



NOTICE OF DECISION

TAX LOT: 2S130CC00400, 600, & 700
CASE NO: LU 2025-012 SUB
DATE OF NOTICE: July 18, 2026

Applicant

Riverside Homes
15350 SW Sequoia Parkway, Suite 320
Portland, OR 97224

Applicants Representative

Pioneer Design Group, LLC
9020 SW Washington Sq. Rd., Suite 170
Portland, OR 97223

NOTICE

Because you testified in writing or in person at the Planning Commission Public Hearing on this matter, you are receiving notice that on June 11, 2026, the City of Sherwood Hearings Officer approved '**Pinot Glen Subdivision**.' The applicant proposes to develop three tax lots (2S130CC00400, 2S130CC00600, and 2S130CC00700) for a 39-lot subdivision. Tax lots 600 and 700 are zoned Medium Density Residential Low (MDRL), and tax lot 400 is split zoned between Medium Density Residential Low (MDRL) and Medium Density Residential High (MDRH). The applicant has elected to defer building permit submittal and is not proposing specific floor plans or elevations at this time. The decision was made after consideration of the staff report, application materials, and public testimony.

INFORMATION:

To obtain copies of file materials, go to <https://www.sherwoodoregon.gov/projects/pinot-glen-subdivision/> or contact Sean Conrad, Planning Manager, at 503-625-4208 or by e-mail at conrads@sherwoodoregon.gov.

APPEAL

Pursuant to Sherwood Zoning and Community Development Code Section 16.72.010.B.1.d, an appeal of the Hearings Officer decision may be made to the Planning Commission. Pursuant to Section 16.76, any person who appeared before the local government, orally or in writing, on this matter may file a notice of intent to appeal to the City of Sherwood Planning Director not later than 14 days from the date of this notice. **An appeal of this decision must be filed no later than 5:00 PM on August 5, 2026.**

I, Hugo Agosto, for the Planning Department, City of Sherwood, State of Oregon, in Washington County, declare that the Notice of Decision LU 2025-012 SUB 'Pinot Glen Subdivision' was placed in a U.S. Postal receptacle, or transmitted via electronic mail, on July 22, 2026.

Hugo Agosto, Associate Planner
City of Sherwood Planning Department

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

Regarding an application by Riverside Homes	)	<u>FINAL ORDER</u>
for approval of a preliminary plat to divide	)	
7.26-acres into 39 lots at 21710, 21760 and	)	LU 2025-012 SUB
21820 SW Elwert Road, in the City of Sherwood	)	(Pinot Glen Subdivision)

A. SUMMARY

1. The applicant, Riverside Homes, requests approval to divide a 7.26-acre property into 39 lots and tracts for open space, stormwater, and private streets. The proposed development is located at 21710, 21760 and 21820 SW Elwert Road; also known as tax lots 2S130CC00400, 2S130CC00600, and 2S130CC00700 (the “site”). The site is bounded by SW Elwert Road on the west, SW Cereghino Lane and the Copper Meadows subdivision on the south, SW Copper Terrace on the east, and the Daybreak subdivision on the north.

a. The majority of the site and abutting properties to the east, northeast, and southwest are zoned MDRL (Medium Density Residential Low). The northeast portion of the site and properties to the northwest are zoned MDRH (Medium Density Residential High). Properties to the southeast, south of SW Cereghino Lane, are zoned LDR (Low Density Residential). Properties to the northeast, east of SW Copper Terrace, are zoned IP (Institutional Public). Properties to the west, west of SW Elwert Road, are located in unincorporated Washington County.

b. The site is currently developed with two existing homes and various out-buildings. The applicant proposed to remove all of the existing structures to accommodate the proposed development.

c. The applicant will dedicate right-of-way and construct half-width frontage improvements on those sections of SW Elwert Road, SW Cereghino Lane, and SW Copper Terrace abutting the site. The applicant will extend SW Derby Terrace through the site from its existing terminus at the north boundary of the site, terminating at the south boundary to allow for further extension when the abutting property redevelops. The applicant will extend a new street, proposed Street A, through the site between the on-site section of SW Derby Terrace and SW Copper Terrace. The applicant will extend SW Locksley Lane between its existing terminus on the east boundary of the site and SW Derby Terrace. The applicant will extend SW Oxford Terrace between its existing terminus on the north boundary of the site and Street A.

d. The applicant will collect stormwater runoff from all new impervious surfaces on the site and convey it to a stormwater facility in proposed Tract A in the northwest corner of the site for treatment and detention. The applicant will discharge treated stormwater to the City storm sewer system at less than predevelopment rates.

e. The applicant also requests approval of design modifications to:

i. Reduce the street right-of-way width requirement from 60 to 52 feet and reduce the paved width from 36 to 28 feet for SW Locksley Lane, SW Oxford Terrace, SW Cereghino Lane, and the section of SW Derby Terrace north of SW Locksley Lane, in order to match the width of existing streets which the applicant will extend into the site;

ii. Reduce the intersection spacing on Street A between SW Oxford Terrace and SW Copper Terrace; and

iii. Exceed the block length standard for the block formed SW Derby Terrace/SW Cereghino Lane to allow a 730-foot block length when the Code requires a maximum 530-foot block length.

f. Additional basic facts about the site and surrounding land and applicable approval standards are provided in the Staff Report to the Hearings Officer dated June 11, 2026 (the "Staff Report").

2. City of Sherwood Hearings Officer Joe Turner (the "hearings officer") conducted a public hearing to receive testimony and evidence about the application. City staff recommended that the hearings officer approve the preliminary plat subject to conditions in the Staff Report, as modified by Exhibit OR-2. The applicant's representatives accepted those findings and conditions, as modified, with certain exceptions. Two persons testified orally with questions and concerns about the application. Other persons testified in writing. Contested issues in the case include the following:

a. Whether the City can require larger lots on the site in order to be consistent with existing development in the area;

b. Whether the City can require a mix of one and two-story homes on the site;

c. Whether a traffic impact analysis should be required for this development;

d. Whether the requested modifications comply with the applicable approval criteria in SZDC 16.106.020.E:

e. Whether the proposed open spaces comply with SZDC 16.140.030.A and whether the City can require that open space be "accessible" or "usable";

f. Whether the applicant is required to provide lighting on pedestrian and bicycle paths within the site;

g. Whether the applicant can provide maintenance access to the stormwater facility in proposed Tract A from SW Elwert Road;

h. Whether the hearings officer has jurisdiction to approve maintenance access to the flow control manhole beyond 30 feet from the proposed curb line;

i. Whether the applicant sustained its burden of proof that the private street serving proposed Lots 40 and 41 complies with the requirements of the Code;

j. Whether Lot 31 complies with the limitations on double-frontage lots in SZDC 16.128.030.C; and

k. Whether SZDC 16.106.040.B prohibits “T” intersections under all circumstances.

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

B. HEARING AND RECORD HIGHLIGHTS

1. The hearings officer received testimony at the duly noticed public hearing about this application on June 11, 2026. Prior to the hearing, the hearings officer received into the record and physically inspected the file maintained by the City regarding the application. All exhibits and records of testimony are filed at the City of Sherwood. The hearings officer made the declarations required by ORS 197.763. The following is a summary by the hearings officer of selected testimony and evidence offered at the public hearing.

2. City planner Arthur Graves summarized the Staff Report and his PowerPoint presentation.

a. He noted that the majority of the site zoned is MDRL (Medium Density Residential Low). The northeast portion of the site is zoned MDRH (Medium Density Residential High).

b. The applicant also requests approval of Design Modifications:

i. To reduce the required street right-of-way from 60 to 52 feet for SW Derby Terrace (between the north boundary of the site and the intersection with SW Locksley Lane), SW Locksley Lane, SW Oxford Terrace, and SW Cereghino Lane in order to match the width of existing streets which the applicant will extend into the site. The City recently amended its street standards to increase the right-of-way requirement from 52 to 60 feet, The remainder of the on-site streets will comply with the recently adopted 60 foot right-of-way standard;

ii. To reduce the intersection spacing on Street A between SW Oxford Terrace and SW Copper Terrace; and

iii. To exceed the block length standard for the block formed SW Derby Terrace, SW Cereghino Lane, Street A, and SW Copper Terrace to allow a 730-foot block length when the Code requires a maximum 530-foot block length.

However, the applicant failed to adequately address the standards for the requested modifications.

c. The applicant will be required to provide an eight to ten foot wide pedestrian trail within a 20-foot easement between the western terminus of SW Cereghino Lane and SW Elwert Road.

d. The City received one written public comment objecting to the request to reduce the street widths.

3. City planning manager Sean Conrad noted that Lot 31 is proposed as a double frontage lot in order to respond to the existing built environment; existing lots on the east side of SW Oxford Terrace north of the site are also double frontage.

4. Community development director Eric Rutledge argued that Lot 31 can meet the standard in Section 16.128.030.C of the Sherwood Zoning and Development Code (the “SZCDC”), which allows double frontage lots “[w]here essential to provide separation of residential development from ... traffic arteries...” SW Copper Terrace is classified as a neighborhood street to which the Code prohibits driveway access.

a. He requested the hearings officer modify proposed condition of approval B.8 to require the applicant to revise their plans to conform to the adopted street section or obtain approval of a modification.”

b. The applicant proposed to construct the on-site section of SW Cereghino Lane to the same design as exists east of SW Copper Terrace. On-street parking is currently prohibited on both sides of SW Cereghino Lane abutting the site. The applicant will widen the portion of SW Cereghino Lane abutting the site to provide space for on-street parking on one side of the street and a 20-foot drive aisle (two ten-foot lanes) for two-way traffic and emergency vehicle access.

5. Planner Wayne Hayson and engineer Matt Sprague testified on behalf of the applicant, Riverside Homes, .

a. Mr. Hayson summarized his PowerPoint presentation and responded to the staff report and public testimony.

i. He noted that the proposed design modification is intended to continue the existing streets abutting the site at their current width, rather than abruptly widening mid-block. The block spacing issue was created by prior development when the existing portion of SW Oxford Terrace was developed.

ii. The proposed lots have an average lot size of just over 5,000 square feet, with the smallest lots containing 4,680 and the largest containing 5,499 square feet, based on the applicant’s revised preliminary plat.

iii. He noted that the City's transportation system plan (the "TSP") designates SW Copper Terrace as a neighborhood street. Driveway access is prohibited onto neighborhood streets. Therefore, double frontage lots must be permitted.

iv. He argued that SZDC 16.106.040.B only prohibits "T" intersections "as far as practicable."

v. He argued that SW Copper Terrace is not a "neighborhood route" for which SZDC 16.106.040.H requires a buffer.

vi. He requested the hearings officer hold the record to allow the applicant to further address the modification standards. He agreed to extend the 120 day clock for 28 days to accommodate the open record period.

vii. He noted that the Code does not provide standards for fence design beyond a height limit and maintenance requirements. Therefore, there is no need for the applicant to provide plans and elevation drawings for the fence as required by condition B.2.

viii. Existing SW Cereghino Lane abutting the site is only 20 feet wide and on-street parking is prohibited on both sides of the street. The applicant will widen the existing pavement to 28 feet to provide opportunities for on-street parking that are currently unavailable.

b. Mr. Sprague noted that the City approved intersection spacing similar to what the applicant is requesting in this case for the Daybreak subdivision north of the site and there is no evidence that the reduced spacing in that development created a hazard.

i. The applicant can modify the plat to provide a pedestrian access between SW Derby Terrace and SW Elwert Road.

ii. The applicant will provide a continuous fence of consistent design along SW Elwert Road.

iii. The applicant already submitted a landscape plan consistent with condition B.6. Therefore, there is no need for this condition.

iv. He requested the hearings officer modify condition B.14 to allow the County to approve driveway access to the stormwater facility in the northwest corner of the site from SW Elwert Road. Due to the existing topography, a perched water table, and other restrictions, the applicant must locate the flow control manhole on the west side of the stormwater facility, in a location requiring access from SW Elwert Road. Providing maintenance access from SW Derby Terrace on the east side of the pond would require significant additional grading and paved surface, as the maintenance drive would have to circle the pond in order to access the flow control manhole on the west side of the pond.

iv. This site is one of the last parcels in the area to develop. Therefore, the applicant must design this development to accommodate existing road alignments and other conditions created by previous developments.

v. SW Elwert Road is subject to Washington County's jurisdiction. Therefore, condition of approval C.8 should be modified to only require compliance with County standards.

6. Steve Reynolds testified that he owns the property abutting the southwest corner of the site. He argued that SW Cereghino Lane has always been planned as a full-width street, rather than the partial width improvement proposed by the applicant. The applicant should be required to improve this street to current standards to ensure adequate emergency vehicle access.

7. Kofi Cobbinah questioned why the applicant is allowed to utilize lot size averaging. Prior developments had minimum lot sizes of 5,200 square feet. He questioned why the applicant is not required to widen SW Cereghino Lane. The school to the northeast of the site generates significant amounts of traffic in the mornings and this development will add even more, exacerbating the potential safety hazard for children.

8. At the end of the hearing the hearings officer held open the public record for one week, until June 18, 2026, to allow all parties an opportunity to submit additional testimony and evidence. The hearings officer held the record open for a second week, until June 25, 2026, to allow all parties an opportunity to respond to whatever was submitted during the first week. The hearings officer held the record open for a third week, until July 2, 2026, to allow the applicant to submit a final argument, without any new evidence.

C. DISCUSSION

1. City staff recommended approval of the preliminary subdivision plat, based on the affirmative findings and subject to conditions of approval in the Staff Report, as modified by Exhibit OR-2. The applicant accepted those findings and conditions without exceptions.

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

3. While the hearings officer understands neighbors' objections to the proposed lot sizes, the Code does not require that new lots be consistent with existing development in the area. As the applicant notes, Code requirements, including lot sizes, have changed since the adjacent properties were developed.

a. The current code requires a minimum average lot of 5,000 square feet for single-family detached dwellings in the MDRL and MDRH zones. SZCDC 16.120.020.E(1) allows smaller lots provided the overall average lot size is 5,000 square feet or more, no lot is smaller than 4,500 square feet (90% of the minimum lot size), or larger than 5,500 square feet (no more than 10% of the minimum lot size). (SZCDC 16.12.030.C and 16.120.020.E). Therefore, the applicant is prohibited from developing this site with 5,600 to 6,600 square foot lots to be consistent with existing development.

b. Based on the applicant's revised preliminary plat, the proposed lots range in size from 4,700 to 5,491 square feet, with an overall average lot size of 5,043 square feet. (Exhibit OR-1a at 6). Therefore, the proposed lot sizes are consistent with the current code requirements and the City cannot require larger lot sizes.

4. The Code does not regulate the style of homes, single-story or two story, allowed in the MDRL and MDRH zones. That choice is left to the applicant.

5. City engineering staff determined that a Traffic Impact Analysis (TIA) was not required for this development, based on current standards. The hearings officer has no authority to reconsider that determination. This development will increase the volume of traffic on streets in the area. That increased traffic will be perceptible to area residents. However, City engineering staff determined that it will not exceed the capacity of streets nor create a hazard. There is no substantial evidence to the contrary. Neighbor's unsupported concerns about increased traffic are not substantial evidence sufficient to overcome the expert testimony by City engineering staff.

6. The applicant requested a road modification to reduce the required intersection spacing along Street A, between SW Oxford Terrace and SW Copper Terrace, from 200 feet to 159 feet.

a. SZCDC 16.128.010 A.2 requires the applicant to provide a new east-west cross-circulation street connecting SW Copper Terrace and SW Derby Terrace, proposed Street A. In addition, in order to meet the block dimension and cross-circulation requirements of the Code, the applicant is required to extend SW Oxford Terrace, which is stubbed to the north boundary of the site, into the site to intersect proposed Street A.

b. Section 210.6.E of the City of Sherwood Engineering Manual requires full access intersection spacing of a minimum of 200 feet for local streets and neighborhood routes. SW Copper Terrace, an existing neighborhood route, is located along the eastern boundary of the project site. The existing stub of SW Oxford Terrace, a local street, is located approximately 159 feet west of SW Copper Terrace. The applicant proposed to extend SW Oxford Terrace directly south, so the proposed intersection of SW Oxford Terrace and Street A will be 159 feet west from the intersection of SW Copper Terrace and Street A, not meeting the spacing requirements of Section 210.6.E.

c. As discussed in Exhibits A5 at 2 and OR-1c at 4, it is not feasible to shift the SW Oxford Terrace/Street A intersection further west to meet the 200 foot intersection spacing requirement of Section 210.6.E. The short distance between the stub of SW Oxford Terrace and Street A is insufficient to safely accommodate reversing

curves meeting city standards and allow the new intersection to be oriented at or about 90 degrees. If Street A were to be relocated south to allow room for reversing curves to push the SW Oxford Street connection further west, a new row of double frontage lots would be created between local streets south of Street A, which is prohibited under SZDC 16.128.030.D.

d. The hearings officer finds that this modification meets the approval criteria in SZDC 16.106.020.E(4) based on the findings in Exhibits A5, OR-1c, and OR-2. The hearings officer adopts those findings as his own and incorporates them by reference into this Final Order.

7. The applicant also requested modifications to reduce the paved width of SW Locksley Lane, SW Derby Terrace, and SW Oxford Terrace from the current standard of 36 feet to 28 feet to allow for continuation of the existing 28-foot street sections constructed with the development of the Daybreak subdivision. The existing portions of these streets were developed prior to the adoption of City Ordinance 2022-005, when a 28-foot local street width was accepted as the City's local street standard.

a. The modifications would allow the applicant to continue the existing curb to curb width for these streets to appropriate transition points:

i. For SW Oxford Terrace, to the "T" intersection with Street A;

ii. For SW Locksley Lane, to the "T" intersection with SW Derby Terrace;

iii. For SW Derby Terrace, to the northern edge of the intersection with SW Locksley Lane. The applicant will construct the remainder of SW Derby Terrace between SW Locksley Lane and the south boundary of the site, with a 36-foot paved width consistent with current standards.

b. Maintaining the existing street design will provide consistency and clarity for motorists. Adherence to the 36-foot curb to curb requirement would require mid-street transitions in width which can impact the functionality and safe operation of the roadway, especially across short sections of roadway where a driver's attention is focused on the upcoming intersection.

c. The narrower street sections will maintain adequate vehicular and emergency vehicle access, providing two ten-foot travel lanes, the same as the 36-foot standard. The narrower road widths will merely eliminate on-street parking on one side of relatively short sections of street. However, all of the proposed dwellings will include 2-car garages, with 2 off-street parking spaces in the driveway, exceeding the minimum off-street parking requirement for each lot and ensuring that additional parking is provided within this development.

d. The hearings officer finds that this road modification meets the approval criteria in SZDC 16.106.020.E(4) based on the findings in Exhibits A5, OR-1e, f, and g,

and OR-2. The hearings officer adopts those findings as his own and incorporates them by reference into this Final Order.

8. In addition, the applicant requested a road modification to reduce the paved width of the on-site section of SW Cereghino Lane from the current standard of 36 feet to 28 feet, matching, the existing design of this street east of SW Copper Terrace. The current road standard with a 36-foot-wide paved section is intended to allow on-street parking on both sides of the street, providing two 8-foot-wide parking lanes, in addition to two 10-foot-wide travel lanes. However, as discussed in Exhibit OR-1d at 3, the applicant cannot be required to provide a full 36-foot paved width necessary to accommodate on-street parking on both sides of the street.

a. Since SW Cereghino Lane is an existing street, SZDC 16.106.020.B only requires the applicant to construct 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. Although this Code section provides “Except as otherwise provided...”, the hearings officer is unable to find anything in the Code that would allow the City to require this applicant to provide a wider improvement between the centerline and the site. The hearings officer assumes that the City agrees with the applicant’s interpretation, as they recommended approval of this modification without additional discussion.

b. As discussed in Exhibit OR-1d at 4, the centerline of SW Cereghino Lane is located 14 feet from of the south boundary of the site. Therefore, improvements required of this development will only result in a 34-foot paved width, which would not allow on-street parking on both sides. It would only result in a wider travel lanes that could encourage higher traffic speeds and increase the amount of impervious surface area and stormwater runoff. The 28-foot paved section proposed by the applicant will eliminate these disadvantages while continuing to allow parking on one side of the street, providing opportunities for on-street parking that do not currently exist on this section of SW Cereghino Lane.

c. Therefore, the hearings officer finds that this modification should be approved as it meets the approval criteria in SZDC 16.106.020.E based on the findings above and in Exhibits A5, OR-1d, and OR-2. The hearings officer adopts the cited findings as his own and incorporates them by reference into this Final Order.

9. The hearings officer finds that the application, as conditioned, complies with the open space requirements of SZDC 16.140.030.A.

a. This section requires that the applicant retain five-percent of the net buildable area of the site as “open space.” Based on the revised plat (Exhibit OR-1b) the net buildable area of the site is approximately 208,475 square feet. (Exhibit OR-1a at 7). Therefore, the applicant is required to retain 10,424 square feet of open space.¹ The applicant proposed to retain 10,486 square feet of open space in Tracts D and E. This requirement is met.

¹ 208,475 square feet x 0.05 = 10,423.75 = 10,424 square feet.

b. SZDC 16.140.030.A further requires that “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 applicant proposed to improve Tract D with a walking trail, “[l]andscaping, paths, benches, trash receptacles, and irrigation with a below grade automatic system.” (Exhibits OR-1b and OR-3 at 3). Staff expressed concerns that the existing topography of the site may limit the applicant’s ability to provide the required amenities (Exhibit OR-2 at 2). The applicant states that they can grade the site and, if necessary, provide retaining walls to modify the existing grades to accommodate the required amenities. (Exhibit OR-3 at 2). The hearings officer finds that it is feasible to provide these amenities in the open space tracts proposed by the applicant. A condition of approval is warranted to ensure actual compliance.

c. City staff questioned whether proposed Tract E (Tract D the original plat, Exhibit A-5w) is “usable”, as it is “[i]solated from the rest of the development and so users are forced to cross a street, or streets, to access the space.” (Staff Report at 31). Mr. Cobbinah argued that open spaces “[m]ust function as genuine, accessible community amenities...” (Exhibit OR-1h at 6). However, while the hearings officer understands and agrees with these concerns, they do not relate to the requirements of the Code. The Code requires that open space areas “include usable areas”, defined as the provision of specific amenities. The Code does not require that open spaces be “accessible” or “usable” or that they “[f]unction as genuine, accessible community amenities...” Even if these terms were included in the Code, the City could not apply such standards as they are not “clear and objective.” State law, ORS 197A.400(1), prohibits the application of approval criteria that are not clear and objective when reviewing applications for residential development.

d. As the applicant notes, nothing in the Code requires the provision of lighting in open space tracts. However, Chapter IV of the City’s Engineering Design and Standard Details Manual (the “Engineering Manual”) sets out the standards for bicycle and pedestrian facilities. Section 420.10.B of the Engineering Manual provides “Pedestrian pathways shall be lighted to the standards of Section 350.” Therefore, the applicant should be required to provide lighting along the trail through proposed Tract D. A condition of approval is warranted to that effect.

10. The applicant agreed to provide a pedestrian connection between proposed SW Derby Terrace and SW Elwert Road as requested by Staff. (Exhibits OR-1a at 2 and OR-1b). This pedestrian connection must be lighted as discussed above. A condition of approval is warranted to that effect.

11. The hearings officer understands the applicant’s need to provide maintenance access to the stormwater facility in proposed Tract A from SW Elwert Road. However, because SW Elwert Road is within Washington County’s jurisdiction, neither the hearings officer nor the City engineer has the authority to review such access. Therefore, condition of approval B.8 should be modified as proposed by the applicant to allow the applicant to request County approval of such an access.

12. The hearings officer has no jurisdiction to approve maintenance access to the flow control manhole beyond 30 feet from the proposed curb line. This is an engineering issue, that is outside of the hearings officer's authority.

13. As proposed Lot 31 is a double frontage lot, abutting SW Copper Terrace on the east and SW Oxford Terrace on the west. SZDC 16.128.030.C prohibits double frontage lots "except where essential to provide separation of residential development from ... traffic arteries... or to overcome specific topographical or orientation problems." The Code does not define the term "traffic arteries." However, as Mr. Rutledge testified, SW Copper Terrace is classified as a neighborhood street to which the Code prohibits driveway access. Therefore, the hearings officer finds that Lot 31 can be approved as a double frontage lot, either because it is essential to provide separation of residential development from a traffic artery or because it is necessary to overcome a specific orientation problems.

14. SZDC 16.106.040.B provides "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."

a. The second sentence of this section, read in isolation, prohibits "T" intersections under all circumstances. However, the ordinance must be read in context and should not be construed so as to produce an unreasonable or absurd result. *State v. Linthwaite* 295 Ore. 162, 170, 665 P.2d 863 (1983).

b. In this case, the applicant is required to extend existing SW Locksley Lane and proposed Street A through the site to comply with the street extension and block dimension requirements of the Code. However, because access is prohibited to SW Elwert Road, these roads must end in "T" intersections with SW Derby Lane. The applicant must also extend SW Oxford Terrace into the site. While it may be feasible to extend this street across Street A, creating a four-way intersection, SW Oxford Terrace would still terminate in a "T" intersection with SW Cereghino Lane, as there are no existing intersections south of the site that this street extension can align with. In addition, extension of SW Oxford Terrace to SW Cereghino Lane would result in an additional intersection that does not meet the spacing requirements of Section 210.6.E of the City of Sherwood Engineering Manual.

c. Therefore, the hearings officer finds that SZDC 16.106.040.B must be read in context to prohibit "T" intersections "as far as practicable," as a strict reading of the second sentence in isolation would produce an absurd result that would prevent development of this site in compliance with several other Code requirements. The hearings officer encourages the City to revise this Code provision to clarify this issue.

D. CONCLUSION

Based on the above findings and discussion, the hearings officer concludes that LU 2025-012 SUB (Pinot Glen Subdivision Subdivision) should be approved, because it does or can comply with the applicable standards of the Sherwood Zoning and Community

Development Code, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

E. DECISION

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the hearings officer hereby approves LU 2025-012 SUB (Pinot Glen Subdivision Subdivision), subject to the following conditions of approval:

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. The proposed development shall comply with the conditions of the CWS Service Provider Letter.
3. Per City of Sherwood standards, all new utilities shall be placed underground.
4. The preliminary plat approval is valid for two years from the date of the Notice of Decision. The final plat shall be approved by the City within two years of Notice of Decision, unless an extension is granted by the City prior to the two-year deadline.
5. The applicant shall comply with the TVF&R Service Provider Letter and all applicable fire code regulations, as determined by service provider.

B. Prior to Final Plat Approval:

1. The applicant shall submit revised landscape plans to include clear vision areas pursuant to SZCDC § 16.58.010.
2. The applicant shall submit plans showing the final fence location.
3. The applicant shall submit plans showing street designs consistent with the applicable TSP street section, or as approved through Transportation Facility Modifications.
4. The applicant shall submit plans showing a bicycle and pedestrian connection trail between SW Derby Terrace and SW Elwert Road, as presented on Revised Sheet P1.0 - Preliminary Plat, including concrete paving and landscaping.
 - a. The bicycle and pedestrian trail from SW Derby Terrace to SW Elwert Road south of Lot 10 shall be located in a separate tract and not in an easement. Ownership and maintenance of the trail is to be by the HOA. The Final Plat and CCRs should describe ownership and maintenance.
 - b. As required by Section 420.10.B of the City's Engineering Design and Standard Details Manual, bollard lighting shall be added to path with no fewer than one lighted bollard at each end to provide deterrence from motor vehicles from accessing the connection, and one lighted bollard to be located at the midpoint of the pathway (approximately 40-feet in from each end).
5. The applicant shall submit revised drawings clearly showing:
 - a. Usable spaces and amenities including: benches, trash cans, picnic tables, and hardscape areas in proposed open space areas located in Tracts D and E.

Landscaping, irrigation, and lighting plans shall also be included for Tracts D and E. Changes to open space areas or locations shall continue to meet the 5% area requirement, and landscaping improvements shall, at minimum, include the design features described above.

- b. Retaining walls within Tract D shall be shown with the top and bottom elevations of the walls shown on the plans. Any proposed safety features (fencing, rails) due to the height of the retaining walls shall be identified with color elevations of the safety features included on the drawings. The landscape design shall account for the retaining walls and provide for the eventual screening of the walls.
 - c. Trails within the open space tracts shall be designed to comply with Chapter IV of the City's Engineering Design and Standard Details Manual.
- 6. The visual corridor is to be located in a permanent easement on plat. Fences are prohibited in the visual corridor. Maintenance of the visual corridor is the responsibility of the HOA.
 - 7. Any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.
 - 8. Any well within the subject property shall be abandoned/removed in accordance with all applicable regulations.
 - 9. Obtain a Washington County Facility Permit per ORS 374.305 / 374.309 and WCCO 15.08.210, including (i) Engineering Plan Review approval of the construction plans
 - 10. Submit to Washington County Land Development Services, Public Assurance Staff (503-846-3843):
 - a. Completed Facility Permit Information Form and Design and Inspection Option Form.
 - b. \$28,000 Administration Deposit (payable by credit card at 503- 846-3843, or by check via U.S. Mail or in person).

NOTE: *The Administration Deposit funds Washington County's costs for plan approval, field inspections, and contract administration. Any portion of the deposit not used by the County will be returned to the applicant at project closeout. If at any time during the project the County's costs exceed the amount deposited, Washington County will bill the applicant for the additional amount needed to cover its costs.*

- c. Copy of the City's Land Use Approval with Conditions, signed and dated.
- d. Engineering plans, signed and stamped by a registered professional engineer licensed in Oregon, prepared in conformance with the County's Facility Permit Submittal Requirements (memo, 4/29/2020) and the Road Engineering Plan Submittal/Review Checklist (RDSC Appendix E, 1/12/2024), and submitted via the County's Electronic Plan Review (ProjectDox) system for County Engineering Plan Review approval. The plans shall provide the following components along the SW Elwert Road frontage of Tax Lots 2S130CC00400, 00600, and 00700:

- i. Half-street improvement to the RDCS Arterial cross- section. The plans shall include plan, profile, and cross- section views, with the following components:
 - (A) **Pavement.** Pavement widening to the half-width of the Arterial cross-section. Submit structural pavement design and supporting calculations per WCCO 15.08.320.020; transitions to existing pavement per WCCO 15.08.320.050.
 - (B) **Bike lane.** Bike lane to the Arterial cross-section, with pavement marking per the ODOT Striping Legend (TM500 series).
 - (C) **Street lighting.** Street lighting per the RDCS Arterial template. Luminaire supports per Standard Drawings 6810 (Luminaire Supports - Davit Style) and 6820 (Foundations). Submit photometric calculations demonstrating compliance with the Arterial illumination criteria.
- ii. ADA-compliant pedestrian curb ramps. Curb ramps at all transitions per RDCS Standard Drawing 2130 (Sidewalk Curb Ramp at Curb Return), conforming to PROWAG and to the County's Clarification of ADA Design Standards memo (6/1/2022). ADA Ramp Inspection Forms (RDCS 7010 through 7090, as applicable to ramp type) shall accompany construction.
 - (A) **Sight distance.** Sight distance at all access locations and intersections per WCCO 15.08.130.080 and the County's Sight Distance Guidelines memo (4/8/2021). Submit a sight distance certification, signed and stamped by the design engineer, identifying the sight triangles on the plans and confirming that no obstruction is present within the required sight distance for the design speed of SW Elwert Road.
 - (B) Washington County will defer to the City of Sherwood's preferred design features for any element located beyond the back of the curb. However, the ultimate design shall be reviewed by county engineers and must conform to the county's engineering standards.
 - (1) **Curb and gutter.** Concrete curb and gutter per RDCS Standard Drawing 2010 (Standard Curb and Gutter); curb-type transitions per Standard Drawing 2040.
 - (2) **Sidewalk.** Concrete sidewalk per RDCS Standard Drawing 2110 (P.C. Concrete Sidewalk Detail); end-of-sidewalk transitions per Standard Drawing 2140.
 - (3) **Storm drainage.** Storm drainage designed to the County design storm, with catch basins, conveyance pipe, and connection to the County drainage system. Submit hydraulic calculations per WCCO 15.08.330.010 through 15.08.330.040. Subsurface drainage per Standard Drawing 5010 (Subsurface Drain Detail), where field conditions require.
- iii. Driveway closures. All existing driveways to SW Elwert Road shall be closed and the frontage restored across each closed location to match the

new half-street section. Existing access along unimproved frontage per Standard Drawing 1090 shall be terminated; restoration shall be designed using curb and gutter per Standard Drawing 2010 and sidewalk per Standard Drawing 2110, with continuity of the planter strip and street trees as specified in I.A.4.a.iv.

- iv. Design exceptions. Any designs for public improvements that cannot meet the county's standard details may be approved through the Design Exception review process, as outlined in WCCO 15.220.

11. The following shall be represented on the plat and recorded with Washington County:

- a. Dedication of additional right-of-way to provide 45 feet from the centerline of SW Elwert Road.
- b. Provision of a non-access reservation along the SW Elwert Road frontage, except as approved by the County Engineer.

C. Prior to Engineering Approval of the Public Improvement Plans/Issuance of an Engineering Compliance Agreement

- 1. Prior to Approval of Public Improvement Plans, the subject development shall design to extend the public sanitary sewer to provide public sanitary sewer service to all proposed lots through new public streets meeting the approval of the Sherwood Engineering Department.
- 2. Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject developer shall make a fee-in-lieu payment for the future extension of an 8-inch diameter sanitary sewer line from its current location within SW Copper Terrace to the extension of the northern property line of the vacant parcel east of the subject property. This fee-in-lieu will be in the amount of 125 percent of an engineer's estimate meeting the approval of the Sherwood Engineering Department.
- 3. Prior to Approval of Engineering Public Improvement Plans, a CWS Storm Water Connection Permit Authorization shall be obtained.
- 4. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject development shall be designed to extend the public storm sewer to provide public storm sewer service to all proposed lots, new streets and new street widenings meeting the approval of the Sherwood Engineering Department.
- 5. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the proposed development shall be designed 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.
- 6. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the proposed development shall provide a

storm report in compliance with CWS standards meeting the approval of the Sherwood Engineering Department.

7. Prior to Acceptance of the Public Improvements, any public storm sewer located on private property shall have a dedicated public storm sewer easement encompassing the related public storm sewer improvements meeting the approval of the Sherwood Engineering Department.
8. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall design for street widening improvements (including street lighting and street trees) along the subject property frontage of SW Elwert Road to provide for a 25-foot wide half-street paved surface, a 5-foot wide landscape strip, an 8-foot wide sidewalk within a 45-foot wide half street right-of-way section meeting the approval of the Sherwood and Washington County Engineering Departments.
9. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall design for street widening improvements (including street lighting and street trees) along the subject property frontage of SW Copper Terrace to provide for a 38-foot wide curb to curb paved surface, a 5-foot wide landscape strip, an 8-foot wide sidewalk within an overall 64-foot wide street right-of-way section meeting the approval of the Sherwood Engineering Department.
10. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall design for street widening improvements (including street lighting and street trees) along the subject property frontage of SW Cereghino Lane to provide for a 28-foot wide curb to curb paved surface, a 5-foot wide landscape strip, a 6-foot wide sidewalk with right-of-way dedication to 1 foot behind sidewalk meeting the approval of the Sherwood Engineering Department.
11. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall design for a 2-inch grind and inlay of the existing asphalt to 14-feet from the new concrete curb on the north side of SW Cereghino Lane meeting the approval of the Sherwood Engineering Department.
12. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall design for street improvements (including street lighting and street trees) for SW A Street and SW Derby Terrace (south of SW Locksley Lane) shall be constructed to current local street standards consisting of a 36-foot wide paved surface with a 5-foot landscape strip, a 6-foot wide sidewalk, and a 1-foot wide sidewalk buffer on each side within a 60-foot wide right-of-way meeting the approval of the Sherwood Engineering Department.
13. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall design for street improvements (including street lighting and street trees) for SW Locksley Lane, SW Oxford Terrace and SW Derby Terrace (north of SW Locksley Lane) shall be constructed to the following consisting of a 28-foot wide paved surface with a 5-foot landscape strip, a 6-foot wide sidewalk, and a 1-foot wide sidewalk buffer on

each side within a 52-foot wide right-of-way meeting the approval of the Sherwood Engineering Department.

14. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall make a fee-in-lieu payment for any street improvements (including street trees) along the south side of Lot 9 not constructed within the new street right-of-way. The fee-in-lieu amount shall be 125% of an engineer's estimate for the improvements meeting the approval of the Sherwood Engineering Department.
15. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the developer shall design for an 8-foot wide concrete sidewalk within a 20-foot wide privately owned tract of land to connect the sidewalk to be installed along the east side of SW Elwert Road with the sidewalk to be installed along the west side of SW Derby Terrace meeting the approval of the Sherwood Engineering Department. This sidewalk shall be privately owned and maintained by the Home Owner's Association.
16. Prior to Acceptance of the Public Improvements, the 20-foot wide privately owned tract of land containing the sidewalk that interconnects SW Elwert Road to SW Derby Terrace shall have a public access easement over its entirety meeting the approval of the Sherwood Engineering Department.
17. Prior to Acceptance of Public Improvements/Issuance of an Engineering Compliance Agreement, the developer shall dedicate a minimum 8-foot wide PUE along all street frontages within/adjacent to the subject development meeting the approval of the Sherwood Engineering Department unless otherwise approved by the City Engineer.

D. Prior to Issuance of a Grading Permit

1. Prior to Approval of Engineering Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the proposed development shall obtain a DEQ NPDES 1200-C permit.

E. Prior to Issuance of Building Permits

1. Prior to issuance of building permits, one off-street parking space per dwelling unit shall be provided. Garages cannot be counted as parking stalls. Each stall shall be a minimum of 20 ft. deep x 9 ft. wide.
2. 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 Public Improvements

1. Prior to Acceptance of Constructed Public Improvements, applicant will comply with all the requirements and conditions of the WACO letter dated June 03, 2022.
2. Prior to Acceptance of Public Improvements, the developer shall construct all required public improvements meeting the approval of the Sherwood Engineering Department.

3. Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject development shall design to extend the public water system to provide water service and fire protection to all proposed lots meeting the approval of the Sherwood Engineering Department.
4. Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject development shall design to extend a public water line to the south property line of the subject property within SW Derby Terrace meeting the approval of the Sherwood Engineering Department.
5. Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, the subject development shall design to extend the 12-inch diameter public water line within SW Elwert Road to the extension of the southern property line of the subject property meeting the approval of the Sherwood Engineering Department.
6. Prior to Acceptance of the Public Improvements, Sherwood Broadband utilities (vaults and conduits) shall be installed along the subject property frontage of all streets within/adjacent to the subject development per requirements set forth in City Ordinance 2005-017 and City Resolution 2005-074.
7. Prior to Acceptance of Public Improvements, the developer shall construct all required public 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 shall be dedicated to the city meeting the approval of the Sherwood Engineering Department.
9. Prior to Acceptance of the Public Improvements, a wall covenant designating the homeowner's association as the responsible party for the storm water facilities wall maintenance shall be recorded meeting the approval of the Sherwood Engineering Department.

G. Prior to Receiving Occupancy

1. Prior to Issuance of occupancy, all open space landscaping not subject to CWS standards shall be installed in accordance with SZCDC § 16.92.020 and have an irrigation system.
2. Prior to Grant of Occupancy, any private sanitary piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
3. Prior to Grant of Occupancy, any private water piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
4. Prior to Occupancy, final acceptance of the constructed public improvements shall be obtained from the City of Sherwood Engineering Department unless otherwise approved by the city.
5. Prior to Grant of Occupancy, any private storm piping shall be installed in compliance with the current Oregon Plumbing Specialty Code.
6. Road improvements required in I.A.4 shall be completed, inspected, and accepted by Washington County, and the one-year minimum maintenance period under the Public Improvement Contract shall be initiated. Any obstructions within the

certified sight triangles (1.A.4.a.ix) shall be removed or relocated before acceptance.

DATED this 18 day of July 2026.

A handwritten signature in black ink, appearing to read "Joe Turner". The signature is written in a cursive, flowing style with a large initial "J" and "T".

Joe Turner, AICP
City of Sherwood Land Use Hearings Officer