

July 2, 2026

Joe Turner
City of Sherwood Hearings Officer
C/- Arthur Graves, Planner,
Via email: gravesa@sherwoodoregon.gov

RE: Pinot Glen – Applicant’s Final Argument
City of Sherwood Casefile LU 2025-012 SUB
PDG Job No. 131-35

Dear Hearings Officer Turner,

Pioneer Design Group, Inc represents the Applicant, Riverside Homes, LLC. This letter is the Applicant’s final written argument and is submitted prior to the closing of the open record period at 5:00 PM on Thursday, June 2nd, 2026.

1. Introduction.

The Applicant agrees with the June 25, 2026, Staff recommendation for approval of LU 2025-012 SUB “Pinot Glen”, subject to revised findings and Conditions of Approval as described with this submittal. This is based on review of the applicable code standards and approval criteria, the applicant’s submittal, agency comments, testimony presented at the hearing, and subsequent applicant and public testimony during the open record period.

2. Response to June 25, 2026, Staff Submittal

The applicant addresses the relevant points as numbered in the Staff open record period submittal.

1. Public Pedestrian Access (16.128.020), between SW Elwert Rd and SW Derby Terrace:

The applicant has previously agreed to provide the subject connection and submitted revised plans to that effect as part . However, the applicant maintains the position presented in its OR -1 submittal that lighting is not shown on the Feeder Trail section relied on by staff, and the requirement should be removed. As stated previously, the Sherwood Engineering Design Manual, Section 420.10 states that *Lighting for shared-use paths is important and should be considered for-shared-use paths serving commuters, providing access to transit stops, and at highway intersections. Lighting should also be considered through underpasses or tunnels and when nighttime security could be a problem.* None of the conditions described above as warranting consideration of lighting exist at this location. The proposed trail section is approximately 85-feet long, straight, and lit at its ends by arterial and local street lighting such that each end will be visible from the other, and from all points along the length of the access.

In justifying the lighting requirement, staff has stated that *Due to the length of the connection, approximately 85-feet, and due to concerns that the connection provide safe access at all times of the day, the requirement for lighting remains.* However, staff has not identified any applicable criteria or standards to justify the requirement, nor has the applicant been able to locate any applicable clear and objective criteria requiring lighting be provided. It therefore remains unclear why staff have determined that illumination of this accessway is required, or comparatively why illumination was not deemed necessary for the approximately 900-foot-long pedestrian accessway within the Mandel Farms subdivision to the north.

Accordingly, the applicant requests the hearings Officer reject the revised Condition offered by staff and continues to request Recommended Conditions of Approval B. 4. and 5. be modified to read as follows:

- B.4.** Prior to Final Plat Approval, submit plans including a bicycle and pedestrian connection between SW Derby Terrace and SW Elwert Road, as shown on Revised Sheet P1.0 – Preliminary Plat, including concrete paving and landscaping.
- B.5.** 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.

2. Relocation of the Open Space (16.140.030) tracts:

Staff has identified two primary concerns relating to the relocation of the open space to the west. The first concern *.....is how the proposed open space location will address the “usable” requirement while also managing the significant grade changes both north/south and east/west. The proposed grade change from Cereghino to Street A is close to an approximately 16-foot drop (an 8.5% slope) with an approximate 4-foot cross-slope.* The applicant notes that the north/south grade drop across the open space in the originally proposed location was approximately 10 feet (a 5.3% slope), with an approximate 4.5-foot cross slope (without the use of retaining walls). While a full regrading of the site has not yet been designed to accommodate the open space location shift due to time constraints, the applicant believes that minimal retaining will be required in order to create useable areas as comfortable or more so than in the originally proposed location. This is particularly relevant given the ability to modify grades along both the east and west property lines as now proposed in Tract D, whereas the original open space within Tract C was constrained along the east property line by the fixed vertical alignment of SW Copper Terrace. The applicant is not aware, and staff has not demonstrated why there is concern about the provision of the proposed open space improvements at the Tract D location that did not exist at Tract C.

The second primary concern raised by staff in relation to improvements within Tract D is the need for the provision of lighting. Again, as it relates to lighting, staff has not identified any applicable criteria or standards to justify the requirement the open space area be *....usable and safe at all hours of the day....*, nor has the applicant been able to locate any applicable clear and objective criteria requiring lighting be provided. It therefore remains unclear why staff have determined that

night-time illumination of the open space is necessary. Comparatively, it is noted that illumination was not deemed necessary for the similar open space area within the Mandel Farms subdivision to the north, nor in other projects the applicant has or is constructing within the City.

Accordingly, the applicant requests the hearings Officer reject the revised Condition offered by staff and continues to request that Recommended Condition of Approval B. 6. be modified to read as follows:

- B.6.** Prior to Final Plat, submit a final open space plan consistent with the features shown in the approved preliminary plan, including landscaping, paths, benches, trash receptacles, and irrigation with a below grade automatic system. 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.

3. Changes to Lot Sizes:

The applicant concurs with the applicable staff findings in their June 25, 2026 submittal.

B. Conditions of Approval in “Prior to Final Plat Approval”:

- 4. *Changes to the Fence along SW Elwert Road – Prior to Final Plat Approval, Condition of Approval #2:*

The City’s June 25, 2026 submittals states that *Staff is supportive of the applicant’s proposal* but appears to have unintentionally included the original recommended condition of approval opposed by the applicant. Accordingly, the applicant requests the hearings Officer reject the original condition offered by staff and continues to request that Recommended Condition of Approval B. 2. is modified to read as follows:

- B.2.** To ensure the proposed fence along SW Elwert Rd meets the Sherwood Municipal Code standards, plans showing the final fence location are to be submitted prior to Final Plat approval.

5. Changes to the Pedestrian and Bicycle Connection at Lot #10 – Condition of Approval #3:

The applicant concurs with the applicable staff findings in their June 25, 2026, submittal, including the following condition of approval:

- B.3.** Prior to Final Plat Approval, submit plans showing street designs consistent with the applicable TSP street section, or as approved through Transportation Facility Modifications.

6. Changes to the Pedestrian and Bicycle Connection at Lot #10 – Condition of Approval #4:

As described in detail above, the applicant requests the Hearings Officer reject the revised Condition offered by staff and continues to request that Recommended Condition of Approval B. 4. be modified to read as follows:

- B.4.** Prior to Final Plat Approval, submit plans including a bicycle and pedestrian connection between SW Derby Terrace and SW Elwert Road, as shown on Revised Sheet P1.0 – Preliminary Plat, including concrete paving and landscaping.

7. Changes to the Pedestrian and Bicycle Connection at Lot #10 – Condition of Approval #5:

As described in detail above, the applicant continues to request that Recommended Condition of Approval B. 5. be modified to read as follows:

- B.5.** 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.

8. Changes to the open space – Condition of Approval #6:

As described in detail above, the applicant requests the Hearings Officer reject the revised Condition offered by staff and continues to request that Recommended Condition of Approval B. 6. be modified to read as follows:

- B.6.** Prior to Final Plat, submit a final open space plan consistent with the features shown in the approved preliminary plan, including landscaping, paths, benches, trash receptacles, and irrigation with a below grade automatic system. 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.

** Deletion of Repetitive Condition – Condition of Approval #8:

While staff has not directly responded to Condition 8 in their June 25, 2026 submittal, the applicant requested deletion of this condition as part of their OR 1 submittal, as it is duplicative of Condition B.3 above.

- B.8.** ~~Prior to Final Plat Approval revise plans to conform to the adopted street section.~~

9. Changes to Condition of Approval #14:

This original County condition (preventing all vehicular access from SW Elwert Road), combined with City Conditions of Approval C.5 and C.8, as written, has the ability to entirely prevent construction of the subdivision. This condition (B.14) prevents access for maintenance vehicles to the flow control manhole from SW Elwert Road, while simultaneously Conditions

C.5.and C.8 prevent the flow control manhole being located such that it can be accessed from the road. Despite the significance of these Conditions, County staff have not provided any additional comment to the record, and City Staff has not provided any justification as to why *City Engineering Staff is not supportive of the applicant's revised Condition.....* The change does not bind Washington County to allow access, but does allow the applicant the opportunity to work with both Sherwood and the County on solutions to access storm structures. Further, Condition B.14. would prevent the applicant from a legitimate engineering application for access under the provisions of Section 220.020.2 of the Washington County Road Design and Construction Standards (WCRDCS). That WCRDCS section presumably details the same process by which the existing maintenance access from SW Elwert Road to the storm water structures within the Mandel Farms subdivision was approved, approximately 1,300 feet to the north.

As described in detail above, the applicant requests that Recommended Condition of Approval B. 14.2. be modified to read as follows:

B.14.2. Provision of a non-access reservation along the SW Elwert Road frontage, except as approved by the County Engineer.

C. Conditions of Approval in Prior to Engineering Approval of the Public Improvement Plans:

10. Changes to the Condition of Approval #5:

As described above, original County Condition B.14.2. (preventing all vehicular access from SW Elwert Road), combined with City Conditions of Approval C.5 and C.8, as written, has the ability to entirely prevent construction of the subdivision. This condition (C.5) requires the applicant 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.* Simultaneously, Condition C.8 requires a 5-foot-wide landscape strip and an 8-foot-wide sidewalk, which combined with site topography, automatically prevents compliance with *maintenance access to all facility structures in accordance with city and Clean Water Services standards* by preventing the flow control manhole being located such that it can be accessed from the road.

Pioneer Design Group engineering staff have worked with city engineering staff to find solutions, and staff have helpfully responded that maintenance access would be able to be achieved/approved from the curbline on SW Elwert Road, with the City adding an additional hose to their maintenance vehicle, hence the proposed condition from the applicant. However, city staff have been unwilling to commit to this approach in writing and are subsequently opposing the proposed condition, hence the impact of this condition remains uncertain.

As described in detail above, the applicant requests that Recommended Condition of Approval C. 5. be modified to read as follows:

C.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. It is noted that the City has determined that while the current flow control manhole is located beyond standard distances for maintenance at 30 feet from the proposed curb line, it can be maintained from SW Elwert Road if the County does not allow additional access for maintenance. These facilities shall be designed meeting the approval of the Sherwood Engineering Department.

11. Changes to the Condition of Approval #8:

The applicant is not aware of why City staff have stated they oppose the applicant's proposed condition. The original condition put forward by staff has been modified in their June 25, 2026 OR-2 submittal to match the changes proposed as part of the applicant's OR-1 submittal, which simply implemented the required Washington County pavement section of 25-feet to centerline. The revised condition is listed below:

- C.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.

12. Changes to the Condition of Approval #10:

The applicant concurs with the applicable staff findings in their June 25, 2026, submittal, including the following condition of approval:

- C.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.

13. Changes to the Condition of Approval #11:

The original Condition 11 required a *2-inch grind and inlay of the existing asphalt to 18-feet from the new concrete curb on the north side of SW Cereghino Lane*. This condition was based on the original requirement for a grind and inlay to centerline based on a 36-foot paved surface. However, with the recommendation for approval of the Transportation Modification Request to allow a 28-foot paved surface on SW Cereghino Lane, it is appropriate to revise the condition to reflect 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, making the condition more clear and objective than that previously proposed.

As described in detail above, the applicant requests that Recommended Condition of Approval C. 11. be modified to read as follows:

C.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.

14. Requested Modifications:

The applicant concurs with the applicable staff findings in their June 25, 2026, submittal as they relate to approval of the requested Transportation Facility Modifications.

3. Amended Conditions of Approval.

In order to simplify the Hearings Officers review of the applicant's various requests for amendment to the recommended conditions of approval, attached to this submittal are documents compiling those various amendments. These documents include both a complete amended version of the conditions of approval as proposed by the applicant, and an amended version of the conditions of approval as proposed by the applicant with Track Changes shown. All substantive changes to conditions reflect amendments which have already been raised on the record in these proceedings; however it is noted that several minor amendments have been included to correct scrivener's errors within the recommended conditions document.

4. Conclusion.

The Applicant appreciates everyone's participation in this application process, including staff, the Hearings Officer, and members of the City of Sherwood community. For the reasons explained by City Staff and the Applicant, the Applicant respectfully requests the Hearings Officer Approve the Application with Conditions, as modified.

Sincerely,
Pioneer Design Group, Inc.



Wayne Hayson
Planning Manager

Attachments OR-3a Amended Conditions of Approval
 OR-3b Amended Conditions of Approval - Track Changes Shown

CC Riverside Homes, LLC (via email)

Amended Conditions of Approval

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer of 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 construction time period of public improvements for each phase shall be no greater than two years without reapplying for a preliminary plat. The construction time period begins when an engineering compliance agreement is issued from the City’s Engineering Department.
6. 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. Prior to Final Plat approval, revise the landscape plans to include clear vision areas pursuant to SZCDC § 16.58.010.
2. To ensure the proposed fence along SW Elwert Rd meets the Sherwood Municipal Code standards, plans showing the final fence location are to be submitted prior to Final Plat approval.
3. Prior to Final Plat Approval, submit plans showing street designs consistent with the applicable TSP street section, or as approved through Transportation Facility Modifications.
4. Prior to Final Plat Approval, submit plans including a bicycle and pedestrian connection between SW Derby Terrace and SW Elwert Road, as shown on Revised Sheet P1.0 – Preliminary Plat, including concrete paving and landscaping.
5. 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.

6. Prior to Final Plat, submit a final open space plan consistent with the features shown in the approved preliminary plan, including landscaping, paths, benches, trash receptacles, and irrigation with a below grade automatic system. 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.
7. The visual corridor is to be located in a permanent easement on plat, no fences are allowed in the visual corridor, maintenance of the visual corridor is the responsibility of the HOA.
- ~~8. Prior to Final Plat Approval revise plans to conform to the adopted street section.~~
9. Prior to Final Plat, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.
10. Prior to Final Plat, any well within the subject property shall be abandoned/removed in accordance with all applicable regulations.
11. 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 submitted under I.A.4, and (ii) execution of a Public Improvement Contract with financial assurance for the improvements.
12. *Condition deliberately left blank.*
13. 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 77 Requirements (memo, 4/29/2020) and the Road Engineering Plan Submittal/Review Checklist (RDSCS 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:
 1. **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.
 2. **Bike lane.** Bike lane to the Arterial cross-section, with pavement marking per the ODOT Striping Legend (TM500 series).
 3. **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.
 1. **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). 78 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.
 2. 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.
 - a. **Curb and gutter.** Concrete curb and gutter per RDCS Standard Drawing 2010 (Standard Curb and Gutter); curb-type transitions per Standard Drawing 2040.
 - b. **Sidewalk.** Concrete sidewalk per RDCS Standard Drawing 2110 (P.C. Concrete Sidewalk Detail); end-of-sidewalk transitions per Standard Drawing 2140.

- c. **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.
14. 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

1. Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, 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 design 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. It is noted that the City has determined that while the current flow control manhole is located beyond standard distances for maintenance at 30 feet from the proposed curb line, it can be maintained from SW Elwert Road if the County does not allow additional access for maintenance. 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 81 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 Homeowner'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 Issuance 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 be designed 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 (I.A.4.a.ix) shall be removed or relocated before acceptance.

Amended Conditions of Approval
Track Changes Shown

Deletion = ~~Deletion~~ / Insertion = Insertion

A. General Conditions

1. Compliance with the Conditions of Approval is the responsibility of the developer of 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 construction time period of public improvements for each phase shall be no greater than two years without reapplying for a preliminary plat. The construction time period begins when an engineering compliance agreement is issued from the City’s Engineering Department.
6. 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. Prior to Final Plat approval, revise the landscape plans to include clear vision areas pursuant to SZCDC § 16.58.010.
2. ~~To ensure the proposed fence along SW Elwert Rd meets the Sherwood Municipal Code standards, details including plans and elevation drawings are to be submitted prior to Final Plat approval.~~To ensure the proposed fence along SW Elwert Rd meets the Sherwood Municipal Code standards, plans showing the final fence location are to be submitted prior to Final Plat approval.
3. ~~Prior to Final Plat Approval a revised plan shall be submitted including revised street widths and bicycle and pedestrian connection on what is currently lot 10.~~Prior to Final Plat Approval, submit plans showing street designs consistent with the applicable TSP street section, or as approved through Transportation Facility Modifications.
4. ~~Prior to Final Plat, revise plans to include the required bicycle and pedestrian trail: A “Feeder Trail”, per the TSP, Figure 16F, of concrete construction, with lighting, and landscaping.~~Prior to Final Plat Approval, submit plans including a bicycle and pedestrian

connection between SW Derby Terrace and SW Elwert Road, as shown on Revised Sheet P1.0 – Preliminary Plat, including concrete paving and landscaping.

- ~~5. The required bicycle and pedestrian trail from SW Derby Terrace, through lot 10, to SW Elwert Road, to be located in a separate tract and not in an easement. Ownership and maintenance of the trail to be by the HOA. Plat and CCRs should reflect ownership and maintenance.~~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.
- ~~5.~~
- ~~6. Prior to Final Plat, an open space plan to be developed and provided to staff. Plan to include landscaping, paths, benches, trash receptacles, lighting, and be fully irrigated with a below grade automatic system.~~Prior to Final Plat, submit a final open space plan consistent with the features shown in the approved preliminary plan, including landscaping, paths, benches, trash receptacles, and irrigation with a below grade automatic system. 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.
7. The visual corridor is to be located in a permanent easement on plat, no fences are allowed in the visual corridor, maintenance of the visual corridor is the responsibility of the HOA.
- ~~8. Prior to Final Plat Approval revise plans to conform to the adopted street section.~~
9. Prior to Final Plat, any septic system within the subject property shall be abandoned/removed in accordance with all applicable regulations.
10. Prior to Final Plat, any well within the subject property shall be abandoned/removed in accordance with all applicable regulations.
11. 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 submitted under I.A.4, and (ii) execution of a Public Improvement Contract with financial assurance for the improvements.
- ~~12. submitted under I.A.4, and (ii) execution of a Public Improvement Contract with financial assurance for the improvements.~~
13. 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 77 Requirements (memo, 4/29/2020) and the Road Engineering Plan Submittal/Review Checklist (RDCS 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 RDSCS Arterial cross section. The plans shall include plan, profile, and cross section views, with the following components:
 - 1. **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.
 - 2. **Bike lane.** Bike lane to the Arterial cross-section, with pavement marking per the ODOT Striping Legend (TM500 series).
 - 3. **Street lighting.** Street lighting per the RDSCS Arterial template. Luminaire supports per Standard Drawings 6810 (Luminaire Supports – (Davitt 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 RDSCS 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.
 - 1. **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). 78 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.

2. 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.
 - a. **Curb and gutter.** Concrete curb and gutter per RDCS Standard Drawing 2010 (Standard Curb and Gutter); curb-type transitions per Standard Drawing 2040.
 - b. **Sidewalk.** Concrete sidewalk per RDCS Standard Drawing 2110 (P.C. Concrete Sidewalk Detail); end-of-sidewalk transitions per Standard Drawing 2140.
 - c. **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.

14. 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

1. Prior to Approval of Public Improvement Plans/Issuance of an Engineering Compliance Agreement, 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 design 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 design to provide on-site water quality treatment/hydro-modification facilities with maintenance access to all facility structures in accordance with city and Clean 80 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.~~
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. It is noted that the City has determined that while the current flow control manhole is located beyond standard distances for maintenance at 30 feet from the proposed curb line, it can be maintained from SW Elwert Road if the County does not allow additional access for maintenance. 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 ~~27~~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 ~~36~~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 ~~18~~¹⁴-feet from the new concrete curb on 81 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 Homeowner'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 Issuance 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 be designed 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.