Access Prohibited. Access to a retail sales facility shall be limited to employees, personnel, and customers over the age of 21.

   a. A OHA-registered medical marijuana patient or caregiver at least 18 years of age shall be permitted to enter a retail sales facility for the purposes of purchasing medical marijuana.

3. Hours of Operation

   a. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 8:00 p.m. Sunday through Thursday.

   b. Retail sales facilities shall operate only between the hours of 10:00 a.m. to 10:00 p.m. Friday and Saturday.

   c. An individual facility may set hours within those specified, but may not be open outside those parameters.

4. Security Measures Required

   a. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances.

   b. Exterior lighting shall be provided and continuously maintained consistent with Section 16.154.

   c. Any security bars installed on doors or windows visible from the public right-of way shall be installed interior to the door or window, in a manner that they are not visible from the public right-of-way.

5. Mobile or Temporary Businesses Prohibited. A retail sales facility may not operate as a mobile or temporary business as defined in Section 16.10.020.

6. Drive-in or Drive-Through Facilities Only Permitted Where Authorized by OLCC. A retail sales facility may only operate a drive- in, or drive-through or "curbside delivery" retailer facility, as defined in Section 16.10.020. Nothing in this section shall prohibit a marijuana retailer from operating a delivery service which is compliant with state law and OLCC regulations concerning delivery by a recreational marijuana retailer.

7. Proximity Restrictions. A retail marijuana facility shall not be located within the specified proximity of any of the uses listed below. For purposes of this paragraph, the distance specified is measured from the closest points between property lines of the affected properties.

   a. Schools. Within one thousand (1,000) feet of a public or private elementary or secondary school attended primarily by children under 19 years of age.

b. Other Retail Facilities. Within one thousand (1,000) feet of another retail recreational marijuana facility or any medical marijuana dispensary.

c. Public Plazas and Active Use Parks. Within one thousand (1,000) feet of a public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.

8. No recreational marijuana retail facility shall exceed an area of three thousand (3,000) square feet of publicly accessible areas associated with the retail sale of recreational marijuana. No additional size limitations on recreational retail marijuana facilities shall be imposed except as required by state law.

**16.38.040 Psilocybin Service Centers & Manufacturing of Psilocybin Products**

**A. Characteristics**

**1. A Psilocybin Service Center is defined in Section 16.10.020.**

**2. Manufacturing of Psilocybin Products is defined in Section 16.10.020**

**3. Registration and Compliance with Oregon Health Authority. A Psilocybin Service Center and manufacturing facility must have a current valid registration with the Oregon Health Authority under ORS 475A. Failure to comply with Oregon Health Authority, as applicable, is a violation of this Code.**

**B. Approval Process**

**1. Where permitted, a Psilocybin Service Center and the manufacturing of psilocybin products is subject to approval under Section 16.72.010.A.2, the Type II land use process, in addition to any other land use review process required by this Code.**

**C. General Standards for Psilocybin Service Centers and Manufacturing of Psilocybin Products**

**1. All new construction of Psilocybin Service Centers and sites manufacturing psilocybin products comply with 16.90 Site Planning.**

**2. In the case of production facilities, views from the exterior of the building into the production area are prohibited. Views of interior lighting in the production area from the exterior of the building are also prohibited.**

**3. Only indoor manufacturing of psilocybin production is allowed. Exterior growing is prohibited.**

**4. Public Access Prohibited. Access to sites manufacturing psilocybin products shall be limited to employees, personnel, and guests over the age of 21, authorized by the facility operator.**

**5. Security Measures Required**

**a. Landscaping must be continuously maintained to provide clear lines of sight from a public right- of-way to all building entrances.**

**b. Exterior lighting must be provided and continuously maintained.**

**c. Any security bars installed on doors or windows visible from a public right-of-way must be installed interior to the door or window in a manner that they are not visible from the public right-of-way.**

**d. All storage shall be located within a permanent building and may not be located wtihin a trailer, tent or motor vehicle. Outdoor storage of any material assocaited with psilocybin**

service centers and the manufacturing of psilocybin products is prohibited.

6. Ordor Mitigation Measures Required. Production and processing facilities shall install and maintain

enhanced ventilation systems designed to prevent detection of marijuana odor from adjacent properties or the public right-of-way. Such systems shall include the following features:

a. Installation of activated carbon filters on all exhaust outlets to the building exterior;

b. Location of exhaust outlets a minimum of ten feet from the property line and ten feet above

finished grade; and

c. Maintenance of negative air pressure within the facility; or

d. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

7. Co-location Prohibited

a. A Psilocybin Service Center and businesses engaged in the manufacturing of psilocybin products shall not be located at the same address.

8. Proximity Restrictions

A Psilocybin Service Center or manufacting facility may not be located within 1,000 feet of any of the uses listed below. For the purposes of paragraph, the distance specified is measured from the closet points between property lines of the affected properties.

a. Residential Zones. Any single-family residential or multi-family residential zone.

b. Schools. A public or private elementary or secondary school attended primarily by children under 19 years of age.

c. Public Plazas and Active Use Parks. A public plaza or active use park. As used in this paragraph, an active use park includes a public park which includes features such as playground equipment, athletic courts or fields, active use water features, or skating or skateboard features.

d. A Major Commercial Plaza: Any lot, or combination of lots legally bound together by a deed restriction, restrictive covenant or other recorded document, having fifteen (15) or more legallypermitted businesses on the site.

9. Psilocybin Service Centers and the manufacturing of psilocybin products shall only be permitted in zones classified as General Industrial.

10. No Psilocybin Service Center or the manufacturing of psilocybin products may be located within the Old Town Overlay District.

11. No Psilocybin Service Center or the manufacturing of psilocybin products shall exceed an area of three thousand square feet.

D. Specific Standards for Psilocybin Service Centers and Manufacturing Facilities

1. Mobile and Delivery Businesses Prohibited

2. Drive-Through and Walk-Up Services. A Psilocybin Service Center and manufacturing facility may not engage in business services outside the facility or building through a walk-up window or drive-through access.

# *Chapter 16.40 PLANNED UNIT DEVELOPMENT (PUD)**

***

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 detached dwellings, duplexes, townhomes, zero-lot line housing and Multi-Family dwellings.
2. Related NC uses which are designed and located so as to serve the PUD district and neighborhood.
3. Private alleyways when designed and constructed to public alleyway standards in the City's Transportation System Plan (TSP).
4. All other uses permitted within the underlying zoning district in which the PUD is located.

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.

***

## 16.40.020 Preliminary Development Plan

A. A PUD Preliminary Development Plan shall be submitted for the review and approval in accordance with Chapter 16.72. PUDs may be considered only:

1. On sites that are unusually constrained or limited in development potential, as compared to other land with the same underlying zoning designation, because of:
   a. Natural features such as floodplains, wetlands, and extreme topography, or
   b. Man-made features, such as parcel configuration and surrounding development, but not including man-made features on or resulting from other parcels owned by any owner of the property subject to the PUD application;
2. On parcels of land within an Urban Renewal District where flexibility and creativity in design may result in greater public benefit than strict adherence to the code; or
3. In other areas deemed appropriated by Council during the adoption of a concept plan required by a Metro UGB expansion.

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.
2. Listing of all property owners adjacent to the proposed 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.
3. Proposal map(s) showing: Alterations to topography, floodplain, natural vegetation, trees and woodlands, and other natural features, all streets, utility alignments and easements, parks and open space, historic and cultural resources, other public and utility structures, and any other dedicated land features or structures, the parceling, lot consolidation, adjustments, or subdivision of land including basic parcel dimensions and areas, the phasing of the PUD, siting and orientation of proposed new structures, including an identification of their intended use.
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.
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.
6. Privately maintained trails for public use shall conform to the public trails standards in the Transportation System Plan (TSP).
7. 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.

# *Chapter 16.46 MANUFACTURED HOMES**

## 16.46.010 Manufactured Homes on Individual Residential Lots

A. Generally

One (1) manufactured home may be located on an individual lot zoned MDRL or MDRH, provided that the manufactured home meets the standards contained in Chapter 16.12 and subsection B of this Section.

B. Standards

1. Each manufactured home shall be multi-sectional and have a minimum floor area of one thousand (1,000) square feet.
2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve (12) inches above the ground.
3. The manufactured home shall have a pitched roof, with a slope of no less than a nominal three (3) feet in height for each twelve (12) feet in width.
4. The manufactured home shall meet the residential design standards contained in Chapter 16.14.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce energy levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 445.010.
6. The manufactured home shall have an attached or detached garage.
7. In addition to the provisions in paragraphs 1 to 6 of this subsection, the manufactured home and the lot upon which it is sited shall be subject to all other Code requirements to which a conventional single-family residential dwelling on the same lot would be subjected.

(Ord. 94-983-A § 3; 91-922, § 3)

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# *Chapter 16.64 DUAL USE REQUIRED SPACE**

## 16.64.010 Generally

A. Except as otherwise provided, no lot area, setback, yard, landscaped area, or open space required by this Code shall be considered as providing the required lot area, setback, yard, landscaped area, or open space for another lot or development site under the provisions of this Code.

B. No off-street parking or loading area required by this Code shall be permitted for another use except as provided in Section 16.94, Off-Street Parking and Loading.

C. No off-street parking or loading area required by this Code shall be permitted for storage unless otherwise approved through land use review and approval.

(Ord. 91-922, § 3)

# Division III. ADMINISTRATIVE PROCEDURES

## *Chapter 16.70 GENERAL PROVISIONS*

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### 16.70.020 Neighborhood Meeting

A. The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development.

B. Applicants of Type III, IV, and V applications are required to hold a meeting, at a public location for adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Notification of the neighborhood meeting shall be mailed 14 calendar days prior to the meeting date., Affidavits of mailing, sign-in sheets and a summary of the meeting notes must be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.

1. Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in 16.72.020.

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# *Chapter 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS*

## 16.72.010 Generally

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C. Approval Criteria

1. The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.

2. In addition to Section 1 above, all Type IV quasi-judicial applications shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020, except for residential and multi-family land use applications, including subdivisions.

## Chapter 16.84 - VARIANCES

[…]

16.84.030 - Types of Variances

As provided in this Section, there are three types of variances: Adjustments, Class A variance and Class B variance; the type of variance required depends on the extent of the variance request and the discretion involved in the decision making process.

A. Adjustments

1. Generally and Approval Process: The following Adjustments and Residential Design Checklist with Adjustment are reviewed using a Type I procedure, as governed by Chapter 16.72, using the approval criteria in Subsection 2, below:

   a. Front yard setbacks Up to a 5 percent change to the front yard setback standard in the land use district.

   b. Rear yard setbacks Up to a 5 percent reduction of the dimensional standards for the rear yard setbacks required in the base land use district so long as the three foot setback is maintained based on Building Code requirements where applicable.

   c. Interior side yard setbacks: Adjustments to interior side yard setbacks for all residential housing types are not allowed.

   d. Landscape area up to a 5 percent reduction in landscape area (overall area or interior parking lot landscape area.

   e. A 5 percent increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section and not applicable at the time of the subdivision or partition approval.

   f. Up to a 5 percent adjustment to one or more of the residential design standards of Section 16.14, Table 16.14-1.A-C (no adjustments to the Detailed Design standards in 16.14, Table 16.14-1.D are permitted).

2. Approval Criteria: Adjustments subject to the provisions of this section shall be granted if the applicant demonstrates compliance with all of the following criteria:

   a. The adjustment requested is required due to the lot configuration, or other conditions of the site;

   b. The adjustment does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;

   c. The adjustment will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate adjustment request.

   d. An application for an adjustment is limited to one lot or parcel per application.

   e. No more than three adjustments may be approved for one lot or parcel in 12 months.

B. Class B Variances

1. Generally

a. The Class B variance standards apply to individual platted and recorded lots only.

b. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a land use zoning district.

c. Front yard setbacks: Up to a 10 percent change to the front yard setback standard in the land use district.

d. Rear yard setbacks: Up to a 10 percent reduction of the dimensional standards for the rear yard setbacks required in the base land use district so long as the three foot setback is maintained if required by the Building Code requirements.

e. Interior side yard setbacks: Variances to interior side yard setbacks for all residential housing types are not allowed.

f. A 10 percent or less increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section.

g. Between 5 percent and 10 percent adjustment to one or more of the residential design standards of Section 16.14, Table 16.14-1.A-C .

2. Approval Process: Class B variances and Residential Design Checklist with Class B Variance shall be reviewed using a Type II procedure. In addition to the application requirements contained in Chapter 16.72.010, the applicant shall provide a written narrative describing the reason for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 3.

3. Approval Criteria (subject to the provisions of this section): The City shall approve, approve with conditions, or deny an application for a Class B Variance based on the following criteria:

a. The variance requested is required due to the lot configuration, or other conditions of the site;

b. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;

c. The variance will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate variance request.

d. An application for a Class B variance is limited to three or fewer lots per application.

e. The variance will have minimal impact to the adjacent properties.

f. The variance is the minimum needed to achieve the desired result and the applicant has considered alternatives.

C. Class A Variances

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# *Chapter 16.86 TEMPORARY USES*[1]

## 16.86.010 Purpose

This section recognizes that temporary uses serve a useful purpose in the life of the community. Temporary uses are characterized by their short-term or seasonal nature and by the fact that permanent changes are not made to the site. Such activities have a potential to have adverse impacts on surrounding property created by the temporary activity therefore specific requirements are necessary as discussed herein.

(Ord. No. 2012-001, § 2, 1-3-2012)

## 16.86.020. Temporary Uses - No Permits Required

A. Applicability

1. Short-term events with an approved City of Sherwood Special Event Permit such as festivals, farmers markets and local events.
2. Short-term events, two (2) weeks in duration or less, including but not limited to fireworks sales, tent sales, sidewalk sales, book sales, craft sales, tree sales or rummage sales.
3. Tree and plant sales are limited to four (4) weeks in duration.

B. Criteria

1. No permit or review is required for short-term events that receive approval through the City of Sherwood Special Event Permit.
2. No permit or review is required for short-term events described in section A.2 and A.3 above, however, they must meet the following criteria;
    a. The operations take place on private property for which the applicant has permission to use. No part of the site or use shall be located in the public right-of-way, unless a right-of-way permit has been previously granted by the City Engineer.
    b. The event must take place on an improved site that has received site plan approval per Chapter 16.90.
    c. The use shall not result in cars stacking onto a public street or interfering with on-site traffic circulation.
    d. Pedestrian pathways such as sidewalks, bike path, walkways and breezeways shall not be blocked.

[1]Editor's note(s)—Ord. No. 2012-001, § 2, adopted January 3, 2012, amended the Code by, in effect, repealing former Ch. 16.86, §§ 16.86.010 and 16.86.020, and adding a new Ch. 16.86. Former Ch. 16.86 pertained to similar subject matter, and derived from Ord. No. 86-851; Ord. No. 91-922; Ord. No. 98-1053; and Ord. No. 2010-015, adopted October 5, 2010.

e. Wheelchair paths and handicapped parking spaces shall not be blocked.

f. The use shall not eliminate required off street parking.

g. Temporary uses shall obtain TVF&R approval, if applicable.

h. Temporary uses permitted by these criteria are not exempt from any other required permits such as temporary portable sign permits, City business license, sanitation facility permits, electrical permits, or any other required city, county or state permit.

i. The use shall comply with applicable noise, odor, nuisance, fire code and comply with other provisions of this Code.

j. Food vendors are only permitted when associated with an approved special event permit or permitted as permanent outdoor sales and subject to 16.98.040.A.1.

C. Enforcement

If a short-term event described in section A.2 and A.3 above is found to be out of compliance with the above criteria, the City shall enforce compliance or require the removal of the event in accordance with the City's code compliance procedures and 16.02.040.

(Ord. No. 2012-001, § 2, 1-3-2012)

## 16.86.030 Temporary Uses - Requiring Permits

A. Applicability

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as temporary sale offices within a model home or trailer construction trailers and offices, and model homesprovided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this Code. These activities are intended to be in use for a limited duration and shall not become a permanent part of a site.

B. Application and Fee

An application for a temporary use shall be filed with the City and accompanied by the fee specified in the adopted fee schedule. The applicant is responsible for submitting a complete application which addresses all review criteria. Temporary use permits shall be subject to the requirements set forth in Chapter 16.72 and shall be evaluated pursuant to a Type I procedure

C. Permit Approval

1. Findings of Fact

A temporary use permit (TUP) may be authorized by the City Manager or his/her designee pursuant to Chapter 16.72 provided that the applicant submits a narrative and detailed site plan that demonstrates that the proposed use:

a. Generally conforms to the standards and limitations of the zoning district in which it is located.

b. Meets all applicable City and County health and sanitation requirements.

c. Meets all applicable Uniform Building Code requirements.

d. On-site real-estate offices, Construction offices and construction trailers shall not be approved until land use approval and building permits, if applicable, have been issued.

e. Complies with temporary outdoor sales standards, if applicable.

2. Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or his/her designee.

a. Temporary sale offices, construction offices, and trailers shall not be issued for a period exceeding one (1) year. The applicant may request a renewal for additional time to allow completion of the project provided that the applicant provides a narrative describing the need for additional time and an anticipated date of project completion.

b. Other temporary uses, not otherwise exempt per 16.86.020.B, shall be issued a permit for up to one (1) year to accommodate the duration of the proposed temporary use.

Renewals may be provided as follows:

(1) Temporary sales office: A renewal permit may be obtained for a period of one (1) year after providing a narrative discussing how the use will remain temporary and how the use is not and will not become permanent.

(2) Model homes: A temporary use permit shall not be issued for a period exceeding two (2) years. The applicant may request a renewal for one (1) additional year provided that the applicant provides a narrative describing the need for additional time and the anticipated date to discontinue the model home use.

(3) For all other temporary uses not defined as a temporary sales office or model home: a renewal permit may be obtained for a period of one year providing a narrative discussing how the use will remain temporary and how the use is not and will not become permanent.

(4) A temporary use permit shall not be renewed for more than three consecutive years; however, a renewal may be obtained annually for uses that do not exceed a four-month period of time per year.

3. Conditions

In issuing a temporary use permit, the City Manager or his/her designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following:

a. increased yard dimensions;

b. fencing, screening or landscaping to protect adjacent or nearby property;

c. limiting the number, size, location or lighting of signs;

d. restricting certain activities to specific times of day; and

e. reducing the duration of the temporary use permit to less than one (1) year.

4. Revocation

Any departure from approved plans not authorized by the City Manager or his/her designee shall be cause for revocation of applicable building and occupancy permits. Furthermore, if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.

D. Model Homes

This section permits the construction of model homes in conjunction with preliminary approval of residential subdivisions pursuant to Chapter 16.120, Subdivisions, of this title. When the use of the model home is discontinued, the structure converts to the intended use as a residential dwelling unit.

1. Approval Criteria. A model home may be constructed and occupied only for the purposes set forth in this section and consistent with its definition prior to final plat recording and subject to the following approval criteria:

    a. Prior to the final plat recording, one model home may be constructed per legal lot of record if the lot had a previous residential home.

    b. If the model home is proposed prior to the final plat recording: The lot must be vacant, and the home foundation for the proposed model home(s) must be surveyed by a person who is registered in Oregon as a land surveyor and holds a valid certificate consistent with State Law. The surveys must establish the location of the model home structure consistent with the dimensional requirements of a lot on the approved preliminary residential subdivision.

    c. If the model home is proposed after the final plat recording, the applicant shall submit a plot plan showing the location of the model home structure is consistent with the dimensional requirements of a lot on the approved recorded plat.

    d. The proposed model home shall be in compliance with residential development standards in Chapter 16.12, including applicable dimensional requirements including, but not limited to, maximum height, minimum setbacks, and minimum lot size of the approved preliminary residential subdivision.

    e. Adequate parking shall be available to serve the model home site. No model home may be temporarily occupied where on-street parking is not available on a public right-of-way or private street that is immediately adjacent to the lot. Where adjacent on-street parking is inadequate, additional temporary off-street parking may be required. Temporary off-street parking must be removed and adequate landscaping installed consistent with this title, prior to any sale of the model home or lot. At least four parking spaces shall be provided for each model home, either off-street or on-street, and shall be shown on a site plan.

    f. Adequate emergency vehicle access shall be available to model home(s) during both construction and temporary occupancy, as approved by the City.

    g. Adequate water supply for firefighting, as approved by the City, shall be provided to each model home lot prior to installation of combustible materials.

    h. All required public and private utilities within the public right-of-way or private street shall be installed and accepted by the City prior to the model home being discontinued and converted to the intended use as a residential home. All utility installations must be inspected and accepted by the City consistent with this title.

    i. The number of model homes in a residential subdivision may be allowed as follows after plat recording:

        1. Between one (1) and ten (10) residential lots, one model home;

        2. Between eleven (11) and fifty (50) residential lots, three model homes;

        3. Between fifty-one (51) and one hundred (100) residential lots, five model homes;

        4. More than one hundred one (101) residential lots, seven model homes;

    j. If more than one model home is proposed, the model homes shall be contiguous to one another and within the same platted phase of the development.

k. No variances under Chapter 16.84, Variances, shall be permitted to accommodate the model home.

l. Water meter connection for a model home is prohibited unless all public improvements required by the subdivision have been constructed, inspected, and accepted by the City Engineering Department. If all public improvements have been constructed, inspected and accepted by the City, the model home must connect to the city's water and sanitary sewer system. A water meter must be installed upon converting the model home to the intended use as a residential home.

m. Adequate pedestrian access must be available to the model homes, as approved by City of Sherwood Engineering Department.

2. Remedial Action. In the event that the City determines the model home has encroached on a property line or has violated any applicable standards, the following steps shall be taken to correct the violation:

a. The City shall provide notice to the applicant identifying the violation and requesting correction of the violation within sixty (60) days of the date of the notice. The City may require more or less time on a case-by-case basis. The time required to cure the encroachment does not extend or modify the timeline for submitting a final plat subject to section 16.120.050 or the termination of the model home approval as set forth below.

b. The applicant shall correct the violation within the time provided in the notice unless otherwise agreed to by the City in writing.

c. The City will not accept an application for a final plat until such time as the violation is corrected. In the event an application is already filed before the violation is detected, the City shall deny the final plat as not consistent with the preliminary approval unless the violation is corrected.

(Ord. No. 2012-001, § 2, 1-3-2012)

# *Chapter 16.90 SITE PLANNING**

## 16.90.010 Purpose

Site planning review is intended to:

A. Encourage development that is compatible with the existing natural and manmade environment, existing community activity patterns, and community identity.

B. Minimize or eliminate adverse visual, aesthetic or environmental effects caused by the design and location of new development, including but not limited to effects from:

1. The scale, mass, height, areas, appearance and architectural design of buildings and other development structures and features.

2. Vehicular and pedestrian ways and parking areas.

3. Existing or proposed alteration of natural topographic features, vegetation and water-ways.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 86-851, § 3)

## 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 is not subject to Residential Design Checklist or Residential Design Review, does not meet the criteria of a minor or major modification per 16.90.030, issuance of building permits for a new building or structure, or for the substantial alteration of an existing structure or use. Exemptions noted below.

Site Plan Review is required for the following development:

1. Multi-dwelling

2. Commercial

3. Industrial

4. Mixed-use

For the purposes of Section 16.90.020, the terms "substantial change" and "substantial alteration" mean any development activity as defined by this Code that generally requires a building permit and may exhibit one or more of the following characteristics:

1. The activity alters the exterior appearance of a structure, building or property and is not considered a modification.

2. The activity involves changes in the use of a structure, building, or property from residential to commercial or industrial and is not considered a modification.

3. The activity involves non-conforming uses as defined in Chapter 16.48.

4. The activity constitutes a change in a City approved plan, per Section 16.90.020 and is not considered a modification.

5. The activity is subject to site plan review by other requirements of this Code.

6. The activity increases the size of the building by more than 100% (i.e. the building more than doubles in size), regardless of whether it would be considered a major or minor modification.

B. Exemption to Site Plan Requirement

1. Single Family detached and middle housing developments are exempt from Site Plan Review but are required to complete either a Residential Design Checklist or Residential Design Review per Chapter 16.89, unless otherwise noted.

2. Manufactured homes located on individual residential lots per Section 16.46.010, and including manufactured home parks.

C. Reserved

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.

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.

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.

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.

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.

6. The proposed commercial, Multi-Family dwelling, 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:

a. Primary, front entrances are located and oriented to the street, and have significant articulation and treatment, via facades, porticos, arcades, porches, portal, forecourt, or stoop to identify the entrance for pedestrians. Additional entrance/exit points for buildings, such as a postern, are allowed from secondary streets or parking areas.

b. Buildings are located adjacent to and flush to the street, subject to landscape corridor and setback standards of the underlying zone.

c. The architecture of buildings are oriented to the pedestrian and designed for the long term and be adaptable to other uses. Aluminum, vinyl, and T-111 siding are prohibited. Street facing

elevations have windows, transparent fenestration, and divisions to break up the mass of any window. Roll up and sliding doors are acceptable. Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.

d. Multi-family development requires a minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way to include windows and entrance doors, and for the side building elevation, adjacent to a public right-of-way or public accessway, a minimum of 10 percent glazing of the area is required.

e. As an alternative to the standards in Section 16.90.020.D.6.a—d, the following Commercial Design Review Matrix may be applied to any commercial, multi-family, institutional or mixed use development (this matrix may not be utilized for developments within the Old Town Overlay). A development must propose a minimum of 60 percent of the total possible points to be eligible for exemption from the standards in Section 16.90.020.D.6.a—d. In addition, a development proposing between 15,001 and 40,000 square feet of floor area, parking or seating capacity and proposing a minimum of 80 percent of the total possible points from the matrix below may be reviewed as a Type II administrative review, per the standards of Section 16.72.010.A.2.

COMMERCIAL DESIGN REVIEW MATRIX

| Design Criteria | Possible Points 0 | 1 | 2 | 3 | 4 |
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| Building Design (21 Total Points Possible; Minimum 12 Points Required) These standards may be applied to individual buildings or developments with multiple buildings. | | | | | |
| Materials[1] | Concrete, artificial materials (artificial or "spray" stucco, etc.) | Cultured stone, brick, stone, decorative patterned masonry, wood | A mixture of at least two (2) materials (i.e. to break up vertical facade) | A mixture of at least three (3) materials (i.e. to break up vertical facade) | A mixture of at least three (3) of the following materials: brick, stone, cultured stone, decorative patterned masonry, wood |
| Roof Form[2] | Flat (no cornice) or single-pitch (no variation) | Distinctive from existing adjacent structures (not applicable to expansion of same building) or either variation in | Distinctive from existing adjacent structures (not applicable to expansion of same building) and either variation in | — | — |

[1]No aluminum or T-111 siding permitted.

[2]Pictures and/or artistic renderings must be submitted for review by the Planning Commission if metal roofs are proposed.

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|---|---|---|---|---|---|
| | | pitch or flat roof with cornice treatment | pitch or flat roof with cornice treatment | | |
| Commercial Glazing[3] | 0—20% glazing on street-facing side(s) | >20% glazing on at least one street-facing side (inactive, display or façade windows) | >20% glazing on all street-facing sides (inactive, display or façade windows) | >20% glazing on at least one street-facing side (active glazing—actual windows) | >20% glazing on all street-facing sides (active glazing—actual windows) |
| Multi-Family Glazing | Multi-family development requires a minimum of 15 percent of the area of the primary building elevation adjacent to a public right-of-way to include windows and entrance doors, and for side building elevations, adjacent to a public right-of-way or public accessway, a minimum of 10 percent glazing of the area is required. | | | | |
| Fenestration on street-facing elevation(s) | One distinct "bay" with no vertical building elements | Multiple "bays" with one or more "bay" exceeding 30 feet in width | Vertical building elements with no "bay" exceeding 30 feet in width | Vertical building elements with no "bay" exceeding 20 feet in width | — |
| Entrance Articulation | No weather protection provided | Weather protection provided via awning, porch, etc. | — | Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance but not covered | Weather protection provided via awning, porch, etc. and pedestrian amenities such as benches, tables and chairs, etc. provided near the entrance and covered |
| Structure Size[4] to discourage "big box" | Greater than 80,000 square feet | 60,000—79,999 square feet | 40,000—59,999 square feet | 20,000—39,999 square feet | Less than 20,000 square feet |

[3] Two (2) points if there is only one street-facing side and it is >20% glazing with inactive windows.

[4]If multiple buildings are proposed, average the building sizes in the development.

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|---|---|---|---|---|---|
| style development | | | | | |
| Building Location and Orientation (6 Total Points Possible; Minimum 3 Points Required) | | | | | |
| Location[5] | Building(s) not flush to any right-of-way (including required PUE adjacent to ROW, setbacks or visual corridor) (i.e. parking or drive aisle intervening) | Building(s) located flush to right-of-way on at least one side (with the exception of required setbacks, easements or visual corridors) | Buildings flush to all possible right-of-way (with the exception of required setbacks, easements or visual corridors) (i.e. "built to the corner") | — | — |
| Orientation | Single-building site primary entrance oriented to parking lot | — | Single-building site primary entrance oriented to the pedestrian (i.e. entrance is adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk and does not cross a parking area) | — | — |
| | Multiple building site primary entrance to anchor tenant or primary | — | Multiple building site primary entrance to anchor tenant or | — | — |

[5]If multiple buildings are proposed in one development, one point is awarded if one or more buildings are located adjacent to one or more rights-of-way and two points are awarded if there is at least one building adjacent to each right-of-way.

| | | | | | |
|---|---|---|---|---|---|
| | entrance to development oriented to parking lot | | primary entrance to development oriented to the pedestrian | | |
| Secondary Public Entrance[6] [6] | | | Secondary public pedestrian entrance provided adjacent to public sidewalk or adjacent to plaza area connected to public sidewalk | | |
| Parking and Loading Areas (13 Total Points Possible; Minimum 7 Points Required) | | | | | |
| Location of Parking | Greater than 50 percent of required parking is located between any building and a public street | 25—50 percent of required parking is located between any building and a public street | Less than 25 percent of required parking is located between any building and a public street | No parking is located between any building and a public street | — |
| Loading Areas | Visible from public street and not screened | Visible from public street and screened | Not visible from public street | — | — |
| Vegetation | At least one "landscaped" island every 13—15 parking spaces in a row | At least one "landscaped" island every 10—12 parking spaces in a row | At least one "landscaped" island every 8—9 parking spaces in a row | At least one "landscaped" island every 6—7 parking spaces in a row | — |

[6]If primary entrance is oriented to the pedestrian, the project is automatically given these points without need for a second entrance.

| | | | | | |
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| Number of Parking Spaces[7] | >120% | 101—120% | 100% | <100% (i.e. joint use or multiple reduction) (1 bonus) | — |
| Parking Surface | Impervious | Some pervious paving (10—25%) | Partially pervious paving (26—50%) | Mostly pervious paving (>50%) | — |
| Landscaping (24 Total Point Possible, Minimum 14 Points Required) | | | | | |
| Tree Retention[8] | Less than 50% of existing trees on-site retained | 51—60% of existing trees on-site retained | 61—70% of existing trees on-site retained | 71—80% of existing trees on-site retained | 81—100% of existing trees on-site retained |
| Mitigation Trees[9] | Trees mitigated off-site or fee-in-lieu | 25—50% of trees mitigated on-site | 51—75% of trees mitigated on-site | 76—100% of trees mitigated on-site | — |
| Landscaping Trees[10] | Less than one tree for every 500 square feet of landscaping | 1 tree for every 500 square feet of landscaping | 2 trees for every 500 square feet of landscaping | 3 trees for every 500 square feet of landscaping | 4 trees for every 500 square feet of landscaping |
| Landscaped Areas | Greater than 35% of landscaped areas are less than 100 square feet in size | Less than 25% of landscaped areas are less than 100 square feet in size | No landscaped areas are less than 100 square feet in size | — | — |
| Landscaping Trees greater than 3-inch Caliper | <25% | 25—50% | >50% | — | — |
| Amount of Grass[11] | >75% of landscaped areas | 50—75% of landscaped areas | 25—49% of landscaped areas | <25% of landscaped areas | — |

[7]Percent of minimum required.

[8]Based on tree inventory submitted with development application.

[9]When no mitigation is required, the project receives zero points.

[10]In addition to mitigated trees on-site, does not include Water Quality Facility Plantings.

[11]Shrubs and drought resistant ground cover are better.

| | | | | | |
|---|---|---|---|---|---|
| Total Amount of Site Landscaping[12] | <10% of gross site | 10—15% of gross site | 16—20% of gross site | 21—25% of gross site | >25% of gross site |
| Automatic Irrigation | No | Partial | Yes | — | — |
| Miscellaneous (10 Total Points Possible; Minimum 5 Points Required) | | | | | |
| Equipment Screening (roof) | Equipment not screened | Equipment partially screened | Equipment fully screened | Equipment fully screened by materials matching building architecture/finish | — |
| Fences and Walls[13] | Standard fencing and wall materials (i.e. wood fences, CMU walls etc.) | — | Fencing and wall materials match building materials | — | — |
| On-Site Pedestrian Amenities Not Adjacent to Building Entrances | No | Yes; 1 per building | Yes; more than 1 per building | — | — |
| Open Space Provided for Public Use | No | Yes; <500 square feet | Yes; 500—1,000 square feet | Yes; >1,000 square feet | — |
| Green Building Certification | | | | LEED, Earth Advantage, etc. (Bonus) | |

e. As an alternative to the standards in Sections 16.90.020.D.6.a—c, the Old Town Design Standards (Chapter 16.162) may be applied to achieve this performance measure.

f. As an alternative to the standards in Sections 16.90.020.D.6.a.—e, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the objectives in Section 16.90.010.B of this Code. This design review hearing will be processed as a Type IV review with public notice and a public hearing.

7. Industrial developments provide employment opportunities for citizens of Sherwood and the region as a whole. The proposed industrial development is designed to enhance areas visible from arterial and

Schools automatically receive the full 3 points and are not penalized for amount of grass.

[12]Includes visual corridor.

[13]Including retaining walls.

collector streets by reducing the "bulk" appearance of large buildings. Industrial design standards include the following:

a. Portions of the proposed industrial development within 200 feet of an arterial or collector street and visible to the arterial or collector (i.e. not behind another building) must meet any three of the following five design criteria:

(1) Primary building entries – entries open to the general public

Primary building entries should be readily identifiable and well-defined through the use of pedestrian scale improvements such as, but not limited to, projections, recesses, columns, roof structures, extra landscaping, hardscapes, seating, or other design elements.

(2) A minimum of two (2) building materials used to break up vertical facade street facing frontages (no T-111 or aluminum siding).

(3) Maximum thirty-five (35) foot setback for all parts of the building from the property line separating the site from all arterial or collector streets (required visual corridor falls within this maximum setback area).

(4) Parking is located to the side or rear of the building when viewed from the arterial or collector.

(5) Loading areas are located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or collector, it must be screened with vegetation or a screen made of materials matching the building materials.

b. A minimum 15% window glazing shall be required for all frontages facing an arterial or collector.

c. All roof-mounted equipment shall be required to be screened with materials complimentary to the building design materials.

d. As an alternative to Section 16.90.020.D.7.a-c, an applicant may opt to have a design review hearing before the Planning Commission to demonstrate how the proposed development meets or exceeds the applicable industrial design objectives below (this design review hearing will be processed as a Type IV review):

(1) Provide high-value industrial projects that result in benefits to the community, consumers and developers.

(2) Provide diversified and innovative working environments that take into consideration community needs and activity patterns.

(3) Support the City's goals of economic development.

(4) Complement and enhance projects previously developed under the industrial design standards identified in Section 16.90.020.D.7.

(5) Enhance the appearance of industrial developments visible from arterials and collectors, particularly those considered "entrances" to Sherwood, including but not limited to: Highway 99W, Tualatin-Sherwood Road and Oregon Street.

(6) Reduce the "bulk" appearance of large industrial buildings as viewed from the public street by applying exterior features such as architectural articulation, windows and landscaping.

(7) Protect natural resources and encourage integration of natural resources into site design (including access to natural resources and open space amenities by the employees of the site and the community as a whole).

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**NEW = Underlined**

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## 16.90.030 Site Plan Modifications and Revocation

A. Modifications to Approved Site Plans

1. Major Modifications to Approved Site Plans

a. Defined. A major modification review is required if one or more of the changes listed below are proposed:

(1) A change in land use (i.e. residential to commercial, commercial to industrial, etc.);

(2) An increase in density by more than ten (10) percent, provided the resulting density does not exceed that allowed by the land use district;

(3) A change in setbacks or lot coverage by more than ten (10) percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;

(4) A change in the type and/or location of access-ways, drives or parking areas negatively affecting off-site traffic or increasing Average Daily Trips (ADT) by more than 100;

(5) An increase in the floor area or height proposed for non-residential use by more than ten (10) percent;

(6) A reduction of more than ten (10) percent of the area reserved for common open space; or

(7) Change to a condition of approval that was specifically applied to this approval (i.e. not a "standard condition"), or a change similar to items identified in Section 16.90.030.A.1.a.(1)—(2) as determined by the Review Authority.

b. Approval Criteria. An applicant may request a major modification as follows:

(1) Upon the review authority determining that the proposed modification is a major modification, the applicant must submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The review authority may require other relevant information, as necessary, to evaluate the request.

(2) The application is subject to the same review procedure (Type II, III or IV) and decision making body as the initial project approval,except that adding a Conditional Use to an approved Type II project is reviewed using a Type III procedure. The approval criteria and standards in effect at the time of the current land use submittal apply to the modification request.

(3) The scope of review is limited to the modification request and does not open the entire site up for additional review unless impacted by the proposed modification. For example, a request to modify a parking lot requires site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping.

(4) Notice must be provided in accordance with Chapter 16.72.020.

**DELETE = ~~Strikethrough~~**
**NEW = Underlined**

(5) The decision maker approves, denies, or approves with conditions an application for major modification based on written findings of the criteria.

2. Minor Modifications to Approved Site Plans

a. A Minor Modification is any modification to a land use decision or approved development plan that is not within the description of a major modification.

b. Minor Modification Review Procedure. An application for approval of a minor modification is reviewed by the review authority using a Type I review procedure under Section 16.72.010.A. Minor modifications involve only clear and objective Code standards.

c. Minor Modification Applications. An application for minor modification must include an application form, filing fee and narrative, updated Clean Water Services (CWS) Service Provider Letter or equivalent acknowledgement from CWS, and a site plan using the same plan format as in the original approval if possible. The review authority may require other relevant information, as necessary, to evaluate the request.

d. Minor Modification Approval Criteria. The review authority approves, denies, or approves with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the Development Code in effect at the time of the current land use submittal and continues to comply with the conditions of approval in the original decision, and the modification is not a major modification.

B. Revocation

Any departure from an approved plan is cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of site plan approval are not or cannot be satisfied, the site plan approval, or building and occupancy permits, will be revoked.

(Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2014-012, § 3, 7-17-2014; Ord. No. 2011-011, § 1, 10-4-2011)

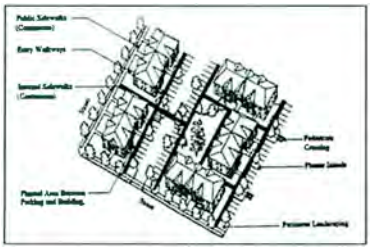
# *Chapter 16.96 ON-SITE CIRCULATION*

## 16.96.010 General Requirements for Onsite Pedestrian Circulation

A. Purpose

All new development, (except single-family detached and middle housing types), shall provide a continuous system of private pathways/sidewalks. The on-site facilities shall connect 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.

On-Site Circulation System (Multi-Family Example)



B. Maintenance

No building permit or other City permit shall be issued until plans for pedestrian 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. Required ingress, egress and circulation improvements shall be kept clean and in good repair.

C. Joint Pedestrian Access

Two (2) or more uses, structures, or parcels of land may utilize the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied 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.

D. 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 with paved sidewalk.
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.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 6; Ord. 86-851)

## 16.96.020 Minimum Residential Pedestrian Circulation standards

Minimum standards for private, onsite pedestrian circulation improvements in residential developments:

A. Sidewalks, Pathways and Curbs

1. Single Family Detached, middle housing types, and Manufactured Homes on Individual Residential Lot: No onsite sidewalks and curbs are required when not part of a proposed partition or subdivision. Pedestrian ciruclation standards for subdivisions and partitions are located in Section 16.106.060 Sidewalks. For cottage clusters, on-site pedestrian pathways are required consistent with Section 16.14.040.

2. Multi-family:

   a. A system of private pedestrian sidewalks/pathways extending throughout the development site shall connect each dwelling unit to vehicular parking areas, common open space, storage areas, recreation facilities, adjacent developments, transit facilities within five hundred (500) feet of the site, and future phases of development. Main building entrances shall also be connected to one another.

   b. Required private pathways/sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators, on one (1) side of approved driveways connecting to the public sidewalk or curb of the public street that provides required ingress and egress. Curbs shall also be required at a standard approved by the Review Authority.

   c. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, brick/masonry pavers, or other durable surface, at least five (5) feet wide and conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump).

   d. Exceptions Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

(Ord. No. 2012-008, § 2, 7-17-2012; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, §§ 5, 8; 91-922)

## 16.96.030 Minimum Non-Residential Pedestrian Circulation Standards

Minimum standards for private, onsite pedestrian circulation improvements in non-residential developments:

A. Sidewalks and Curbs

1. A private pathway/sidewalk system extending throughout the development site shall be required to connect to existing development, to public rights-of-way with or without improvements, to parking and storage areas, and to connect all building entrances to one another. The system shall also connect to transit facilities within five hundred (500) feet of the site, future phases of development, and whenever possible to parks and open spaces.

2. Curbs shall also be required at a standard approved by the Hearing Authority. Private pathways/sidewalks shall be connected to public rights-of-way along driveways but may be allowed other than along driveways if approved by the Hearing Authority.

3. Private Pathway/Sidewalk Design. Private pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other pervious durable surface. Primary pathways connecting front entrances to the right of way shall be at least 6 feet wide and conform to ADA standards. Secondary pathways between buildings and within parking areas shall be a minimum of four (4) feet wide and/or conform to ADA standards. Where the system crosses a parking area, driveway or street, it shall be clearly marked with contrasting paving materials or raised crosswalk (hump). At a minimum all crosswalks shall include painted striping.

4. Exceptions. Private pathways/sidewalks shall not be required where physical or topographic conditions make a connection impracticable, where buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or pathways would violate provisions of leases, restrictions or other agreements.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 2005-009, § 8; Ord. 86-851)

### 16.96.040 General Requirements for On-Site Vehicle Circulation

A. Maintenance

No building permit or other City permit shall be issued until plans for vehicle 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.

B. Joint Access

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.

C. Connection to Streets

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.

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D. Maintenance of Required Improvements

Required vehicle ingress, egress and circulation improvements shall be kept clean and in good repair.

E. Service Drives

Service drives shall be provided pursuant to Section 16.94.030.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2005-009 § 8)

### 16.96.050 Minimum Residential Vehicle Circulation Standards

Minimum standards for private, on-site vehicle circulation improvements in residential developments:

A. Driveways

1. Single-Family Detached with or without an Accessory Dwelling Unit (ADU). One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet and maximum width of 24 ft., not to exceed a grade of 14%. Lots with more than 60 ft. of frontage on a public street are permitted a maximum width of 30 ft. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.
2. Duplex: One (1) shared driveway improved with hard surface pavement with a minimum width of twenty (20) feet; or two (2) driveways improved with hard surface pavement with a minimum width of ten (10) feet each. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.
3. Townhome: A maximum of one (1) driveway per unit improved with hard surface pavement with a minimum width of ten (10) feet. See also the provisions of 16.14.020.D.
4. Triplex and Quadplex: See the provisions of 16.14.030.A.
5. Cottage Clusters: See the provisions of 16.14.040.C
6. Multi-Family: Improved hard surface driveways are required as follows:

Commented [EP1]: Multi-family is more than 3 units – 5 or more.

| Number of Units | Number of Driveways | One Way Drive Width (Pair) | Two Way Drive Width |
|---|---|---|---|
| 5—49 | 1 | 15 feet | 24 feet |
| 50 or more | 2 | 15 feet | 24 feet |

### 16.96.060 Minimum Non-Residential Vehicle Circulation Standards

Minimum standards for private, on-site circulation improvements in non-residential developments:

A. Driveways

1. Commercial and Mixed-Use: Improved hard surface driveways are required as follows:

| Required Parking Spaces | Number of Driveways | Minimum Width One-Way (Pair) | Minimum Width Two-Way |
|---|---|---|---|
| 1—49 | 1 | 15 feet | 24 feet |
| 50 or more | 2 | 15 feet | 24 feet |

2. Industrial: Improved hard surfaced driveways are required as follows:

| Required Parking Spaces | Number of Driveways | Minimum Width One-Way (Pair) | Minimum Width Two-Way |
|---|---|---|---|
| 1—249 | 1 | 15 feet | 24 feet |
| 250 or more | 2 | 15 feet | 24 feet |

3. Surface materials are encouraged to be pervious when appropriate, considering soils, anticipated vehicle usage, and other pertinent factors.

# Division VII. LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATIONS[1]

## *Chapter 16.120 SUBDIVISIONS[2]*

### 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.

(Ord. No. 2011-011, § 1, 10-4-2011)

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(Ord. No. 2011-011, § 1, 10-4-2011)

### 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.

B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.

C. The plat complies with 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).

D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.

E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.

F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.

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[1]Editor's note(s)—Ord. No. 2011-011, § 1, adopted October 4, 2011, amended the title of Div. VII.

[2]Editor's note(s)—Ord. No. 2011-011, § 1, adopted October 4, 2011, amended the Code by, in effect, repealing former Ch. 16.120, §§ 16.120.010 and 16.120.020, and adding a new Ch. 16.120. Former Ch. 16.120 pertained to general provisions, and derived from Ord. 86-851; Ord. 98-1053; and Ord. No. 2010-015, adopted October 5, 2010.

G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.

H. The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.

I. A minimum of five percent (5%) open space has been provided per Section 16.142.030 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.

J. Privately maintained trails for public use shall conform to the public trails standards in the Transportation System Plan (TSP).

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2011-011, § 1, 10-4-2011)

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# *Chapter 16.122 LAND PARTITIONS*[1]

## 16.122.010 Generally

A. Approval Required

A tract of land or contiguous tracts under a single ownership shall not be partitioned into two (2) or more parcels until a partition application has been approved by the City Manager or his/her designee.

B. City Action

The City Manager or his/her designee shall review the partition applications submitted in accordance with Section 16.70 and shall approve, approve with conditions or deny the application.

(Ord. No. 2011-011, § 1, 10-4-2011)

## 16.122.020 Approval Criteria: Preliminary Plat

Partitions shall not be approved unless:

A. The partition complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX, and complies with Chapter 16.128 (Land Division Design Standards).

B. The partition dedicates to the public all required common improvements and areas including but not limited to streets, parks, floodplains, and sanitary sewer, storm water, and water supply systems.

C. The applicant must demonstrate adequate water, sanitary sewer and other public facilities exist to support the proposed use of the partitioned land. For the purposes of this section:

1. Adequate water service shall mean: the ability to connect to the City water supply system and the City water supply system has the capacity to provide service in compliance with City standards.

2. Adequate sanitary sewer service shall mean: theability to connect to the City sanitary sewer system and the City sanitary sewer system has the capacity to provide service in compliance with City standards if City sanitary sewer lines are located within three-hundred (300) feet of any point of the lot lines of the partition.

3. Installation of private on-site septic sewage disposal facilities shall be deemed adequate when the lots proposed are 15,000 square feet or more if the private on-site septic system is permitted by Washington County Health and City sewer lines are not within three-hundred (300) feet.

[1]Editor's note(s)—Ord. No. 2011-011, § 1, adopted October 4, 2011, amended the Code by, in effect, repealing former Ch. 16.122, § 16.122.010, and adding a new Ch. 16.122. Former Ch. 16.122 pertained to preliminary plats, and derived from Ord. 86-851; Ord. 91-922; Ord. 94-991; Ord. 98-1053; Ord. No. 2010-015, adopted October 5, 2010; and Ord. No. 2011-009, adopted July 19, 2011.

4. The adequacy of other public facilities such as storm water and streets shall be determined by the City Manager or his/her designee based on applicable City policies, plans and standards for said facilities.

D. Adjoining land can be developed, or is provided access that will allow future development, in accordance with this Code.

E. Future Development Ability

In addition to the findings required by Section 16.122.010, the City Manager or his/her designee must find, for any partition creating lots averaging one (1) acre or more, that the lots may be re-partitioned or resubdivided in the future in full compliance with the standards of this Code. The City Manager or his/her designee may require the applicant to submit partition drawings or other data confirming that the property can be resubdivided. If re-partitioning or resubdividing in full compliance with this Code is determined not to be feasible, the City Manager or his/her designee shall either deny the proposed partition, require its redesign, or make a finding and condition of approval that no further partitioning or subdivision may occur, said condition to be recorded against the property.

(Ord. No. 2011-011, § 1, 10-4-2011)

## 16.122.030 Final Partition Plat

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# Division VIII. ENVIRONMENTAL RESOURCES

## *Chapter 16.132 GENERAL PROVISIONS AND CONFORMANCE*

### 16.132.010 Purpose

This Division is intended to protect, preserve, and otherwise properly manage the City's natural and environmental resources for the benefit of the general public, to regulate land development so as to protect the public from natural and environmental hazards, and to establish performance standards allowing the City to properly and uniformly assess the impact of residential, commercial, industrial, and institutional development and activities on the quality of the City's environment.

### 16.132.020 Applicability

The standards of this Chapter, and applicable portions of the Comprehensive Plan, shall apply to all Chapters in Division VIII. Environmental Resources, except for Chapter 16.134 Floodplain Overlay, for any new uses or changes to existing uses in commercial, industrial and institutional zones.

(Ord. 91-922, § 3)

### 16.132.030 Conformance

Conformance with the standards of this Chapter shall, at a minimum, be certified in writing by a professional engineer and submitted with the application for site plan review required by Chapter 16.90, except as per Section 16.136.050. The written certification shall include:

A. Statement certifying that the proposed commercial, industrial or institutional use, if properly managed and operated, will comply with City environmental performance standards, and citing evidence supporting the certification.

B. Copies of any applicable State permits or recent test results, if available, which would indicate compliance with City environmental performance standards.

(Ord. 91-922, § 3)

### 16.132.040 Additional Information

A. Prior to accepting any land use application to which this Chapter applies, the City Manager or his/her designee, may determine that additional expertise in evaluating the application, due to the complexity of its impact on environmental resources, is warranted. Under such circumstances, the City may contract with a professional engineer or other qualified consultant to evaluate and make recommendations on specific application elements relative to City environmental resource standards.

B. Upon the City's determination that additional expertise is needed, the applicant shall deposit a sum equal to the estimated cost, as determined by the City, of such professional services. If the actual cost of such services is more than estimated, the applicant shall be responsible for the difference, provided however, that the applicant's financial responsibilities will not exceed ten percent (10%) of the estimate without prior written

authorization. If the cost of such services is less than the estimate, the balance of the deposit shall be returned to the applicant upon final action on their land use application.

### 16.132.050 Referenced Statutes and Rules

The Federal, State or regional statutes and rules cited in this Chapter are made part of this Code by reference. The statutes and rules cited are as current at the time of adoption of this Code. If a referenced statute or rule is amended by Federal, State or regional agencies, this Code must be amended for the new statute or rule to take precedence.

### 16.132.060 Exceptions

The City shall make an initial determination whether a proposed development is subject to any of the standards of this Chapter, or whether the development is exempt. The City Manager or his/her designee is authorized to waive all or some of these standards when a proposed development clearly does not represent a substantial impact on the City's environmental resource standards as per this Chapter. The findings of the City Manager or his/her designee shall be made in writing, and copies shall be forwarded to the applicant and the Commission. The action of the City Manager or his/her designee may be appealed as per Chapter 16.76.

## *Chapter 16.134 FLOODPLAIN (FP) OVERLAY*

**Sections:**

### 16.134.010 Generally

Special resource zones are established to provide for preservation, protection, and management of unique natural and environmental resources in the City that are deemed to require additional standards beyond those contained elsewhere in this Code. Special resource zones may be implemented as underlying or overlay zones depending on patterns of property ownership and the nature of the resource. A property or properties may be within more than one resource zone. In addition, the City may identify special resource areas and apply a PUD overlay zone in advance of any development in order to further protect said resources.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for Washington County, Oregon and Incorporated Areas," (flood insurance study) dated October 19, 2018, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file with the Sherwood City Engineer at Sherwood City Hall.

(Ord. No. 2018-009, § 2, 10-16-2018; Ord. No. 2018-006, § 2, 10-2-18; Ord. No. 2016-013, § 1, 10-18-2016; Ord. 91-922, § 3)

### 16.134.020 Purpose

The purpose of this ordinance is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by complying with the provisions of this chapter.

A. The FP zoning district is an overlay district that controls and regulates flood hazard areas in order to protect the public health, safety and general welfare; to reduce potential flood damage losses; and to protect floodways and natural drainageways from encroachment by uses which may adversely affect water quality and water flow and subsequent upstream or downstream flood levels. The FP zone shall

be applied to all areas within the base flood, and shall supplement the regulations of the underlying zoning district.

B. FP zoning districts are areas within the base flood as identified by the Federal Emergency Management Agency (FEMA) in a Flood Insurance Study (FIS) and in Flood Insurance Rate Maps (FIRM) published for the City and surrounding areas, or as otherwise identified in accordance with Section 16.134.020C. These FEMA documents are adopted by reference as part of this Code, and are on file at the City.

C. When base flood elevation data is not available from the FIS or FIRM, the City shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, and standards developed by the FEMA, in order to administer the provisions of this Code.

D. In areas where a regulatory floodway has not been designated, and where the Flood Insurance Study indicates that it is possible to calculate a floodway, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2000-1092, § 3; 88-870)

## 16.134.030 Greenways

The FP zoning districts overlaying the Rock Creek and Cedar Creek floodplains are designated greenways in accordance with Chapter 5 of the Community Development Plan. All development in these two floodplains shall be governed by the policies in Division V, Chapter 16.142 of this Code, in addition to the requirements of this Section and the Clean Water Services Design and Construction Standards R&O 07-20, or its replacement.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2000-1092, § 3; 88-879)

## 16.134.040 Development Review and Floodplain Administrator Duties

A. The City Engineer is the designated local Floodplain Administrator and is responsible for maintaining local floodplain management records for the City.

B. Provided land is not required to be dedicated as per Section 16.134.030, a conditional use permit (CUP) is required before any use, construction, fill, or alteration of a floodplain, floodway, or watercourse, or any other development begins within any FP zone, except as provided in Section 16.134.050.

C. Application for a CUP for development in a floodplain shall conform to the requirements of Chapter 16.82 and may include, but is not limited to, plans and scale drawings showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, and drainage facilities.

D. The following specific information is required in a floodplain CUP application and shall be certified and verified by a registered civil engineer or architect. The City shall maintain such certifications as part of the public record. All certifications shall be based on the as-built elevations of lowest building floors.

1. Elevations in relation to the current FIRM and FIS of the lowest floor (including basement) of all structures;

2. Elevations in relation to the current FIRM and FIS to which any structure has been flood proofed.

3. That the flood proofing methods for any structure meet the requirements of this section, Floodplain Structures.

4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

5. A base flood survey and impact study made by a registered civil engineer.

6. Proof all necessary notifications have been sent to, and permits have been obtained from, those federal, state, or other local government agencies for which prior approval of the proposed development is required.

7. Any other information required by this section, by any applicable federal regulations, or as otherwise determined by the City to be necessary for the full and proper review of the application.

E. The floodplain administrator shall review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 16.134.070.F are met.

F. Where base flood elevation data is provided through the Flood Insurance Study, FIRM or required under Section 16.134.020.C the local Floodplain Administrator shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

2. If the structure has been floodproofed in accordance with Sections 16.134.090.A.3 and D.1.a, then obtain the elevation (in relation to mean sea level) to which the structure was floodproofed, and

3. Maintain all elevation and floodproofing certificates required under Section 16.134.040.D, and

4. Maintain for public inspection all records pertaining to the provisions of this ordinance.

G. Where elevation data is not available as per subsection D of this section, or from other sources as per Section 16.134.020.C, a floodplain CUP shall be reviewed using other relevant data, as determined by the City, such as historical information, high water marks, and other evidence of past flooding. The City may require utility structures and habitable building floor elevations, and building flood proofing, to be at least two feet above the probable base flood elevation, in such circumstances where more definitive flood data is not available.

H. The floodplain administrator shall:

1. Notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration as required in Section 16.134.100.C.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

I. The floodplain administrator shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

J. Variances to any standard within the floodplain overlay shall comply with the provisions of the Code of Federal Regulations (CFR) section 44 CFR 60.6(a)(1)—(7).

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; 88-879)

## 16.134.050 Permitted Uses

In the FP zone the following uses are permitted outright, and do not require a CUP, provided that floodway flow, or floodplain capacity, will not be impeded, as determined by the City, and when greenway dedication is not required as per Section 16.134.030.

A. Agricultural uses, provided that associated structures are not allowed, except for temporary building and boundary fences that do not impede the movement of floodwaters and flood-carried materials.

B. Open space, park and recreational uses, and minor associated structures, if otherwise allowed in the underlying zoning district that do not impede the movement of floodwaters and flood-carried materials.

C. Public streets and appurtenant structures, and above and underground utilities, subject to the provisions of Sections 16.134.080 and 16.134.090.

D. Other accessory uses allowed in the underlying zoning district that do not involve structures, and will not, in the City's determination, materially alter the stability or storm drainage absorption capability of the floodplain.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2000-1092, § 3; 91-922)

## 16.134.060 Conditional Uses

In the FP zone the following uses are permitted as conditional uses, subject to the provisions of this Section and Chapter 16.82, when greenway dedication is not required as per this Section.

Greenways:

A. Any permitted or conditional use allowed in the underlying zoning district, when located in the flood fringe only, as specifically defined by this Code.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3; 88-879)

## 16.134.070 Prohibited Uses

In the FP zone the following uses are expressly prohibited:

A. The storage or processing of materials that are buoyant, flammable, contaminants, explosive, or otherwise potentially injurious to human, animal or plant life.

B. Public and private sewerage treatment systems, including drainfields, septic tanks and individual package treatment plants.

C. Any use or activity not permitted in the underlying zoning district.

D. Any use or activity that, in the City's determination, will materially alter the stability or storm drainage absorption capability of the floodplain.

E. Any use or activity that, in the City's determination, could create an immediate or potential hazard to the public health, safety and welfare, if located in the floodplain.

F. Any use, activity, or encroachment located in the floodway, including fill, new construction, improvements to existing developments, or other development, except as otherwise allowed by Section 16.134.050 and unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the use, activity, or encroachment will not result in any increase to flood levels during the occurrence of the base flood discharge.

a. If paragraph F of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard provisions of Sections 16.134.080 and .090, or ASCE 24, whichever is more stringent.

G. The storage of recreational vehicles. This is the most restrictive provision wherein.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

## 16.134.080 Floodplain Development

A. Floodplain Alterations

1. Floodplain Survey

The floodplain, including the floodway and flood fringe areas, shall be surveyed by a registered land surveyor or civil engineer, and approved by the City, based on the findings of the flood insurance study and other available data. Such delineation shall be based on the current FIRM and FIS data and be field-located from recognized valid benchmarks.

2. Grading Plan

Alteration of the existing topography of floodplain areas may be made upon approval of a grading plan by the City. The plan shall include both existing and proposed topography and a plan for alternate drainage. Contour intervals for existing and proposed topography shall be included and shall be not more than one foot for ground slopes up to five percent (5%) and for areas immediately adjacent to a stream or drainage way, two feet for ground slopes between five and ten percent (5% to 10%), and five feet for greater slopes.

3. Fill and Diked Lands

a. Proposed floodplain fill or diked lands may be developed if a site plan for the area to be altered within the floodplain is prepared and certified by a registered civil engineer and approved by the Commission pursuant to the applicable provisions of this Code.

b. Vehicular access shall be provided from a street above the elevation of the base flood to any proposed fill or dike area if the area supports structures for human occupancy. Unoccupied fill or dike areas shall be provided with emergency vehicle access.

4. Alteration Site Plan

a. The certified site plan prepared by a registered civil engineer or architect for an altered floodplain area shall show that:

(1) Proposed improvements will not alter the flow of surface water during flooding such as to cause a compounding of flood hazards or changes in the direction or velocity of floodwater flow.

(2) No structure, fill, storage, impervious surface or other uses alone, or in combination with existing or future uses, will materially reduce the capacity of the floodplain or increase in flood heights.

(3) Proposed floodplain fill or diked areas will benefit the public health, safety and welfare and incorporate adequate erosion and storm drainage controls, such as pumps, dams and gates.

(4) No serious environmental degradation shall occur to the natural features and existing ecological balance of upstream and downstream areas.

(5) On-going maintenance of altered areas is provided so that flood-carrying capacity will not be diminished by future erosion, settling, or other factors.

b. Applicants must obtain a conditional letter of map revision (CLOMR) from FEMA before any encroachment, including fill, new construction, substantial improvement, or other development, in the regulatory floodway is permitted. Applicants are responsible for preparing technical data to support the CLOMR application and paying any processing or application fees to FEMA.

5. Subdivisions and Partitions

All proposed subdivisions or partitions including land within an FP zone must establish the boundaries of the base flood by survey and dedicate said land as per Section 16.134.030. The balance of the land and development must:

a. Be designed to include adequate drainage to reduce exposure to flood damage, and have public sewer, gas, electrical and other utility systems so located and constructed to minimize potential flood damage, as determined by the City.

b. Provide for each parcel or lot intended for structures, a building site which is at or above the base flood elevation, and meets all setback standards of the underlying zoning district.

c. Where base flood elevation data is not provided, or is not available from an authoritative source, it shall be generated by the applicant for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five acres, whichever is less.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

## 16.134.090 Floodplain Structures

Structures in the FP zone permitted in accordance with this section, shall be subject to the following conditions, in addition to the standards of the underlying zoning district:

A. Generally

1. All structures, including utility equipment, and manufactured housing dwellings, shall be anchored to prevent lateral movement, floatation, or collapse during flood conditions, and shall be constructed of flood-resistant materials, to standards approved by the City, State Structural and Plumbing Specialty Codes and applicable building codes.

2. The lowest floor elevation of a structure designed for human occupancy must be at least one and one-half feet above the base flood elevation and the building site must comply with the provisions of Section 16.134.080.A.

3. The lower portions of all structures shall be flood proofed according to the provisions of the State Structural and Plumbing Specialty Code to an elevation of at least one and one-half feet above the base flood elevation.

4. The finished ground elevation of any under floor crawl space shall be above the grade elevation of an adjacent street, or natural or approved drainage way unless specifically approved by the City. A positive means of drainage from the low point of such crawl space shall be provided.

5. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

B. Utilities

1. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities located within structures shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2. Electrical service equipment, or other utility structures, shall be constructed at or above the base flood elevation. All openings in utility structures shall be sealed and locked.

3. Water supply and sanitary sewer systems (not prohibited under section 16.134.070.B shall be approved by the Washington County Health Department, and shall be designed to minimize or eliminate the infiltration of floodwaters into the systems, or any discharge from systems into floodwaters.

a. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with Washington County Health Authority and Oregon Department of Environmental Quality.

C. Residential Structures

1. All residential structures shall have the lowest floor, including basement, elevated to at least one and one-half feet above the base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are not permitted unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered engineer or architect, or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.

3. Shall be constructed with materials resistant to flood damage.

D. Non-Residential Construction

1. All commercial, industrial or other non-residential structures shall have either the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Be certified by a Registered Professional Engineer or Architect that the design and methods of construction are in accordance with accepted standards of practice for meeting all provisions of this Section. A record of such certificates shall be maintained by the Floodplain Administrator in accordance with Section 16.134.040.A.

d. Nonresidential structures that are elevated and not flood proofed must meet the same standards for space below the lowest floor as per Section 16.134.090.C.2.

E. Manufactured Dwellings

1. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with paragraph C.2 of this section;

2. The bottom of the longitudinal chassis frame beam in A zones (excluding coastal A zones), shall be at or above BFE;

3. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;

4. Electrical crossover connections shall be a minimum of 12 inches above BFE.

F. Recreational Vehicles

Except where prohibited under Section 16.134.070.G Recreational vehicles placed on sites are required to:

1. Be on the site for fewer than 180 consecutive days, and

2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the requirements of paragraph E of this section and the elevation and anchoring requirements for manufactured dwellings.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

## 16.134.100 Additional Requirements

A. Dimensional standards or developments in the FP zone are the same as in the underlying zoning district, except as provided in Section 16.134.100.

B. Approval of a site plan pursuant to Chapter 16.90 that includes portions of the FP overlay may be conditioned by the City to protect the best interests of the surrounding area or the community as a whole, and to carry out the terms of the Comprehensive Plan. These conditions may include, but are not limited to:

1. Increasing the required lot sizes, yard dimensions, modifying street widths, or off-street parking spaces.

2. Limiting the height, size, or location of buildings.

3. Controlling the location and number of vehicle access points.

4. Limiting the number, size, location, or lighting of signs.

5. Requiring diking, fencing, screening, landscaping, or other facilities to protect the proposed development, or any adjacent or nearby property.

6. Designating sites for open space or water retention purposes.

7. Construction, implementation, and maintenance of special drainage facilities and activities.

C. FEMA Notification.

1. Notify FEMA within six months of project completion when a conditional letter of map revision (CLOMR) has been obtained from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified base flood elevations. This notification shall be provided as a letter of map revision (LOMR).

2. The applicant is responsible for preparing technical data to support the LOMR application and paying any processing or application fees to FEMA.

3. The floodplain administrator is under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this Code and all applicable state and federal laws.

(Ord. No. 2018-009, § 2, 10-16-2018Ord. No. 2016-013, § 1, 10-18-2016; Ord. No. 2015-003, § 2, 3-17-2015; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 88-879, § 3)

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# *Chapter 16.136 MINERAL RESOURCES**

**Sections:**

## 16.136.010 Permitted Activities

Mineral extraction and processing, including sand and gravel pits, rock crushers, concrete and asphalt mixing plants, are permitted in the GI zone as conditional uses, subject to Chapter 16.82, and the following special conditions.

(Ord. 91-922, § 3)

## 16.136.020 Special Conditions

The following special conditions apply to mineral extraction and processing activities:

A. The applicant shall provide a plan for the land from which the sand and gravel will be excavated showing contours on at least five (5) foot intervals, and all improvements on the land and within three-hundred (300) feet of the property.

B. Mineral extraction and processing shall not be permitted closer than thirty (30) feet to the boundary of adjacent property, nor closer than three-hundred (300) feet to any existing residence, unless the owner or owners of such adjacent property sign a written consent to a lesser distance, and the Commission approves such lesser distance. The Commission may set greater separations as warranted by specific site conditions.

C. The Commission shall specify depth, degree of bank slopes and the distance from any public structures, for all excavations made in or near stream beds. The Commission shall determine setbacks from public rights-of-way when excavations are near such rights-of-way.

D. Sand and gravel shall be excavated in such a manner so as to leave an average of two (2) feet, or more if specified by the Commission, of undisturbed material over the entire excavation tract. Excavations shall be conducted so that excavated areas will not collect and retain stagnant water.

E. After dry pit sand and gravel excavations have been completed, the operator shall evenly spread excess waste materials over the bottom of the pit, and then shall evenly spread topsoil to a minimum depth of one and one-half (1-½) feet, unless evidence is produced that the land excavated had less than one and one-half (1-½) feet of topsoil prior to commencement of operations.

F. Haulage roads within the excavation tract shall be maintained in a reasonably dust-free condition. Hours of operation, unless otherwise specified by the Commission, shall be from 6:00 AM to 7:00 PM.

G. Rock crushers, concrete and asphalt mixing plants may be permitted, providing that the crushers and plants are accessory to the sand and gravel operations and primarily use materials excavated on-site.

H. The operator shall post security in a form acceptable to the City in a sum equal to the number of acres within the excavation tract, multiplied by five-hundred dollars ($500.00), to ensure full compliance with all of the terms and regulations pertaining to the extraction and processing of sand and gravel. The minimum amount of such bond shall be two-thousand, five-hundred dollars ($2,500.00) and the maximum amount twenty-five thousand dollars ($25,000.00).

I. The operator shall furnish evidence of liability insurance of not less than fifty-thousand dollars ($50,000.00) for any negligent act or omission in the operation or maintenance of sand and gravel pit, and the extraction and production of sand and gravel, and all activities connected with, or incidental thereto.

J. Prior to action on a conditional use permit, the action shall be advertised as a Type III application per Chapter 16.72

# *Chapter 16.138 SOLID WASTE**

**Sections:**

## 16.138.010 Solid Waste Facilities

Solid waste facilities are defined in 16.10.020 of this Code and are permitted in the General Industrial (GI) and Light Industrial (LI) zones as described in those sections of the Code. Permitted solid waste facilities are subject to the review procedures, site improvements and other standards of this Chapter.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 93-966, § 3)

## 16.138.020 Solid Waste Incinerators

The operation of solid waste incinerators for any commercial, industrial, or institutional purpose is prohibited in the City. For the purposes of this section, solid waste is defined as per ORS 459.005(24), and includes infectious wastes as per ORS 459.386(4). Provided said incineration or burning is otherwise properly permitted, this prohibition shall not apply to furnaces, incinerators, or stoves burning wood or wood-based products, petroleum products, natural gas, or to other fuels or materials not defined as solid waste, to yard debris burning, or to small-scale specialized incinerators utilizing solid waste produced as a by-product on-site and used only for energy recovery purposes. Said small-scale specialized incinerators must be integral to and part of, but clearly ancillary secondary and incidental to, a permitted or conditionally permitted use in the City, and cannot utilize infectious wastes or any fuels derived from infectious wastes. This prohibition shall not apply to solid waste incinerators

lawfully permitted to operate prior to September 5, 1990, but shall apply to any expansion, alteration, or modification of such a use or any applicable permits.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3)

## 16.138.030 Accessory Use Solid Waste Facilities

A. The following solid waste facilities are permitted, subject to the applicable regulations of the zone, as an accessory use to a permitted or conditional use without being subject to the conditional use review:

1. Household hazardous waste depot, provided the facility is accessory to a public facility or to a use in an industrial zone.

2. Small scale specialized incinerator, provided the facility complies with Section 16.140.020 and does not accept more than two-hundred twenty (220) pounds per day of waste from off-site.

3. Recycling drop boxes, provided they also comply with Section 16.140.090.E.5.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 93-966, § 3; 91-922)

## 16.138.040 Multiple Purpose Solid Waste Facility

A solid waste facility may include more than one kind of facility as defined in Section 16.10.020, Definitions. Any application that includes more than one kind of facility is permitted in a given zone only if all of the uses proposed in the facility are permitted in that zone. If any of the uses proposed are allowed only as a conditional use in the zone, then all of the uses proposed shall be considered conditional uses.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 93-966, § 3; 91-922)

## 16.138.050 Temporary Solid Waste Facility

A. The following solid waste facilities may be approved as a temporary use in any zone without being subject to conditional use review if the use operates not more than three (3) days per calendar month, subject only to the dimensional requirements of the underlying zone (e.g., setbacks and height), and the applicable provisions of Section 16.138.090, Site Improvements and the appropriate requirements of Sections 16.140.060 through 16.138.080:

1. Household hazardous waste.

2. Resource Recovery Facility.

3. Yard debris depot.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 93-966, § 3; 91-922)

## 16.138.060 Application Contents

A. In addition to submitting land use application forms provided by the City of Sherwood, and in accordance with other sections of this Code, the applicant shall describe at least the following features of the proposed facility:

1. Capacity and project life.

2. The population or industries to be served.

3. The amount of solid waste that is expected to be accommodated at the facility from the population or industries to be served, including maximum daily and monthly amounts and average annual volume and weight of waste to be received.

4. For a landfill, planned future uses of the site after closure.

5. The quantity of each type of waste stream projected to be accommodated at the facility. Examples of waste streams include domestic waste, commercial and institutional waste, industrial waste, construction and demolition waste, agricultural waste, sewage sludge, and contaminated clean-up materials.

6. The operating characteristics of the facility, including equipment used, hours of operation, and volume, distribution, and type of traffic associated with the use and a traffic study, if required by Section 16. 138.090 of this Code.

7. The kind or kinds of facility or facilities proposed based on the solid waste facility definitions in Section 16.10.020, Definitions.

B. The applicant shall submit the following information as part of the application, unless the City Manager or his/her designee finds that, given the scale and nature of the facility, a requested item will not materially aid the approval authority in reviewing the proposal, and the item is not otherwise required to be submitted under this Code.

1. A written description of the location of the site with respect to known or easily identifiable landmarks and access routes to and from the area the facility will serve.

2. A legal description of the tract or tracts to be used for the facility.

3. Except for an accessory facility, a map or maps showing the location of the site, existing and approved land uses within a minimum two-hundred fifty (250) foot radius of the boundary of the site inside the regional urban growth boundary or within a minimum five-hundred (500) foot radius of the site outside the regional urban growth boundary; public water supply wells, surface waters, access roads within that radius; historic sites, areas of significant environmental concern or resources, or significant environmental features identified in the Community Development Plan, Part 2, within the applicable radius; other existing or approved manmade or natural features relating to the facility; and a north arrow, bar scale, and drawing table.

4. Except for an accessory use or temporary facility, an aerial photograph of the site and the area within the relevant radius with the boundary of the site outlined.

5. Except for an accessory or temporary facility, a map or maps showing the existing topography of the site with contour intervals not to exceed two (2) feet if slopes are less than five percent (5%), not to exceed five (5) feet if slopes are more than five percent (5%), and not to exceed ten (10) feet if slopes are more than twenty percent (20%); natural features of the site including water bodies wetlands; the boundary of the one-hundred (100) year floodplain based on Federal Emergency Management Agency data; public easements of record; manmade features including buildings, utilities, fences, roads, parking areas, and drainage features; boundaries of existing waste disposal areas and soil borrow areas, if any; locations of borings, piezometers, monitoring wells, test pits, water supply wells, and facility monitoring or sampling points and devices; a benchmark; and a north arrow, bar scale, and drawing date.

6. For a landfill, data regarding average and monthly precipitation and evaporation and prevailing wind direction and velocity, based on data from the National Oceanic and Atmospheric Administration or other federal or state agency, or from on-site measurements.

7. For a landfill, information regarding minimum, maximum, and average annual flow rates and monthly variations of streams on the site, based on stream gauging data collected by the U.S. Geological Service or other federal or state agency supplemented with reliable site specific data as available.

8. A map or maps showing and describing the type and size of existing vegetation on the site, and identifying vegetation to be removed and retained.

9. A grading plan showing site elevations when grading is completed, including any modifications to drainage channels and any required retaining walls or other means of retaining cuts or fills.

10. A site plan showing proposed structures, signs, parking, outdoor storage, landscaping, berms, fencing, and other features of the facility.

11. Responses to the applicable standards of Section 16.138.090 of this Code.

12. If other local, state or federal permits are required for construction and operation of the proposed facility:

    a. The applicant shall submit a copy of such permit(s); or

    b. The applicant shall submit:

        (1) A schedule for submitting the required permits; a description of the requirements of the laws and regulations applicable to such other local, state or federal permits; a summary of how the applicant proposes to comply with the requirements; a list of which regulations require local land use approval; and a list of potentially conflicting local, state or federal standards; and

        (2) A copy of any application filed for another local, state or federal permit for the proposed facility within ten (10) working days after it is filed with the local, state or federal agency; and

    c. A copy of any written correspondence or published notice from the local, state or federal agency regarding that application within ten (10) working days after the applicant receives that correspondence or notice from the local, state or federal agency.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 93-966, § 3; 91-922)

## 16.138.070 Review Procedures and Burden of Proof

A. Before accepting an application as complete, the City Manager or his/her designee may decide additional expertise is warranted to evaluate it due to exceptional circumstances, the complexity of the proposed facility, or its potential impacts. The City Manager or his/her designee may hire a professional engineer with the necessary expertise to make a written evaluation of the specific application elements required pursuant to this Code.

    1. The written evaluations shall be available no later than thirty (30) days after the applicant submits a deposit to pay for the work. Within ten (10) days after the written evaluation is available, the City Manager or his/her designee shall determine whether the application is complete and advise the applicant in writing accordingly, listing any additional information required to make the application complete.

    2. The City Manager or his/her designee shall draft a work program and estimate the cost of hiring a professional engineer with the necessary expertise for the written evaluation and shall advise the applicant of that cost, which shall not exceed ten (10) times the application fee (or other reasonable limit) unless approved by the applicant. The applicant shall deposit a sum equal to the estimated cost of such services before the application is deemed complete. If the cost of such services is less than

estimated, the City shall refund any excess to the applicant. If the cost of such services is more than estimated, the City shall bill the applicant for such additional cost; provided the cost of such services shall not exceed one-hundred ten percent (110%) of the estimated cost unless the applicant or the City agrees in writing to assume such additional cost.

3. The provision does not authorize the City to collect money from an applicant for independent evaluation of on-going operations or performance review of a facility. A fee may be required pursuant to Section 16.138.080F before renewal, but not at the time of application or approval.

B. An application for a solid waste facility under this Code is complete if any written evaluation required under this Section has been completed, and if:

1. The application includes substantial evidence that the proposed facility will comply with the applicable development standards in Section 16.138.090 or conditions that may be necessary to ensure compliance; or

2. The application includes substantial evidence that the proposed facility is likely to comply with the applicable development standards in Section 16.140.090, identifies any necessary evidence not yet submitted, and provides a reasonable schedule for its submission.

3. The application includes information required to be submitted under Section 16.140.060 of this Code, except to the extent waived by the City Manager or his/her designee.

C. The City shall provide public notice and an opportunity for submission of written information and/or for a public hearing to consider compliance within the terms of this Code.

D. An applicant for a solid waste facility bears the burden of proving that a facility complies with this Code. The following presumptions and procedures apply when evaluating compliance with the burden of proof:

1. An applicant is rebuttably presumed to have met the burden of proof if the application includes substantial evidence that the facility will comply with the standards for establishment of the facility in Section 16.138.090 and conditions proposed by the City Manager or his/her designee to ensure such compliance.

2. Substantial evidence can be rebutted only by evidence of equal or greater probative value. For instance, testimony from a professional engineer about a given subject in which an engineer has expertise may be rebutted only by testimony or evidence from another professional engineer or a person similarly qualified about that subject. Testimony from an expert witness regarding matters relevant to the expertise of the witness cannot be rebutted by testimony from a non-expert witness. This subsection does not limit what may be introduced as testimony; it affects the weight to be accorded that testimony.

3. If evidence of equal probative value is offered that a given facility does and does not comply with a given standard or that a proposed condition is or is not adequate to ensure compliance, the approval authority shall weight the evidence, identify which evidence it accepts as the basis for its decision, and explain why that evidence is accepted and why contrary evidence is rejected.

4. The approval authority shall issue all necessary land use compatibility statements to the applicant or to applicable local, state, or federal agencies, and a final decision with appropriate findings, conclusions and conditions of approval if, after the appropriate review process, it finds there is substantial evidence that the facility complies with all applicable provisions of this Code and City laws incorporated by reference, subject to appropriate conditions, and that such evidence was not effectively rebutted and does not need to be supplemented.

5. If, after a public hearing (or another initial level of review; for instance, the close of the public record following public notice and an opportunity to file written comments), the approval authority finds that:

a. There is substantial evidence that the facility complies with some applicable provisions of this Code and such evidence was not rebutted and does not need to be supplemented to resolve disputes.

b. There is not substantial evidence that the facility complies with one or more applicable provisions of this Code, or evidence necessary for approval was rebutted or requires augmenting to resolve disputes; and

c. It is likely that the applicant will provide the remaining necessary substantial evidence within six (6) months, the approval authority shall:

(1) Issue a written final decision approving the proposed facility in concept that, among other things:

(a) Identifies standards with which the application complies and provide findings and conclusions showing why it complies, based on substantial evidence in the record, and subject to appropriate conditions of approval;

(b) Identifies evidence the applicant must submit to show the proposed facility complies with other applicable provisions of this Code, imposes a schedule for its submission, and includes any requirements pursuant to subsection A above; and

(c) Describes how that substantial evidence will be reviewed, including any public notice and hearing requirements.

(2) Issues all necessary land use compatibility statements to the applicant or to applicable local, state or federal agencies.

6. The approval authority shall issue a final decision that denies the application if, after the appropriate review process, it finds that:

a. The record does not contain substantial evidence that the facility complies with all applicable provisions of this Code or could comply given the imposition of conditions, in which case the decision shall identify the section(s) about which the record does not contain substantial evidence; or

b. There is more persuasive and at least equally substantial evidence contrary to evidence that the proposed use complies with applicable standards of this Code or could comply given the imposition of conditions, in which case the decision shall identify the provisions for which evidence against the facility overwhelmed the evidence in favor, and

c. The applicant declines to supplement the record regarding standards identified pursuant to subsections D and 6a and 6b above, or it is not likely that substantial evidence necessary to address standards identified pursuant to subsections D and 6a and 6b above will be available within six (6) months after the date of the decision.

(Ord. 93-966, § 3; 91-922)

## 16.138.080 Conditions of Approval and Enforcement

A. The approval authority may approve an application for a facility subject to conditions of approval. Conditions of approval shall be reasonably related to impacts of the facility, the requirements of this Code and provisions incorporated herein. In no instance may an approval authority impose as a condition of approval a requirement that a facility be publicly or privately owned. All facilities approved pursuant to this Code shall be subject to a condition requiring that landscaping, air and water quality structures and devices, signs,

structures, paved areas, and other features of the facility be maintained in good condition, and that such features be replaced if they fail to survive or are rendered ineffective over time.

B. Conditions of approval may require an applicant to submit a written statement or permit from state or federal agencies responsible for administering a regulation to which the proposed facility is subject, if the record does not contain such a statement or permit.

1. Such a condition may fulfill provisions of Code Sections relating to Noise, Odors, Ground and Surface Water, Air Quality and Treatment and Storage that the facility comply with state or federal regulations, subject to a further condition that the applicant submit a written statement or permit showing the proposed facility complies with the applicable state or federal regulation before a building permit is issued for the facility; and

2. Such a condition shall require appropriate review and allow modification of the decision and conditions of approval regarding the application if a state or federal permit substantially changes a proposed facility from what was approved by the City in ways relevant to applicable provisions of Section 16.138.090.

C. All facilities approved pursuant to this Code shall comply with applicable state and federal regulations as a condition of approval. Approval of a facility pursuant to this Code does not preclude imposition of more stringent state or federal regulations adopted after the effective date of this Code.

D. Any facility that is required to obtain a franchise or license from the Metropolitan Service District (Metro) shall obtain the franchise or license and provide a copy of it to the City before a building permit is issued for the facility.

E. The City shall enforce the conditions of approval pursuant to Section 16.02.040, Violations. If Metro issues a franchise or license for the facility, the City shall send to Metro a copy of any written correspondence or notices City sends to the applicant regarding enforcement of conditions of approval. Metro may remedy violations of conditions of approval regarding the facility and charge the franchisee or licensee for the cost of such remedial action unless provided otherwise in the franchise or license.

F. The City may periodically conduct a performance review of an approved facility to determine whether it continues to comply with the criteria and standards then applicable and to modify conditions of approval that apply to the facility so that it continues to comply. The approval authority shall specify the time for any performance review. The City may impose a fee for performance review.

(Ord. 93-966, § 3; 91-922)

## 16.138.090 Site Improvement

A. Setbacks, Landscaping and Site Design Impacts:

1. The facility shall comply with the setback requirements and height limits of the underlying zone. However, if the facility adjoins a commercial zone, the minimum setback shall be one-hundred (100) feet, and if the facility adjoins a residential or open space zone, the minimum setback shall be two-hundred (200) feet.

2. Structures, exterior storage and processing areas, and vehicle maneuvering and parking are prohibited in setbacks required pursuant to subsection A1 above, except that:

a. The approval authority may reduce the required setback if it finds that a lesser setback will not adversely affect the privacy, use, or visual character of existing uses on adjoining land, based on the scale and design of the use or structure(s), landscaping and buffers, or on the topography, vegetation, or other natural features of the site.

b. Minor building features such as eaves, chimneys, fire escapes, bay windows, uncovered stairs, wheelchair ramps, and uncovered decks no more than three (3) feet above grade may extend up to twenty percent (20%) into a required setback.

c. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps may extend into a required setback, except adjoining or across a street from an abutting residential zone.

d. Fences, walls, berms, landscaping, access drives, and an entry sign(s) are permitted in the setback; and

e. Notwithstanding the preceding, structures shall be situated so they comply with the Uniform Building Code, State of Oregon Structural Specialty Code, as adopted in Oregon.

3. Exterior building surfaces shall be finished. Metal used on the exterior of the building shall be anodized or painted; galvanized or coated steel shall not be left unpainted.

4. Buildings with walls containing more than twenty-five hundred (2,500) square feet above grade shall incorporate fascias, canopies, arcades, or multiple colors or building materials to break up large wall surfaces visually into areas of one-thousand (1,000) square feet or less, unless it would be contrary to the purpose of the wall, such as for retaining earth or for structural support.

5. Attached mechanical structures and roof-mounted equipment shall be screened from ground-level view at adjoining public streets and property zoned residential or open space. Screening may include landscaping, sight obscuring fencing or other features.

6. The facility shall not cause glare or lights to shine off-site in excess of one-half (0.5) footcandle onto non-industrial zoned land, based on a written statement certified by a professional engineer.

7. Structures shall not obstruct scenic views or vistas identified in the Community Development Plan, Part 2, although structures may be visible from off-site.

8. Major activity areas of the site, such as loading and delivery areas, shall be oriented away from adjoining land zoned for residential or open space uses.

9. At least twenty percent (20%) of the facility site shall be landscaped with living vegetation in an appropriate medium, such as yard debris compost. Landscaped areas shall have a permanent irrigation system equipped with automatic controls. Where landscaping is situated in required setbacks or adjoins buildings and other structures, it shall include evergreen species at least six (6) feet above grade at planting and situated not farther apart than the radius of the crown of a mature specimen. The approval authority may waive or reduce the level of landscaping where necessary to allow sight distance for vehicular traffic, to enable views of signs or other features of the facility that should be visible to enhance the function of the facility, or to protect solar access to adjoining property. The approval authority may require larger or more numerous trees where necessary to reduce the potential adverse visual effects of a facility. Existing significant vegetation shall be retained, where feasible, and may substitute for other required vegetation. Landscaping in setbacks and parking lots counts toward the twenty percent (20%).

B. Historic Resource Impacts

The facility shall not adversely affect historic resources listed in Division IX of this code (or inventory of historic resources adopted by the City). A facility complies with this standard if the site and adjoining land do not contain an identified historic resource and are not in an historic district. If the site or adjoining land contains such a resource, then the applicant shall show the facility design preserves the historic resource character.

C. Operating Impacts

1. Exterior activities are prohibited between 10:00 PM and 7:00 AM daily, except that vehicles may continue to enter and exit the site and maintenance may be conducted at all hours if they do not violate applicable provisions of Chapters 16.144, Noise, 16.146, Vibration, and subsections A6, A8 and I2 of this Section during any hours.

2. For a solid waste transfer station, most solid waste may be stored in an open pit or floor inside a building for up to twenty-four (24) hours or in a sealed container on the site for up to seventy-two (72) hours. Separated recycled materials may be stored on the site for up to thirty (30) days in unsealed containers.

D. Signage Impacts

1. Signs shall comply with sign regulations of Chapter 16.102, except as provided herein.

2. If the facility is open to the public, the applicant shall provide a sign(s) at each public entrance to the facility that is clearly legible and visible from the adjoining public road. The sign shall identify the name of the facility, the name and telephone number of the operator, and hours of operation of the facility. The entry sign(s) may be up to thirty-two (32) square feet per side and up to ten (10) feet above grade, unless the zone allows larger signs. Directional information to orient drivers shall be included on the entry sign(s) or on interior signs.

3. A sign(s) describing recommended access routes to the facility, materials accepted, instructions for correct preparation of accepted materials, recycling services, and fees for disposing materials shall be posted at the facility. Signs interior to the site shall be coordinated and consistent in appearance.

4. Signs that use recycled materials, including recycled plastic, are encouraged. Sign quality and appearance shall be appropriate to the character of the area, as determined by the approval authority.

E. Outdoor Storage Impacts

1. No mixed solid waste or recovered material shall be stored outside in unsealed containers, except;

   a. In a landfill or composting facility approved for that purpose.

   b. Solid waste or recovered material that is inert; or

   c. As otherwise allowed in subsection E of this Section. In all circumstances, outdoor storage of hazardous waste is prohibited.

2. Source-separated materials other than yard debris and wood waste shall be stored in containers in an area enclosed on at least three (3) sides and roofed except that in a rural zone, such material shall be enclosed on any side visible from adjoining public or private property and roofed.

3. Wood waste, yard debris, and solid waste in sealed containers may be stored outdoors if it complies with the applicable dimensional and design standards. Yard debris shall be removed from the site on at least a weekly basis.

4. Storage areas larger than two (2) cubic yards for recovered materials shall be enclosed.

5. Drop boxes for recyclable materials on the site of a solid waste facility shall be painted and maintained in good repair, situated on a paved surface and emptied before collected items exceed the height of the box or within five (5) days of becoming full. The applicant shall post a notice on any recycling drop box, stating that only domestic recyclable or reusable materials, such as paper, cardboard, glass, tin, aluminum, plastic and clothing are permitted. The notice shall also state that yard debris, appliances, or other large items that may be repairable, recyclable or reusable are prohibited, unless the box is designed for that purpose. The name and telephone number of the operator shall also be posted on the box.

6. Outdoor storage areas shall not be visible when viewed from a height of five (5) feet at the edge of the property, except as provided above. A facility complies with this standard when outdoor storage is enclosed within a sight obscuring fence, wall, berm, or landscaping at least six (6) feet high, but not more than ten (10) feet high. A wood fence is sight obscuring when attached vertical or horizontal fence boards are separated by not more than one-fourth (¼) inch. A metal fence consisting of chain link or woven fabric is sight obscuring when water and insect resistant wood or plastic slats are inserted in the fence material so they are separated by not more than three-eighths (⅜) inch. Landscaping is sight obscuring when it includes evergreen material at least six (6) feet high and not more than two (2) feet on center at planting.

F. Litter Impacts

1. For purposes of litter control, an area described as the "Primary Impact Area" shall be established around the proposed facility. The Primary Impact Area is the area within which litter and illegally dumped solid waste is presumed to be a result of the presence of a solid waste facility. Illegally dumped waste consists of solid waste in excess of two (2) cubic yards at a given location and litter includes lesser amounts of solid waste at a given location.

2. The Primary Impact Area shall extend at least one-half (½) mile from the facility boundary along primary routes to the facility, as identified in the traffic study. The approval authority may expand the Primary Impact Area based on specific conditions or if otherwise warranted based on annual review of illegal dumping and litter patterns in the area.

3. Except as specified in Subsection 5 of this Section, the applicant shall submit to the City a plan to eliminate litter in the Primary Impact Area. The plan shall include at least the following:

   a. A proposed delineation of the Primary Impact Area.

   b. Appropriate gates, signs and other traffic control devices to direct traffic to the facility along approved routes that, to the extent possible, avoid public parks, residential and retail districts and major public attractions.

   c. Establishment of a patrol to remove litter along designated routes within the Primary Impact Area on a schedule that, in the opinion of the approval authority, is sufficient to prevent accumulation of litter.

   d. Provisions for the removal of illegally dumped waste within the primary impact area within twenty-four (24) hours of discovery.

   e. Provisions to make available written information that describes access routes to the facility, fees for wastes permitted at the facility, surcharges for delivery of uncovered loads, if appropriate, and recycling incentives; and

   f. For a landfill, a description of measures to be used to minimize blowing of litter from the site, such as periodic application of cover material, spraying with liquid, or use of portable fencing.

4. The facility operator shall be responsible for the cost of collecting, removing and disposing of litter and illegally dumped waste within the Primary Impact Area. In addition, the operator shall take reasonable measures to assist the City in identifying sources of illegal waste. If the City identifies a source of illegal waste, the City may take measures to reimburse the operator for the cost of collection and proper disposal of the waste.

5. The requirements of this subsection shall not apply to a facility that is not open to the public and receives waste only in sealed containers, or to any facility involved exclusively in recycling.

G. Vector Control Impacts

For any facility where solid waste could sustain or attract rodents or insects, because of the solid waste in question or the environmental characteristics of the site, the applicant shall submit and implement a plan to reduce the potential for rodent and insect propagation using methods designed to minimize nuisance conditions and health hazards.

H. Traffic Circulation and Access

1. Access requirements for a facility shall be based on the number and type of vehicle trips generated by the facility. The number of trips generated per day shall be based on the most recent version of the Trip Generation Manual of the Institute of Traffic Engineers, except that the applicant may submit a trip generation study certified by a professional traffic engineer of other similar facilities as the basis for trip generation by the proposed facility. If a proposed facility is not listed in the Trip Generation Manual and a trip generation study of other similar facilities is not available, then the number and type of vehicle trips generated by the proposed facility shall be based on the figures for the use most similar to the proposed facility for which the Trip Generation Manual contains data.

2. The applicant shall identify designated routes for vehicular traffic generated by the proposed facility and shall provide written information to facility users describing and promoting use of those routes. Designated routes shall be selected to minimize traffic on non-arterial streets and shall not include streets in residential zones if nonresidential streets provide access.

3. For a facility that generates more than two-hundred (200) vehicle trips per day, the applicant shall submit a traffic study by a professional engineer that shows the facility will not cause traffic volumes that exceed the capacity of the street based on the capacity assumptions of the Transportation Master Plan of the City, or that cause any intersection affected by that traffic to have a Level of Service E. If the proposed facility will cause street capacity to be exceeded or create a Level of Service E at any intersection, the applicant shall propose street modifications acceptable to the City to meet the requirements of this subsection. Unless otherwise provided by agreement with the City, all expenses related to street improvements necessitated by the proposed facility shall be borne by the applicant.

4. A facility in an urban zone shall provide for a deceleration/turn lane at proposed access points to separate facility-bound traffic from other traffic if deemed warranted by the traffic study required in subsection H.3 of this Section. The lane shall accommodate at least two (2) stacked vehicles and shall taper at a ratio of not less than twenty-five in one (25:1) to match the standard roadway width.

I. Odor Impacts

1. The applicant shall demonstrate that the facility meets the requirements of Chapter 16.152, and:

   a. Will incorporate the best practicable design and operating measures to reduce the potentials or odors detectable off-site from such things as waste stored or being processed on site, spillage of waste, venting of dust, residual amounts of waste in operating areas of the site, and vehicle odors in stacking, maneuvering and staging areas; and

   b. Will not cause unusual or annoying odors, considering the density of the surrounding population, the duration of the emissions, and other factors relevant to the impact of such emissions.

2. Open burning of solid waste will not be allowed unless:

   a. Open burning is consistent with standards of the DEQ; or

   b. The facility is outside the area where open burning is banned, and a permit is not required by DEQ.

J. Ground and Surface Water Impacts

1. The applicant shall demonstrate that the facility will:

a. Collect all waste water from production, washing down of equipment and vehicles, and similar activities and discharge the water to a public sanitary sewer if:

(1) The sewer adjoins or can be extended to the site based on applicable rules of the sewer service provider, and

(2) The sewer has the capacity to accommodate waste water from the facility as determined by the sewer service provider or by a professional civil engineer; or

b. Incorporate an alternative sanitary waste disposal method that is or will be approved by DEQ; or

c. Incorporate an alternative waste disposal method that is consistent with applicable water quality standards and will not cause drinking water supplies to violate applicable water quality standards; or

d. Not generate waste water, and will divert and/or contain storm water so that it does not enter solid waste on the site.

2. Prior to construction of the facility, the applicant shall obtain all required permits relating to discharges of waste water and storm water from the facility. The operator of the facility shall comply with all directives of state and federal agencies related to protection of ground and surface water resources potentially affected by the facility.

3. At the request of the approval authority, the applicant shall submit to the approval authority copies of any groundwater self-monitoring programs and analyses of potential surface and groundwater impacts related to the facility that are required to be submitted to the DEQ.

4. At the request of the approval authority, an applicant for a landfill, mixed waste compost facility, wood waste recycling facility, yard debris depot or processing facility shall submit copies of its leachate collection and treatment plan and program prepared by a professional civil engineer for submittal to the DEQ, if one has been required by the DEQ.

5. An applicant for a household hazardous waste depot, hazardous waste treatment and storage facility, material recovery facility, solid waste depot or transfer station shall submit and implement a plan and program prepared by a professional civil engineer to collect, pre-treat and dispose waste water from the floor or operating area of such facility and to prevent surface water from mixing with solid waste spills.

6. The applicant shall submit and implement a plan prepared by a professional civil engineer to reduce the amount of waste water caused by hosing down equipment, tipping areas, platforms and other facility features, such as by using high pressure/low flow washing systems, compressed air or vacuum equipment for cleaning.

7. The applicant shall submit and implement a plan prepared by a professional civil engineer or landscape architect to collect storm water from all impervious areas of the site and to properly manage storm water. The applicant shall comply with state and federal regulations governing storm water discharges, and obtain required storm water discharge permits in a timely fashion. To the extent consistent with a storm water discharge permit issued for the facility, storm water shall be managed in the following manner:

a. Storm water disposal shall comply with the Storm Drainage Master Plan of the City.

b. If a storm sewer with adequate capacity is not available, the applicant shall:

(1) Retain storm water on site; and/or

(2) Detail storm water on-site and discharge it from the site at no greater rate than before development of the facility; or

(3) Discharge storm water at full rate to public drainage features, such as a roadside ditch or regional drainage facility, if there is adequate capacity to accommodate it as determined by a professional civil engineer or landscape architect. If discharging water at full rate would exceed the capacity of downstream drainage features, the applicant shall:

(a) Provide a detention pond or ponds to contain water in excess of the system's capacity; and/or

(b) Identify improvements to downstream drainage features necessary to accommodate the increased volume or rate of flow without adversely affecting adjoining property and either:

(i) Provide such improvements before operation of the facility, or

(ii) Contribute necessary funds to the City and USA so that the City and USA can undertake such improvements.

(c) If off-site improvements are required to accommodate storm water from the site, prior to issuance of a building permit for the facility, the applicant, the City and USA shall execute an agreement to pay back the applicant for the cost of improvements to the extent those improvements exceed the storm drainage needs generated by the facility.

8. Except as otherwise provided by the storm drainage master plan of the City and USA, the collection and disposal system shall be sized to accommodate peak flows from a twenty-five (25) year storm event, based on the flow from the area that includes the site and the basin that drains onto it, assuming permitted development of that area, as determined by a professional civil engineer or landscape architect.

9. Before storm water is discharged from the site or into the ground, the applicant will direct it through features to remove sediment, grease and oils, and water soluble materials in the water. Such features shall comply with the storm drainage standards of the City and USA.

10. The applicant shall submit and implement a plan prepared by a professional civil engineer or landscape architect to reduce the potential for erosion along natural and constructed drainageways and across slopes during and after construction.

11. For a landfill, the approval authority may require that the applicant submit a copy of its closure plan as prepared for submittal to the DEQ.

K. Methane Gas Impacts

1. The applicant shall submit a statement from a professional engineer that the facility will not generate significant quantities of methane gas emissions; or

2. The applicant shall submit and implement a methane gas control program prepared by a professional engineer that describes how:

a. The facility will not generate methane gas in excess of twenty-five percent (25%) of the lower explosive limit for methane in facility structures or in excess of the lower explosive limit at the facility boundary;

b. The gas shall be collected and vented, incinerated, or put to or prepared for a productive use; and

c. Methane will be measured in structures and at the facility boundary, consistent with applicable DEQ standards.

L. Air Quality Impacts

A facility shall not cause detrimental air quality impacts. A facility complies with this standard if the applicant obtains all required Air Contaminant Discharge Permits and the facility is operated in conformance with Chapter 16.150 and all applicable DEQ air quality standards and requirements.

M. Treatment and Storage Facilities (Hazardous Waste)

The applicant for a proposed treatment and storage facility shall comply with Oregon Administrative Rules Chapter 340, Division 340, Division 120, and any other applicable state or federal law, by obtaining all state and federal permits necessary for operation of the facility.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 93-966, § 3)

# *Chapter 16.140 PARKS, TREES AND OPEN SPACES*[1]

## 16.140.010 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 the City's adopted Comprehensive Plan. 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).

(Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2006-021; 91-922, § 3)

## 16.140.020 Multi-Family Dwelling Developments

A. Standards

Except as otherwise provided, recreation and open space areas shall be provided in new Multi-Family dwelling residential developments to the following standards:

1. Open Space

   A minimum of twenty percent (20%) of the site area shall be retained in common open space. Required yard parking or maneuvering areas may not be substituted for open space.

2. Recreation Facilities

   A minimum of fifty percent (50%) of the required common open space shall be suitable for active recreational use. Recreational spaces shall be planted in grass or otherwise suitably improved. A minimum area of eight-hundred (800) square feet and a minimum width of fifteen (15) feet shall be provided.

3. Minimum Standards

   Common open space and recreation areas and facilities shall be clearly shown on site development plans and shall be physically situated so as to be readily accessible to and usable by all residents of the development.

4. Terms of Conveyance

[1]Editor's note(s)—Ord. No. 2012-003, § 2, adopted May 1, 2012, amended the Code by retitling Ch. 16.142. Formerly, Ch. 16.142 was entitled "Parks and Open Spaces."

Rights and responsibilities attached to common open space and recreation areas and facilities shall be clearly specified in a legally binding document which leases or conveys title, including beneficial ownership to a home association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions suitable to the City for guaranteeing the continued use of such land and facilities for its intended purpose; continuity of property maintenance; and, when appropriate, the availability of funds required for such maintenance and adequate insurance protection.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 91-922, § 3)

## 16.140.030 All 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.

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.

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.

D. The density of a 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.

E. If a proposed residential subdivision contains or is adjacent to a site identified as open space or park and receation area in a Concept Plan or Parks and Recreation Master Plan, 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.

F. If the proposed residential subdivision does not contain or is not adjacent to a site identified as open space or parks and recreation area in a Concept Plan or Parks and Recreation Master Plan, otherwise identified for acquisition by the Parks and Recreation Board, the applicant may elect to convey off-site park/open space.

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.

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.*

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2011-009, § 2, 7-19-2011)

## 16.140.040 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.

B. Landscape Materials

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.140.060, shall be planted in the corridor by the developer. The improvements shall be included in the compliance agreement. In no case shall trees be removed from the required visual corridor.

C. Establishment and Maintenance

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.

D. Required Yard

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor.

E. Pacific Highway 99W Visual Corridor

1. Provide a landscape plan for the highway median paralleling the subject frontage. In order to assure continuity, appropriate plant materials and spacing, the plan shall be coordinated with the City Planning Department and ODOT.

2. Provide a visual corridor landscape plan with a variety of trees and shrubs. Fifty percent (50%) of the visual corridor plant materials shall consist of groupings of at least five (5) native evergreen trees a minimum of ten (10) feet in height each, spaced no less than fifty (50) feet apart, if feasible. Deciduous trees shall be a minimum of four (4) inches DBH and twelve (12) feet high, spaced no less than twenty-five (25) feet apart, if feasible.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2009-005, § 2, 6-2-2009; Ord. 2006-021)

Editor's note(s)—Ord. No. 2011-009, § 2, adopted July 19, 2011, amended the Code by adding a new § 16.142.030, and renumbering former §§ 16.142.030—16.142.080 as new §§ 16.142.040—16.142.090.

## 16.140.050 Park Reservation

Within a time period not to exceed three (3) years, the City may purchase open space and park and recreation areas in adopted Concept Plans and the Parks and Recreation Master Plan, which have not been dedicated pursuant to Sections 16.140.030 or 16.134.020. An applicant shall make a request to the City's Parks and Recreation Advisory Board for the purchase of open space and/or park and recreation land. After the request is heard, the City's Parks and Recreation Advisory Board will make a recommendation to City Council. The Sherwood City Council is the final decision-maker.

(Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; 91-922, § 3)

Note(s)—See editor's note, § 16.142.040.

## 16.140.060 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 16.140.080 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.

B. Removal and Replacement of Street Trees.

The removal of a street tree shall be limited and in most cases, necessitated by the tree. A person may remove a street tree as provided in this section. The person removing the tree is responsible for all costs of removal and replacement. Street trees less than five (5) inches DBH can be removed by right by the property owner or his or her assigns, provided that they are replaced. A street tree that is removed must be replaced within six (6) months of the removal date.

1. Criteria for All Street Tree Removal for trees over five (5) inches DBH. No street tree shall be removed unless it can be found that the tree is:

a. Dying, becoming severely diseased, or infested or diseased so as to threaten the health of other trees, or

b. Obstructing public ways or sight distance so as to cause a safety hazard, or

c. Interfering with or damaging public or private utilities, or

d. Defined as a nuisance per City nuisance abatement ordinances.

2. Street trees between five (5) and ten (10) inches DBH may be removed if any of the criteria in 1. above are met and a tree removal permit is obtained.

a. The Tree Removal Permit Process is a Type I land use decision and shall be approved subject to the following criteria:

(1) The person requesting removal shall submit a Tree Removal Permit application that identifies the location of the tree, the type of tree to be removed, the proposed replacement and how it qualifies for removal per Section 1. above.

(2) The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.

(3) If an objection to the removal is submitted by the City or to the City during the ten (10) calendar day period, an additional evaluation of the tree will be conducted by an arborist to determine whether the tree meets the criteria for street tree removal in Section 1. above. The person requesting the Tree Removal Permit shall be responsible for providing the arborist report and associated costs.

(4) Upon completion of the additional evaluation substantiating that the tree warrants removal per Section 1. above or if no objections are received within the ten-day period, the tree removal permit shall be approved.

(5) If additional evaluation indicates the tree does not warrant removal, the Tree Removal Permit will be denied.

3. Street trees over ten (10) inches DBH may be removed through a Type I review process subject to the following criteria.

a. The applicant shall provide a letter from a certified arborist identifying:

(1) The tree's condition,

(2) How it warrants removal using the criteria listed in Section 1. above, and identifying any reasonable actions that could be taken to allow the retention of the tree.

b. The applicant shall provide a statement that describes whether and how the applicant sought assistance from the City, HOA or neighbors to address any issues or actions that would enable the tree to be retained.

c. The person shall post a sign, provided by the City, adjacent to the tree for ten (10) calendar days prior to removal that provides notice of the removal application and the process to comment on the application.

d. Review of the materials and comments from the public confirm that the tree meets the criteria for removal in Section 1. above.

C. Homeowner's Association Authorization.

The Planning Commission may approve a program for the adoption, administration and enforcement by a homeowners' association (HOA) of regulations for the removal and replacement of street trees within the geographic boundaries of the association.

1. An HOA that seeks to adopt and administer a street tree program must submit an application to the City. The application must contain substantially the following information:

a. The HOA must be current and active. The HOA should meet at least quarterly and the application should include the minutes from official HOA Board meetings for a period not less than eighteen (18) months (six (6) quarters) prior to the date of the application.

b. The application must include proposed spacing standards for street trees that are substantially similar to the spacing standards set forth in 16.140.060.A above.

c. The application must include proposed street tree removal and replacement standards that are substantially similar to the standards set forth in 16.140.060.B above.

d. The application should include a copy of the HOA bylaws as amended to allow the HOA to exercise authority over street tree removal and replacement, or demonstrate that such an amendment is likely within ninety (90) days of a decision to approve the application.

e. The application should include the signatures of not less than seventy-five (75) percent of the homeowners in the HOA in support of the application.

2. An application for approval of a tree removal and replacement program under this section shall be reviewed by the City through the Type IV land use process. In order to approve the program, the City must determine:

a. The HOA is current and active.

b. The proposed street tree removal and replacement standards are substantially similar to the standards set forth in 16.140.060.B above.

c. The proposed street tree spacing standards are substantially similar to the standards set forth in 16.140.060.A above.

d. The HOA has authority under its bylaws to adopt, administer and enforce the program.

e. The signatures of not less than seventy-five (75) percent of the homeowners in the HOA in support of the application.

3. A decision to approve an application under this section shall include at least the following conditions:

a. Beginning on the first January 1 following approval and on January 1 every two (2) years thereafter, the HOA shall make a report to the city planning department that provides a summary and description of action taken by the HOA under the approved program. Failure to timely submit the report that is not cured within sixty (60) days shall result in the immediate termination of the program.

b. The HOA shall comply with the requirements of Section 12.20 of the Sherwood Municipal Code.

4. The City retains the right to cancel the approved program at any time for failure to substantially comply with the approved standards or otherwise comply with the conditions of approval.

a. If an HOA tree removal program is canceled, future tree removals shall be subject to the provisions of section 16.140.060.

b. A decision by the City to terminate an approved street tree program shall not affect the validity of any decisions made by the HOA under the approved program that become final prior to the date the program is terminated.

c. If the city amends the spacing standards or the removal and replacement standards in this section (SZCDC 16.140.060) the City may require that the HOA amend the corresponding standards in the approved street tree program.

5. An approved HOA tree removal and replacement program shall be valid for five (5) years; however the authorization may be extended as approved by the City, through a Type II Land Use Review.

D. Exemption from Replacing Street Trees.

A street tree that was planted in compliance with the Code in effect on the date planted and no longer required by spacing standards of section A.4. above may be removed without replacement provided:

1. Exemption is granted at the time of street tree removal permit or authorized homeowner's association removal per Section 16.140.060.C. above.

2. The property owner provides a letter from a certified arborist stating that the tree must be removed due to a reason identified in the tree removal criteria listed in Section 16.140.060.B.1. above, and

3. The letter describes why the tree cannot be replaced without causing continued or additional damage to public or private utilities that could not be prevented through reasonable maintenance.

E. Notwithstanding any other provision in this section, the city manager or the manager's designee may authorize the removal of a street tree in an emergency situation without a tree removal permit when the tree poses an immediate threat to life, property or utilities. A decision to remove a street tree under this section is subject to review only as provided in ORS 34.100.

F. Trees on Private Property Causing Damage.

Any tree, woodland or any other vegetation located on private property, regardless of species or size, that interferes with or damages public streets or utilities, or causes an unwarranted increase in the maintenance costs of same, may be ordered removed or cut by the City Manager or his/her designee. Any order for the removal or cutting of such trees, woodlands or other vegetation, shall be made and reviewed under the applicable City nuisance abatement ordinances.

G. Penalties. The abuse, destruction, defacing, cutting, removal, mutilation or other misuse of any tree planted on public property or along a public street as per this Section, shall be subject to the penalties defined by Section 16.02.040, and other penalties defined by applicable ordinances and statutes, provided that each tree so abused shall be deemed a separate offense.

(Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021; Ord. 91-922, § 3)

Note(s)—See editor's note, § 16.140.040.

## 16.140.070 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.

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.

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.

2. Required Tree Canopy - All Residential Developments subject to Type II—IV land use review.

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 $\pi r^2$ 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.

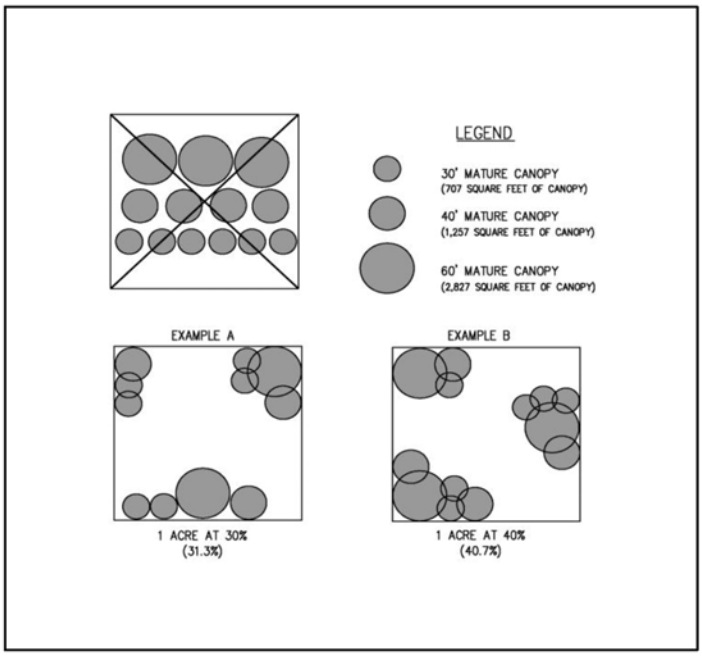
The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.

3. Required Tree Canopy - Non-Residential and Multi-Family Dwelling Developments

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 30 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation $\pi r^2$ to calculate the expected square footage of each tree. The expected mature canopy is counted for each tree even if there is an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required landscaping 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 required canopy cover. A certified arborist or other qualified professional shall provide an estimated tree canopy for all proposed trees to the planning department for review as a part of the land use review process.

| | Residential (single family detached & duplex developments) subject to Residential Design Checklist or Type I review | Residential (single family detached & duplex developments) subject to Type II-IV review | Old Town & Infill developments | Commercial, Industrial, Institutional Public and Multi-Family dwelling |
|---|---|---|---|---|
| Canopy Requirement | N/A | 40% | N/A | 30% |
| Counted Toward the Canopy Requirement | | | | |
| Street trees included in canopy requirement | N/A | Yes | N/A | No |
| Landscaping requirements included in canopy requirement | N/A | N/A | N/A | Yes |
| Existing trees onsite | N/A | Yes x2 | N/A | Yes x2 |
| Planting new trees onsite | N/A | Yes | N/A | Yes |
| Mature Canopy in Square Feet Equation πr 2 or (3.14159*radius 2) (This is the calculation to measure the square footage of a circle.<br><br>The Mature Canopy is given in diameter. In gardening and horticulture reference books, therefore to get the radius you must divide the diameter in half. | | | | |
| Canopy Calculation Example: Pin Oak<br>Mature canopy = 35'<br><br>(3.14159* $17.5^2$ ) = 962 square feet | | | | |




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.

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.

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.

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.

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).

F. Additional Preservation Incentives

1. General Provisions. To assist in the preservation of trees, the City may apply one or more of the following flexible standards as part of the land use review approval. To the extent that the standards in this section conflict with the standards in other sections of this Title, the standards in this section shall apply except in cases where the City determines there would be an unreasonable risk to public health, safety, or welfare. Flexibility shall be requested by the applicant with justification provided within the tree preservation and protection report as part of the land use review process and is only applicable to trees that are eligible for credit towards the effective tree canopy cover of the site. A separate adjustment application as outlined in Section 16.84.030.A is not required.

2. Flexible Development Standards. The following flexible standards are available to applicants in order to preserve trees on a development site. These standards cannot be combined with any other reductions authorized by this code.

    a. Lot size averaging. To preserve existing trees in the development plan for any Land Division under Division VII, lot size may be averaged to allow lots less than the minimum lot size required in the underlying zone as long as the average lot area is not less than that allowed by the underlying zone. No lot area shall be less than 80 percent of the minimum lot size allowed in the zone;

    b. Setbacks. The following setback reductions will be allowed for lots preserving existing trees using the criteria in subsection (1) below. The following reductions shall be limited to the minimum reduction necessary to protect the tree.

        (1) Reductions allowed:

            (a.) Front yard - up to a 25 percent reduction of the dimensional standard for a front yard setback required in the base zone. Setback of garages may not be reduced by this provision.

            (b.) Interior setbacks - up to a 40 percent reduction of the dimensional standards for an interior side and/or rear yard setback required in the base zone.

            (c.) Perimeter side and rear yard setbacks shall not be reduced through this provision.

    c. Approval criteria:

        (1.) A demonstration that the reduction requested is the least required to preserve trees; and

        (2.) The reduction will result in the preservation of tree canopy on the lot with the modified setbacks; and

        (3.) The reduction will not impede adequate emergency access to the site and structure.

3. Sidewalks. Location of a public sidewalk may be flexible in order to preserve existing trees or to plant new large stature street trees. This flexibility may be accomplished through a curb-tight sidewalk or a

meandering public sidewalk easement recorded over private property and shall be reviewed on a case by case basis in accordance with the provisions of the Engineering Design Manual, Street and Utility Improvement Standards. For preservation, this flexibility shall be the minimum required to achieve the desired effect. For planting, preference shall be given to retaining the planter strip and separation between the curb and sidewalk wherever practicable. If a preserved tree is to be utilized as a street tree, it must meet the criteria found in the Street Tree section, 16.140.060.

4. Adjustments to Commercial and Industrial development Standards. Adjustments to Commercial or Industrial Development standards of up to 20 feet additional building height are permitted provided;

    a. At least 50% of a Significant Tree stand's of canopy within a development site (and not also within the sensitive lands or areas that areas dedicated to the City) is preserved;

    b. The project arborist or qualified professional certifies the preservation is such that the connectivity and viability of the remaining significant tree stand is maximized;

    c. Applicable buffering and screening requirements are met;

    d. Any height adjustments comply with state building codes;

    e. Significant tree stands are protected through an instrument or action subject to approval by the City Manager or the City manager's designee that demonstrates it will be permanently preserved and managed as such;

        (1.) A conservation easement;

        (2.) An open space tract;

        (3.) A deed restriction; or

        (4.) Through dedication and acceptance by the City.

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.

H. Penalties

Violations of this Section shall be subject to the penalties defined by Section 16.02.040, provided that each designated tree or woodland unlawfully removed or cut shall be deemed a separate offense.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. 2006-021; Ord. 91-922, § 3)

Note(s)—See editor's note, § 16.140.040.

## 16.140.080 Trees on Private Property—Not Subject to a Land Use Action

A. Generally

In general, existing mature trees on private property shall be retained unless determined to be a hazard to life or property. For the purposes of this section only, existing mature trees shall be considered any deciduous tree greater than ten (10) inches diameter at the breast height (dbh) or any coniferous tree greater than twenty (20) inches dbh.

B. Residential (Single Family Detached and Duplex) Standards

In the event a property owner determines it necessary to remove existing mature trees on their property that are not a hazard, they may remove the trees as described below;

1. Removal of up to five (5) trees, or up to 10 percent of the number of trees on site, whichever is greater, within a twelve month period. No review or approval required provided that trees are not located within a wetland, floodplain or protected through prior land use review per section 3.b.(1.) - (5.) below, that the planning department is notified in writing 48 hours prior to removing the tree, including the property address, property owner name and contact information, and provided with the type and size of the tree. Failure to notify the Planning Department shall not result in a violation of this code unless it is determined that the tree removal is located within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, or in excess of that permitted outright.
2. Removal of six (6) or more trees, or more than 10 percent of the number of trees on site, whichever is greater, within a twelve month period except as allowed in subsection 1, above.
    a. The applicant shall submit the following;
        (1.) A narrative describing the need to remove the tree(s),
        (2.) A statement describing when and how the Homeowner's Association (HOA) was informed of the proposed tree cutting and their response. If there is not an active HOA, the applicant shall submit as statement indicating that there is not a HOA to contact.
        (3.) A plan showing the location of the tree and
        (4.) The applicant shall submit a replacement tree plan. Half of the number of trees removed shall be replaced on site with native trees within six months from the date of removal.
3. The City may determine that, regardless of B.1 through B.2, that certain trees or stands of trees may be required to be retained.
    a. If removal is proposed within a wetland, floodplain or protected through prior land use review per section 3.b. (1.) - (5.) below, the applicant shall submit documentation from a licensed qualified professional in natural resources management such as a wetland scientist, a botanist, or biologist, discussing the proposed tree removal and how it would or would not compromise the integrity of the resource. It shall also discuss the feasibility and practicality of tree removal relative to policies and standards of the City Comprehensive Plan, listed in section 3.b. below.
    b. The basis for such a City decision shall include; specific findings that retention of said trees or woodlands furthers the purposes and goals of this Section, is feasible and practical relative to other policies and standards of the City Comprehensive Plan, and are:
        (1.) 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
        (2.) 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

(3.) 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

(4.) Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or

(5.) 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.

C. Non-Residential and Multi-Family Dwelling Standards

In the event a property owner determines it necessary to remove existing mature trees on their property that are not a hazard, they may remove the trees as described below;

1. Trees required by a land use decision after the effective date of this code can be removed. Any trees removed shall be replaced within six months of removing the tree with an appropriate tree for the area.

2. Trees that were not required by land use or planted prior to the effective date of this code can be removed after receiving approval from the City of Sherwood.

   a. Removal of up to 25 percent of the trees on site can be removed and replaced through a Type I review process. The applicant shall submit the following;

      (1.) A narrative describing the need to remove the trees,

      (2.) A plan showing the location of the trees and

      (3.) A replacement tree plan. One-half (1/2) of the number of trees removed shall be replaced. The replacement shall take place on site with similar trees within six months from the date of removal.

      (4.) Exemption to replacement. If less than one-half (1/2) of the trees removed will be replanted due to site crowding and constraints precluding the healthy growth of additional trees, a report from a qualified professional shall describe the site specific crowding or constraints, and provide a report to the City requesting the exemption in order to be exempt from replacing the removed trees.

   b. Removal of more than 25 percent of the trees on site can be removed and replaced through a type II review process. The applicant shall submit the following;

      (1.) An arborists report describing the need to remove the trees. The cause for removal must be necessitated by the trees,

      (2.) A plan showing the location of the tree and

      (3.) A replacement tree plan. Two-thirds of the number of trees removed shall be replaced on site with similar trees within six months from the date of removal.

      (4.) Exemption to replacement. If less than one-half (½) of the trees removed will be replanted due to site crowding and constraints precluding the healthy growth of additional trees, a report from a qualified professional shall describe the site specific crowding or constraints, and provide a report to the City requesting the exemption in order to be exempt from replacing the removed trees.

3. The City may determine that, regardless of C.1 through C.2, that certain trees or stands of trees may be required to be retained.

    a. The applicant shall submit documentation from a licensed qualified professional in natural resources management such as wetland scientist, botanist or biologist, discussing the proposed tree removal within the context of the proposed land use plan and relative to other policies and standards of the City Comprehensive Plan, listed in section 3.b. below.

    b. The basis for such a City 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:

        (1.) 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

        (2.) 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

        (3.) 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

        (4.) Necessary in required buffers between otherwise incompatible land uses, or from natural areas, wetlands and greenways, or

        (5.) 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.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. No. 2012-003, § 2, 5-1-2012; Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010)

Note(s)—See editor's note, § 16.142.040.

## 16.140.090 Recommended Street Trees

A. Recommended Street Trees:

| Common Name | Botanical Name | Canopy Spread (feet) |
|---|---|---|
| **Acer - Maple** | | |
| Cavalier Norway Maple | Acer platanoides cavalier | |
| Cleveland Norway Maple | p. Cleveland | 30 |
| Cleveland II Norway Maple | p. Cleveland | 25 |
| Columnar Norway Maple | p. columnare | 15 |
| Fairway Sugar Maple (sugar maple) | p. fairway | 40 |
| Olmsted Norway Maple | p. olmsted | 20—25 |
| Roughbark Maple | Acer triflorum | 20 |
| Trident Maple | Acer buergeranum | 20 |

| | | |
|---|---|---|
| Rocky Mountain Glow Maple | Acer grandidentatum 'Schmidt' | 15 |
| David's Maple | Acer davidii | 20 |
| Metro Gold Hedge Maple | Acer campestre 'Panacek' | 25 |
| Red Sunset Maple (Old Town) | Acer rubrum red sunset - Red Sunset Maple (Old Town) (Provided that a root barrier is installed) | 25—40 |
| Royal Red Maple | r. royal red | 20—25 |
| Gerling Red Maple | r. gerling | 25—35 |
| Tilford Red Maple | r. tilford | 30 |
| **Carpinus - Hornbeam** | | |
| Pyramidal European Hornbeam | Carpinus betulus pyramidalis | 30—40 |
| Pyramidal European Hornbeam | b. columnaris | 15 |
| Pyramidal European Hornbeam | b. fastigiata | 15—20 |
| Eastern Redbud | Cercic, canadenis - Canadian Red Bud | 10—20 |
| | | |
| | | |
| | | |
| | | |
| **Ginkgo** | | |
| Autumn Gold | biloba | 25—35 |
| Fairmount | biloba | 15—25 |
| **Gleditsia** | | |
| Honey Locust | triacanthos sunburst | 20—30 |
| **Liquidamber** | | |
| American Sweetgum | styraciflua | 40 |
| **Liriodenrod** | | 30—50 |
| **Magnolia** | | |
| Evergreen Magnolia | grandiflora vars | |
| Southern Magnolia | grandiflora | 40 |
| Dr. Merrill Magnolia | kobus dr. merrill | 15—20 |
| Edith Bogue Magnolia | Magnolia grandiflora 'Edith Bogue' | 15 |
| **Purnus - Cherry - Plum** | | |
| Double Flowering Cherry | avium plena | 30—40 |
| Scanlon Globe Cherry | avium scanlon | 30—40 |
| Japanese Cherry | serrulata vars (nonweeping) | 15—30 |
| Okame Cherry | okame | 20—30 |
| Blireana Plum | blireana | 20 |
| Pissardi Plum | pissardi | 10 |
| Krauter's Vesuvius Plum | Vesuvius | 15 |
| Amur Chokecherry | maacki | 25—30 |
| Redbark Cherry | serrula | 20—30 |
| European Birdcherry | padus | 35 |
| Bigflowered Birdcherry | grandiflora | 10—20 |
| Rancho Birdcherry | berg | 15—20 |
| Purpleleaf Birdcherry | purpurea | 10—20 |
| Prairifire Crabapple | Malus 'Prairifire' | 20 |
| **Quercus** | | |

| | | |
|---|---|---|
| Crimson Spire Oak | Quercus alba x Q. robur 'Crimschmidt' | 15 |
| Pin Oak | palustris | 35 |
| **Tilia - Linden** | | |
| American Linden | americana | 35—40 |
| Little Leaf Linden | cordata | 40 |
| Crimean Linden | euchlora | 20—30 |
| Silver Linden | tomentosa | 40 |
| Bicentennial Linden | bicentennial | 30 |
| Greenspire Linden | greenspire | 20 |
| Salem Linden | salem | 20—30 |
| Chancellor Linden | Tiliacordata 'Chancole' | 20 |

B. Recommended Street Trees under Power Lines:

Acer ginnala — Amur Maple 20' spread

Acer campestre — Hedge Maple 30' spread

Acer palmatum — Japanese Maple 25' spread

Acer griseum — Paperbark Maple 20' spread

Acer circinatum — Vine Maple 25' spread

Amelanchier x grandiflora — Apple Serviceberry 20' spread

Amelanchier Canadensis — Shadblow Serviceberry 20' spread

Cercis Canadensis — Eastern Redbud 25—30' spread

Clerodendrum trichotomum — Glorybower Tree 20' spread

Cornus florida — Flowering Dogwood 20-25' spread

Cornus kousa — Japanese Dogwood 25' spread

Crataegus phaenopyrum — Washington Hawthorn 25' spread

Crataegus x lavellei — Lavelle Hawthorn 20' spread

Fraxinus excelsior globosum — Globe-Headed European Ash 12—15' spread

Koelreuteria paniculata — Goldenrain Tree 10—20' spread

Laburnum x waterii — Golden Chain Tree 15' spread

Malus — Flowering Crabapple 20-25' spread

Prunus — Flowering Cherry 20—25' spread

Pyrus calleryana — Flowering Pear "Cleveland Select" 20' spread

Styrax japonica — Japanese Snowbell 25' spread

Syringa reticulata — Japanese Tree Lilac 20—25' spread

C. Prohibited Street Trees:

Acer, Silver Maple

Acer, Boxelder

Ailanthus, gladulosa - Tree-of-heaven

Betula; common varieties of Birch

Ulmus; common varieties of Elm

Morus; common varieties of Mulberry

Salix; common varieties of willow

Coniferous Evergreen (Fir, Pine, Cedar, etc.)

Populus; common varieties of poplar, cottonwood and aspen

Female Ginkgo

D. Alternative Street Trees: Trees that are similar to those on the recommended street tree list can be proposed provided that they are non-fruit bearing, non-invasive and not listed on the prohibited street tree list. A letter from a certified arborist must be submitted, explaining why the tree is an equivalent or better street tree than the recommended street trees that are identified in this section.

(Ord. No. 2011-009, § 2, 7-19-2011; Ord. No. 2011-001, §§ 1, 2, 2-15-2011; Ord. No. 2010-015, § 2, 10-5-2010)

Note(s)—See editor's note, § 16.142.040.

# *Chapter 16.142 WETLAND, HABITAT AND NATURAL AREAS**

**Sections:**

## 16.142.010 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.

(Ord. 2006-021; 2001-1119 § 1; 91-922)

## 16.142.020 Standards

A. The applicant shall identify and describe the significance and functional value of wetlands on the site and protect those wetlands from adverse effects of the development. A facility complies with this standard if it complies with the criteria of subsections A.1.a and A.1.b, below:

1. The facility will not reduce the area of wetlands on the site, and development will be separated from such wetlands by an area determined by the Clean Water Services Design and Construction Standards R&O 00-7 or its replacement provided Section 16.140.090 does not require more than the requested setback.

a. A natural condition such as topography, soil, vegetation or other feature isolates the area of development from the wetland.

b. Impact mitigation measures will be designed, implemented, and monitored to provide effective protection against harm to the wetland from sedimentation, erosion, loss of surface or ground water supply, or physical trespass.

c. A lesser setback complies with federal and state permits, or standards that will apply to state and federal permits, if required.

2. If existing wetlands are proposed to be eliminated by the facility, the applicant shall demonstrate that the project can, and will develop or enhance an area of wetland on the site or in the same drainage basin that is at least equal to the area and functional value of wetlands eliminated.

B. The applicant shall provide appropriate plans and text that identify and describe the significance and functional value of natural features on the site (if identified in the Community Development Plan, Part 2) and protect those features from impacts of the development or mitigate adverse effects that will occur. A facility complies with this standard if:

1. The site does not contain an endangered or threatened plant or animal species or a critical habitat for such species identified by Federal or State government (and does not contain significant natural features identified in the Community Development Plan, Part 2, Natural Resources and Recreation Plan).

2. The facility will comply with applicable requirements of the zone.

3. The applicant will excavate and store topsoil separate from subsurface soil, and shall replace the topsoil over disturbed areas of the site not covered by buildings or pavement or provide other appropriate medium for re-vegetation of those areas, such as yard debris compost.

4. The applicant will retain significant vegetation in areas that will not be covered by buildings or pavement or disturbed by excavation for the facility; will replant areas disturbed by the development and not covered by buildings or pavement with native species vegetation unless other vegetation is needed to buffer the facility; will protect disturbed areas and adjoining habitat from potential erosion until replanted vegetation is established; and will provide a plan or plans identifying each area and its proposed use.

5. Development associated with the facility will be set back from the edge of a significant natural area by an area determined by the Clean Water Services Design and Construction standards R&O 00-7 or its replacement, provided Section 16.140.090A does not require more than the requested setback. Lack of adverse effect can be demonstrated by showing the same sort of evidence as in subsection A.1 above.

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:

1. Verifying boundaries of inventoried riparian habitat. Locating habitat and determining its riparian habitat class is a four-step process:

a. Located the Water Feature that is the basis for identifying riparian habitat.

1. Locate the top of bank of all streams, rivers, and open water within 200 feet of the property.

2. Locate all flood areas within 100 feet of the property.

3. Locate all wetlands within 150 feet of the property based on the Local Wetland Inventory map and on the Metro 2002 Wetland Inventory map (available from the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232). Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers.

b. Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas or are within 100 feet of flood areas. Vegetative cover status shall be as identified on the Metro Vegetative Cover map. In the event of a discrepancy between the Metro Vegetative Cover map and the existing site conditions, document the actual vegetative cover based on the following definitions along with a 2002 aerial photograph of the property;

1. Low structure vegetation or open soils — Areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).

2. Woody vegetation — Areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown-closure) located within 300 feet of a surface stream.

3. Forest canopy — Areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.

c. Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% (using the Clean Water Services Vegetated Corridor methodology); and

d. Identify the riparian habitat classes applicable to all areas on the property using Table 8-1 below:

| Distance in feet from Water Feature | Development/Vegetation Status | | | |
|---|---|---|---|---|
| | Developed areas not providing vegetative cover | Low structure vegetation or open soils | Woody vegetation (shrub and scatted forest canopy) | Forest Canopy (closed to open forest canopy) |
| Surface Streams | | | | |
| 0-50 | Class II | Class I | Class I | Class I |
| 50-100 | | Class II | Class I | Class I |
| 100-150 | | Class II if slope >25% | Class II if slope >25% | Class II |
| 150-200 | | Class II if slope >25% | Class II if slope >25% | Class II if slope >25% |
| Wetlands (Wetland feature itself is a Class I Riparian Area) | | | | |
| 0-100 | | | Class I | Class I |
| 100-150 | | | | Class II |
| Flood Areas (undeveloped portion of a flood area is a Class I Riparian area) | | | | |
| 0-100 | | | Class II | Class II |

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.

(Ord. 2006-021; 2001-1119, § 1; 91-922)

## 16.142.030 Exceptions to Standards

In order to protect environmentally sensitive areas that are not also governed by floodplain, wetland and Clean Water Services vegetated corridor regulations, the City allows flexibility of the specific standards in exchange for the specified amount of protection inventoried environmentally sensitive areas as defined in this code.

A. Process

The flexibility of standards is only applicable when reviewed and approved as part of a land use application and shall require no additional fee or permit provided criteria is addressed. In the absence of a land use application, review may be processed as a Type 1 administrative interpretation.

B. Standards modified

1. Lot size — Not withstanding density transfers permitted through Chapter 16.40, when a development contains inventoried regionally significant fish and wildlife habitats as defined in Section 16.142.020 above, lot sizes may be reduced up to ten percent (10%) below the minimum lot size of the zone when an equal amount of inventoried resource above and beyond that already required to be protected is held in a public or private open space tract or otherwise protected from further development.

2. Setbacks — For residential zones, the setback may be reduced up to thirty percent (30%) for all setbacks except the garage setback provided the following criteria are satisfied:

   a. The setback reduction must result in an equal or greater amount of significant fish and/or wildlife habitat protection. Protection shall be guaranteed with deed restrictions or public or private tracts.

   b. In no case shall the setback reduction supersede building code and/or Tualatin Valley Fire and Rescue separation requirements.

   c. In no case shall the setback be reduced to less than five feet unless otherwise provided for by the underlying zone.

3. Density — per Section 16.10.020 (Net Buildable Acre definition), properties with environmentally sensitive areas on site may opt to exclude the environmentally sensitive areas from the minimum density requirements provided the sensitive areas are protected via tract or restrictive easement. A proposal to remove said area from the density calculation must include: a delineation of the resource in accordance with Section 16.142.020C, the acreage being protected, and the net reduction below the normally required minimum for accurate reporting to Metro.

4. Parking — Per Section 16.94.020.B.6, 10-25% of the required parking spaces may be reduced in order to protect inventoried regionally significant fish and wildlife habitat areas, provided these resources are protected via deed restrictions or held in public or private tracts.

5. Landscaping — Per Section 16.92.030.B.6, exceptions may be granted to the landscaping standards in certain circumstances as outlined in that section.

(Ord. No. 2010-015, § 2, 10-5-2010; Ord. 2006-021)

# *Chapter 16.144 NOISE**

**Sections:**

## 16.144.010 Generally

All otherwise permitted commercial, industrial, and institutional uses in the City shall comply with the noise standards contained in OAR 340-35-035. The City may require proof of compliance with OAR 340-35-035 in the form of copies of all applicable State permits or certification by a professional acoustical engineer that the proposed uses will not cause noise in excess of State standards.

(Ord. 91-922, § 3)

## 16.144.020 Noise Sensitive Uses

When proposed commercial and industrial uses do not adjoin land exclusively in commercial or industrial zones, or when said uses adjoin special care, institutional, or parks and recreational facilities, or other uses that are, in the City's determination, sensitive to noise impacts, then:

A. The applicant shall submit to the City a noise level study prepared by a professional acoustical engineer. Said study shall define noise levels at the boundaries of the site in all directions.

B. The applicant shall show that the use will not exceed the noise standards contained in OAR 340-35-035, based on accepted noise modeling procedures and worst case assumptions when all noise sources on the site are operating simultaneously.

C. If the use exceeds applicable noise standards as per subsection B of this Section, then the applicant shall submit a noise mitigation program prepared by a professional acoustical engineer that shows how and when the use will come into compliance with said standards.

(Ord. 91-922, § 3)

## 16.144.030 Exceptions

This Chapter does not apply to noise making devices which are maintained and utilized solely as warning or emergency signals, or to noise caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travel ways, flight paths or other routes. This Chapter also does not apply to noise produced by humans or animals. Nothing in this Chapter shall preclude the City from abating any noise problem as per applicable City nuisance and public safety ordinances.

(Ord. 91-922, § 3)

# *Chapter 16.146 VIBRATIONS**

**Sections:**

## 16.146.010 Generally

All otherwise permitted commercial, industrial, and institutional uses shall not cause discernible vibrations that exceed a peak of 0.002 gravity at the property line of the originating use, except for vibrations that last five (5) minutes or less per day, based on a certification by a professional engineer.

(Ord. 91-922, § 3)

### 16.146.020 Exceptions

This Chapter does not apply to vibration caused by construction activities including vehicles accessing construction sites, or to vibrations caused by automobiles, trucks, trains, aircraft, and other similar vehicles when said vehicles are properly maintained and operated and are using properly designated rights-of-way, travelways, flight paths or other routes. Nothing in this Chapter shall preclude the City from abating any vibration problem as per applicable City nuisance and public safety ordinances.

(Ord. 91-922, § 3)

## *Chapter 16.148 AIR QUALITY**

**Sections:**

### 16.148.010 Generally

All otherwise permitted commercial, industrial, and institutional uses shall comply with applicable State air quality rules and statutes:

A. All such uses shall comply with standards for dust emissions as per OAR 340-21-060.

B. Incinerators, if otherwise permitted by Section 16.140.020, shall comply with the standards set forth in OAR 340-25-850 through 340-25-905.

C. Uses for which a State Air Contaminant Discharge Permit is required as per OAR 340-20-140 through 340-20-160 shall comply with the standards of OAR 340-220 through 340-20-276.

(Ord. 91-922, § 3)

### 16.148.020 Proof of Compliance

Proof of compliance with air quality standards as per Section 16.148.010 shall be in the form of copies of all applicable State permits, or if permits have not been issued, submission by the applicant, and acceptance by the City, of a report certified by a professional engineer indicating that the proposed use will comply with State air quality standards. Depending on the nature and size of the use proposed, the applicant may, in the City's determination, be required to submit to the City a report or reports substantially identical to that required for issuance of State Air Contaminant Discharge Permits.

(Ord. 91-922, § 3)

### 16.148.030 Exceptions

Nothing in this Chapter shall preclude the City from abating any air quality problem as per applicable City nuisance and public safety ordinances.

(Ord. 91-922, § 3)

## *Chapter 16.150 ODORS**

**Sections:**

### 16.150.010 Generally

All otherwise permitted commercial, industrial, and institutional uses shall incorporate the best practicable design and operating measures so that odors produced by the use are not discernible at any point beyond the boundaries of the development site.

(Ord. 91-922, § 3)

### 16.150.020 Standards

The applicant shall submit a narrative explanation of the source, type and frequency of the odorous emissions produced by the proposed commercial, industrial, or institutional use. In evaluating the potential for adverse impacts from odors, the City shall consider the density and characteristics of surrounding populations and uses, the duration of any odorous emissions, and other relevant factors.

(Ord. 91-922, § 3)

### 16.150.030 Exceptions

Nothing in this Chapter shall preclude the City from abating any odor problem as per applicable City nuisance and public safety ordinances.

(Ord. 91-922, § 3)

## *Chapter 16.152 HEAT AND GLARE**

**Sections:**

### 16.152.010 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 such glare or lights to shine off site in excess of one-half (0.5) foot candle when adjoining properties are zoned for residential uses.

(Ord. 93-966, § 3; 91-922)

### 16.152.020 Exceptions

Nothing in this Chapter shall preclude the City from abating any heat and glare problem as per applicable City nuisance and public safety ordinances.

(Ord. 93-966, § 3; 91-922)

## *Chapter 16.154 ENERGY CONSERVATION**

## 16.154.010 Purpose

This Chapter and applicable portions of Comprehensive Plan provide for natural heating and cooling opportunities in new developments. The requirements of this Chapter shall not result in development exceeding allowable densities or lot coverage, or the destruction of existing trees.

(Ord. 91-922, § 3)

## 16.154.020 Applicability

The standards in this Chapter shall apply to any new uses or changes to existing uses in multi-dwelling, commercial, industrial and institutional zones. The standards in this Chapter do not apply to accessory dwelling unit or single detached development in residential zones.

(Ord. No. 2021-010 , § 2, 12-7-2021)

Editor's note(s)—Ord. No. 2021-010 , § 2, adopted December 7, 2021, amended the Code by adding a new 16.156.020, and renumbering former §§ 16.156.020 and 16.156.030 as new §§ 16.156.030 and 16.156.040.

## 16.154.030 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.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. 91-922, § 3)

Note(s)—Former § 16.156.020. See editor's note, § 16.156.020.

## 16.154.040 Variance to Permit Solar Access

Variances from zoning district standards relating to height, setback and yard requirements approved as per Chapter 16.84 may be granted by the Commission through a Type IV review where necessary for the proper functioning of solar energy systems, or to otherwise preserve solar access on a site or to an adjacent site.

(Ord. No. 2021-010 , § 2, 12-7-2021; Ord. 91-922, § 3)

Note(s)—Former § 16.156.030. See editor's note, § 16.156.020.